STRATEGY RESEARCH PROJECT

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MILITARY SUPPORT TO CIVIL AUTHORITIES

BY

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Military Support to Civil Authorities

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ABSTRACT

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Historical precedence and American's compassion for their fellow citizens as well as political necessity prevents Washington from ever turning its back on domestic disaster intervention. Throughout its history the United States Army has played a vital role in domestic relief efforts. Even with this long history of supporting civil authorities senior leaders are not well prepared or knowledgeable about the systems and laws that apply to domestic support operations. The challenge to commanders today is that there are a wide range and constantly changing litany of laws, Presidential Decision Directives, Executive Orders, Department of Defense Directive (DODD) and regulations that govern military support for domestic relief operations. The complexity and sensitive nature of these operations dictate that senior military leaders assigned to support them understand the legal and regulatory environment they are working in. This paper will examine the laws, policies and Department of Defense Directives that all senior leaders should be aware of prior to deploying to support a disaster relief operation.

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THESIS AND METHODOLOGY

Historical precedence, American's compassion for their fellow citizens and political necessity prevents Washington from ever turning its back on domestic disaster intervention.[1] Throughout its history the United States Army has played a vital role in domestic relief efforts. Even with this long history of supporting civil authorities senior leaders are not well prepared or knowledgeable about the systems and laws that apply to domestic support operations. The challenge to commanders today is that there are a wide range and constantly changing litany of laws, Presidential Decision Directives, Executive Orders, Department of Defense Directive (DODD) and regulations that govern military support for domestic relief operations. These documents form the legal bases, establish strict limitations and define conditions for using Department of Defense (DOD) assets while providing Military Support to Civil Authorities (MSCA). The complexity and sensitive nature of these operations dictate that senior military leaders assigned to support them understand the legal and regulatory environment they are working in.

Field Manual 100-19, states "Commanders can best prepare for disaster assistance operations by understanding the appropriate laws, policies, and directives that govern the military in these emergencies".[2] The purpose of this paper is to review the relevant parts of the Stafford Act, Presidential Directives, Army Field Manuals and other relevant documents to gain an

understanding of the legal, regulatory and doctrinal aspects of providing MSCA. Toward that aim, is paper looks at the historical foundation, legislation, policy guidance and doctrine as they relate to MSCA. From these supporting documents this paper discusses the roles and functions of the DOD, Commanders in Chiefs (CINCs), Federal Emergency Management Agency (FEMA), Federal Coordinating Officer (FCO), and Defense Coordinating Officer (DCO). From this discussion an analysis of areas of concern are developed, and finally conclusions are formulated based on the research. This research will provide commands with information and insight needed to support civil authorities.

For the purpose of this paper Military Support to Civil Authorities (MSCA) is defined as Department of Defense (DOD) support provided as a result of an event, either natural or man-made, whose severity or magnitude overwhelm the capability of local and state authorities to respond.[3] Examples of natural disasters are hurricanes, earthquakes, floods and fires. Hazardous chemical spills and radiological accidents are typical man-made disaster. Military Support to Civil Law Enforcement Agencies (MSCLEA) is characterized as DOD operations supporting drug suppression operations, suppression of Weapons of Mass Destruction (WMD) and Military Assistance to Civil Disturbance (MACDIS).[4] The term Military Assistance to Civil Authorities (MACA) is the umbrella term that encompass MSCA, MSCLEA and other

support to civil authorities provided by DOD, such as support to the Boy Scouts, Olympics, and Presidential Inauguration.[5]

This paper is limited in scope in that Military Support to Civil Authorities of other nations and Operations Other Than War (OOTW) are not included. Also not addressed are support to drug suppression operations and suppression of Weapons of Mass Destruction (WMD).

This paper acknowledges the Reserve Components (specifically the National Guard) are the initial and vital link in all operations requiring DOD support to civil authorities. The National Guard (NG) has historically been and continues to be ideally suited for this mission. Because the NG is the initial entry point for military support and have greater experience with supporting civil authorities than their Active Component (AC) counter part, they are better prepared when called. This paper is written to assist Active Component Commanders in better understanding civil support operations and is not intended to take anything away from the important role played by our Reserve Components.

BACKGROUND

In September 1995, after only 45 days in command, I was ordered to deploy elements of my battalion along with elements of other units from the 1st COSCOM, Fort Bragg North Carolina to St Thomas, Virgin Island to assist with disaster relief operations as a result of Hurricane Marilyn. In October 1996, as the

battalion was in X-hour sequence for an external evaluation exercise, we were diverted to assist the local community and Fort Bragg with Hurricane Fran recovery operations. My initial response to both missions was "no big deal". We received mission statements along with other guidance and prepared to execute in the same fashion as any other mission. This response reveals the lack of understanding of what we were about to undertake. It did not occur to me at the time that my subordinate commanders, staff, higher headquarters nor I had a clue about what we were preparing to do. Neither did we realize how our mission was supporting the Army's overall responsibility of providing domestic support to civil authorities.[6]

As these operations developed, we learned many lessons on providing support to a disaster relief operation, the role of FEMA and other government agencies tasked to support these operations. As I reflect back on these events, it occurs to me that my lack of understanding of domestic support operations and the systems that support them effected the way my unit prepared to deploy and support these missions. This paper provides future commanders with the requisite information I wish I had in an effort to better prepare them to support domestic relief operations. Supporting domestic operations has been a part of our Army's history and are constant with serving our national interests.

NATIONAL INTERESTS

All actions taken by the United States or any other nation are based on perceived or actual national interests.[7] The United States has four basic and relatively unchanging national interests. They are:

- Defense of the Homeland
- Economic Well Being
- Favorable World Order
- Promotion of Values[8]

President Clinton expresses the same concept but somewhat differently in the National Security Strategy for A New Century.[9] This White House document states that we have three core objectives; enhance our security, bolster America's economic prosperity and promote democracy abroad.[10] There are many opinions and writings about what constitute national interests and how they should be viewed.

Edwin J. Arnold, Jr. in his paper titled "Use of Military Power in Pursuit of National Interest" adopts a matrix introduced by Donald E. Nuechterlein to identify four levels of intensity when viewing national interests.[11] Nuechterlein views these levels as survival interests, vital interests, major interests and peripheral interests.[12]

The ideal of viewing national interests in this way is useful, but it is also useful to think in terms he used in the

opening chapter of his book, "America Over Committed: United States National Interests." Here Nuechterlein states: "it is well to draw a distinction between the nature of *national interests* and *public interest*. The *public interest* may be viewed as the well-being of the American people and American enterprise within the territorial boundaries of the United States; the *national interest*, on the other hand, is concerned with the well-being of American citizens and enterprise operating *outside* the United States and thus beyond the administrative jurisdiction of the U.S. Government."[13] Given this premises, what is the Army's role in the realm of public interests?

The U.S. Army has a long history of not only operating in its primary domain of supporting national interests, but also of operating in the domain of the public interests. Since the Army's inception, its mission has been to fight and win the nation's wars.[14] At the same time, the Army has provided general military support to the nation that falls into the category of serving the public interest to include: enforcing laws, quelling domestic violence and insurrection, combating terrorism, participated in public works and environmental projects, and assisted in recovery operations following disasters.[15] The evidence of this tradition is documented in the rich history of the U.S. Army.

The Army's direct involvement in relief operations started during the Civil War. Army officers provided disaster relief

through the Freeman's Bureau.[16] The Army also conducted humanitarian operations, including fire fighting, operating hospitals, and providing food and supplies for affected civilians accompanying and following battles.[17] The Army's role expanded after the Civil War to include providing security and assistance to civilians in the western states. In the late eighteenth century the Army's role in disaster relief operations included: fighting fires in Chicago (1871) and Seattle (1889); epidemics on the lower Mississippi (1873,1878); flooding on the Mississippi (1874,1882,1884,1890,1897) the Missouri (1881), the Ohio (1884), the Rio Grand (1897), in Johnstown, Pa. (1889); a plague of locusts in the southwest (1874-75); fierce storms in Texas and Mississippi (1880); drought in Oklahoma (1890); and forest fires in Minnesota (1894).[18] Commanders undertook many operations on their own initiative, as local conditions demanded because of the slow communications of the day.[19] The Army's role in providing support to civilian authorities in domestic operations continued throughout the twentieth century.

From 1947 through 1992 the Army supported domestic relief operations including clean up and provisioning resulting from a major explosion, tornadoes, volcanic eruption, airline accidents, earthquakes, winter storms, floods and hurricanes.[20] All of these operations were conducted because they were in our nation's interest, specifically the public interest.

Today the same pattern of support continues to exist. Hurricanes, floods, fires, terrorism and major explosions have caused domestic support operations to be conducted by our nation's military. Recent operations have been conducted for the same reasons that operations were conducted throughout our history, they are in the public interest.

In today's terms we view domestic operations as a means of "protecting our citizens and critical infrastructure."[21] Domestic support operations have been a means to accomplish our fundamental purpose set out in the preamble of the Constitution; "provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity."[22] To promote the well being and prosperity of our nation and its people we must protect the lives and personal safety of its people.[23] This concept is further defined for us in the legal and regulatory documents that govern domestic relief operations.

LEGAL AND REGULATORY ENVIRONMENT

There is a long history of legislation, starting in 1947 that provides the path to where we are today in terms of emergency preparedness. The cornerstone of today's disaster relief program is Public Law 93-288 as amended by Public Law 100-707, commonly referred to as the Stafford Act.[24] The Robert T. Stafford disaster Relief and Emergency Assistance Act provides the authority for the Federal Government to respond to disasters and emergencies in order to provide assistance to save lives and

protect public health, safety and property.[25] It was the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to State and Local Governments to carry out their responsibilities to alleviate the suffering and damage caused from disasters.[26] The Stafford Act accomplishes this by:

- Broadening the scope of existing disaster relief programs
- Encouraging State and Local preparedness and assistance plans
- Achieving greater program coordination and responsiveness
- Encouraging insurance coverage by Individuals, State and Local governments
- Encouraging hazard mitigation
- Providing Federal assistance programs [27]

In addition to the above the Stafford Act established the requirement for Federal Response Plan (FRP) and programs to be carried out by the Director of the Federal Emergency Management Administration (FEMA).[28]

The Stafford Act gives the Director of FEMA the authority to delegate to other departments and agencies of the Federal Government (including DOD) appropriate emergency preparedness responsibilities.[29] It also gives the director the authority to review and coordinate emergency preparedness within the departments and with state agencies.[30] In addition to the Stafford Act, Executive Order (EO) 12656 assigns emergency preparedness responsibilities to federal departments and

agencies. The provisions of the Stafford Act and EO 12656 provide the legal foundation for providing MSCA. The *Posse Comitatus Act of 1878,* is another aspect senior leaders must be concerned with when supporting domestic relief operations.

The *Posse Comitatus Act of 1878* precludes U.S. Army or Air Force personnel from directly enforcing laws unless otherwise authorized.[31] Posse Comitatus dates back to the Reconstruction era after the Civil War. Federal troops were used to enforce Reconstruction policy on southern states.[32] This was viewed with great disdain and as an abusive use of soldiers.[33] The current wording of Posse Comitatus, contained in 18 USC 1385 is:

> Whoever, except in cases and under circumstances expressly authored by the Constitution or act of Congress, willfully uses any part of the Army or the Air force as a posse comitatus or other wise to execute the laws shall be fined not more than $10,000 or imprisoned not more than two years, or both.[34]
>
> FM 100-19

Posse Comitatus strictly prohibits U.S. forces from performing law enforcement activities on U.S. soil.

The limitations imposed by Posse Comitatus preclude military personnel from participating in the following law enforcement activities (without specific authority): in arrest; search and seizure; interdiction of vessels, aircraft or vehicles; in surveillance or pursuit; or as informants/investigators.[35] The Act does not apply to members of the National Guard in Title 32 and State Active Duty Status; to military personnel when off duty

acting solely in a private capacity; or other situations prescribed by Constitutional exceptions.

FEDERAL RESPONSE PLAN (FRP)

The FRP is an umbrella plan that provides Federal support to State and Local Governments. The FRP outlines responsibilities of all departments within the Federal Government and provides the framework for coordinating civil military requirements.[36] FEMA is the Federal Government's Lead Agency (LA) in developing the plan and coordinating Federal response to domestic emergencies. FEMA has organized the United States into 10 regions with a regional director responsible for each region. (Figure 1) The FRP establishes 12 Emergency Support Functions (ESF) with a Federal Department level agency designated primary responsibility for each ESF. DOD is the primary agency for one function, Public

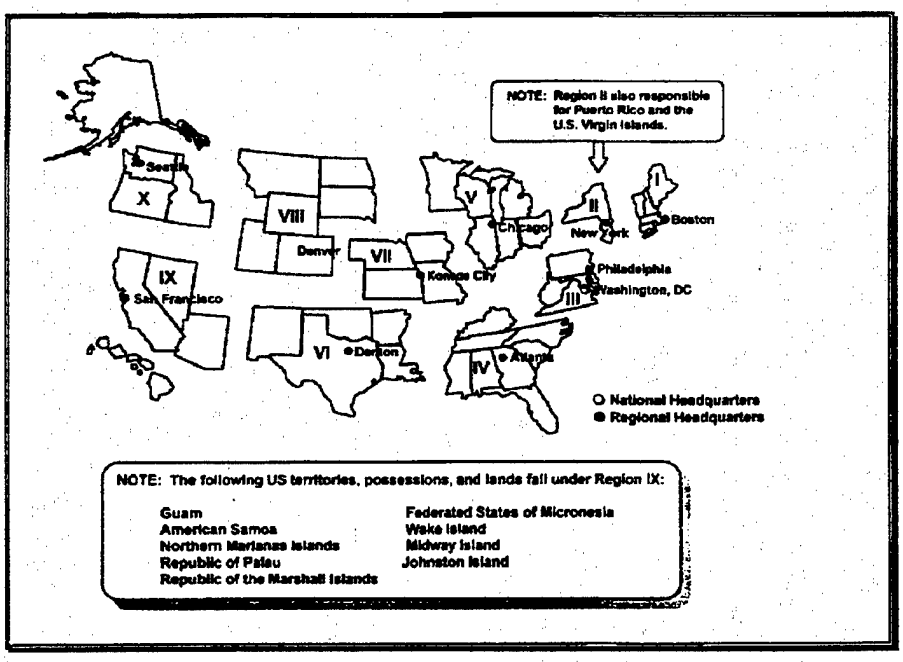

Figure 1. FEMA Regions[37]

Works and Engineering. DOD also has supporting responsibilities for the other 11 ESFs.

Emergency Support Functions were developed to facilitate the execution of the FRP.[38] The plan uses a functional approach to group the types of federal assistance a state might need under one of the twelve ESFs. (Figure 2) The selection of a primary agency to act as head of a function is based on Department's authority, resources and capabilities in the functional area assigned.[39] The FRP provides guidance to state governors and state emergency agencies for requesting federal support under the Stafford Act.[40]

When a disaster occurs that exceed the capabilities of state and local resources, Governors can request Federal assistance through the President. The President approves the request by signing a Presidential Declaration, which authorizes emergency support to the effected area. On behalf of the President, the Director of FEMA will appoint a Federal Coordinating Officer (FCO). The FCO becomes the focal point of the Federal Government's response. Each Government Department or agency with designated ESF responsibility will appoint a representative to work with the FCO as that department's initial entry point for support. Within DOD CINCs with MSCA responsibilities will appoint a Defense Coordinating Officer (DCO) to coordinate DOD's support with FEMA's FCO.[41]

	USDA	DOC	DOD	DOEd	DOE	DHHS	DHUD	DOI	DOJ	DOL	DOS	DOT	TREAS	DVA	AID	ARC	EPA	FCC	FEMA	GSA	ICC	NASA	NCS	NRC	OPM	SBA	TVA	USPS
1 TRANSPORTATION	S		S		S						S	P								S	S						S	S
2 COMMUNICATIONS	S	S	S					S				S						S	S	S			P					
3 PUBLIC WORKS AND ENGINEERING	S	S	P		S	S		S		S		S		S			S			S							S	
4 FIREFIGHTING	P	S	S					S									S		S									
5 INFORMATION AND PLANNING	S	S	S	S	S	S		S	S			S	S			S	S		P	S		S	S	S		S		
6 MASS CARE	S	S	S			S	S					S		S		P			S	S								S
7 RESOURCE SUPPORT	S	S	S		S	S				S		S		S					S	P			S		S			
8 HEALTH AND MEDICAL SERVICES	S		S			P			S			S		S	S	S	S		S	S			S					S
9 URBAN SEARCH AND RESCUE	S		S			S				S		S			S		S		P	S								
10 HAZARDOUS MATERIALS	S	S	S		S	S		S	S	S	S	S					P		S	S				S				
11 FOOD	P		S			S						S				S	S		S									
12 ENERGY	S		S		P						S	S								S			S	S			S	

Figure 2. Emergency Support Functions[42]

THE CINCS ROLE IN DOMESTIC SUPPORT

There are currently three CINCs with MSCA responsibility.[43] CINC United States Atlantic Command (USACOM) is responsible for the contiguous 40 states, the District of Columbia, and U.S. territorial waters. CINC United States Southern Command (USSOUTHCOM) is responsible for the Commonwealth of Puerto Rico, the Virgin Islands and US territorial waters in the Gulf of Mexico. CINC Pacific Command (USPACOM) is responsible for Alaska, Hawaii, Territory of Guam, Territory of American Samoa, Commonwealth of the Northern Mariana Islands and US territorial waters within the Pacific Command.[44]

These CINCs are DOD Principle Planning Agents (PPA) for support to civil authorities and are responsible for appointing the DCO within their Areas of Responsibility (AOR).[45] The primary role and responsibility of the CINC is of planning and coordinating between DOD, other Federal and State agencies for emergency preparedness and MSCA during actual emergencies.[46] In addition to being charged with developing plans for their respective AOR, they also ensure coordination and cooperation between DOD, FEMA, and other Federal/State agencies.[47] They are responsible for evaluating plans and preparedness measures including training during joint civil military exercises. When directed they will provide MSCA in DOD primary ESF (Public Works and Civil Engineering) and to the other 11 ESFs as directed by the DOD Executive Agent (EA).

CINC United States Atlantic Command (USACOM) has a unique situation in executing his responsibilities under MSCA. The other two supported CINCs (SOUTHCOM and PACCPM) have direct control over forces within their AOR. CINCUSACOM does not. To accomplish his MSCA mission he has designated Commander U.S. Army Forces Command as his Lead Operational Authority (LOA).[48] The U.S. Army plays a major role in supporting the CINCs when they are executing their MSCA responsibilities.

THE ARMY'S ROLE IN DOMESTIC SUPPORT

The Department of the Army (DOA) provides MSCA consistent with applicable laws, Presidential Directives, Executive Orders, and DOD Directives; specifically DODD 3025.1 and DODD 3025.15 (Military Assistance to Civil Authorities). The Army recognizes domestic support operations as being a unique mission, which requires unique doctrine. The Army's capstone document for domestic support operations doctrine is FM 100-12 (Domestic Support Operations).[49]

Department of Defense Directive (DODD) 3025.1 and .15 set forth policy guidance, conditions and degree of support DOD will provide to civil authorities when supporting domestic disaster relief operations. These directives provide departmental level guidance upon which the Army has built its doctrine.[50] To better understand the Army's doctrine a review of these directives is necessary. First, we will discuss DODD 3025.1 followed by a discussion of DODD 3025.15.

Although somewhat dated (15 Jan 1993), DODD 3025.1 consolidates all previous policies related to using the military for peacetime civil emergencies within the United States and military support to civil defense.[51] This policy establishes that DOD will support civil authorities in civil defense to include facilitating the use of the National Guard in each state for response in both peacetime disasters and national security emergencies.[52] The Secretary of the Army is provided with unique authority and responsibilities in DODD 33025.1.

DODD 3025.1 designates the Secretary of the Army as the DOD EA for providing support to civil authorities it also provides for specific responsibilities of the CINCs.[53] With the authority provided in this directive the Secretary of the Army can task all services to provide support to civil authorities. However using forces that have been allocated to any CINC requires approval of the Secretary of Defense and the concurrence of the Chairman of the Joint Chiefs. As broad guidance DODD 3025.1 "encourages adherence to four premises when planning and executing MSCA. Restated they are:

- Civil resources are applied first
- Resources are only provided above capabilities of civil authorities
- Resources are used efficiently
- Unless other wise directed other operations have priority[54]

This Directive recognizes the Army and Air National Guard, acting under state orders as having primary responsibility for providing military assistance to state and local authorities. DOD assistance and support will be carried out in coordination with the Governor and/or his state emergency services agencies.[55] When the National Guard is acting in a federalized capacity, the State Area Command (STRAC) becomes the DOD agencies for providing MSCA at the state and local levels.[56]

Requests for DOD assistance will go from the Governor's operating agent through FEMA to DOD's Executive Agent.[57] DDOD 3025.1 directs the Secretary of the Army to establish a headquarters element designated as Director of Military Support (DOMS) to act as the DOD Executive Agent. This directive does not provide specific instructions as to the manning of the DOMS office however, subsequent directives (specifically DODD 3025.15) will insure the DOMS has a multi service "Joint' composition to it.[58] DODD 3025.1 provides commanders at all levels with specific authority to respond to requests for assistance in emergency situations.

DODD 3025.1 provides local commanders with flexibility and authority to provide immediate response under extreme cases, "to save lives, prevent human suffering, or mitigate great property damage."[59] Subsequent DODD on MSCA will refine various aspects of DODD 3025.1.

DODD 3025.15 (dated 15 Feb 1997) provides much of the same guidance as 3025.1. This directive has two significant changes to earlier guidance provided to the services. First, the criteria for evaluating and approving support has changed. DODD 3015.1 encouraged adherence to four premises discussed earlier, 3025.15 provides "Approval Criteria" for requests for civil assistance.[60] They are:

- Legality (compliance with laws)
- Lethality (potential use of lethal force)
- Risk (safety of DOD forces)
- Cost (who pays, impact on DOD budget)
- Appropriateness (is it in the interest of DOD to conduct)
- Readiness (impact on DOD's mission)[61]

The Secretary of the Army, as the DOD Executive Agent for MSCA, remains the approving authority for emergency support in response to natural or man-made disasters. The Secretary is still requires the Chairman of the Joint Chiefs of Staffs concurrence before he can use forces assigned to CINCs.[62]

The other significant difference in this directive is the specific guidance provided to the Chairman of the Joint Chiefs of Staffs to "ensure the DOMS staff has adequate joint and Joint Staff expertise." This becomes an important refinement given the Secretary of the Army has authority to task all services to support this mission. This directive insures the DOMS staff has

the depth of Joint experience required to properly carry out its responsibilities. With the exception to these points DODD 3025.1 and .15 are identical as they relate to disaster relief efforts provided by DOD.[63]

FORSCOM ROLE IN DOMESTIC SUPPORT

The Commander U.S. Army Forces Command (COMFORSCOM) is designated as the Lead Operational Authority (LOA) by CINCUSACOM for specific missions related to domestic support. Missions given to COMFORSCOM are:[64]

- Military Support to Civil Authorities (MSCA)
- Military Assistance for Civil Disturbance (MACDIS)
- Key Asset Protection Program (KAPP)
- DOD Resources Data Base (DODRDB)

His designation as LOA by CINCUSACOM provide him with the authority to plan, coordinate and execute missions when directed.[65] COMFORSCOM executes his MSCA responsibilities through the Continental United States Armies (CONUSA).[66] The United States is divided into two CONUSAs. They are divided generally along the Mississippi River. First Army is responsible for all states east of the Mississippi and Minnesota, while Fifth Army is responsible for all states west of the Mississippi less Minnesota.[67]

When responding to a domestic emergency the COMFORSCOM will nominate one of the 17 Training Support Brigade Commanders to act as the DCO. The DCO will normally be appointed for an emergency

in his geographical area of responsibility. (Figure 3) He will usually collocate with the FEMA field operations center so he can quickly verify requests for support and facilitate responsiveness. Depending on the size and scope of the operation and the nature of support being provided by DOD, the DCO may assume direct control over DOD assets. Executing his responsibilities by tasking units directly for support requirements. In large operations he will act as a special staff officer to the Response Task Force (RTF) Commander, who will exercise command and control through the chain of command of units deployed to support the operation.[68] In this case requests for support will be passed from FEMA (FCO) to the DCO through the RTF commander to the unit executing the tasking.[69]

MSCA CONSIDERATIONS

Because of the range of MSCA operations senior leaders could find themselves in, there is no way to anticipate the full extent of missions and requirements potentially associated with them. The laws, policies and guidance applied to one situation will more likely than not, be different for the next operation. Even though every operation is different there are some overriding considerations that can be used to shape the initial planning and serve as points of reference during the actual operation. The considerations offered here are based on current doctrine and writings on the subject.

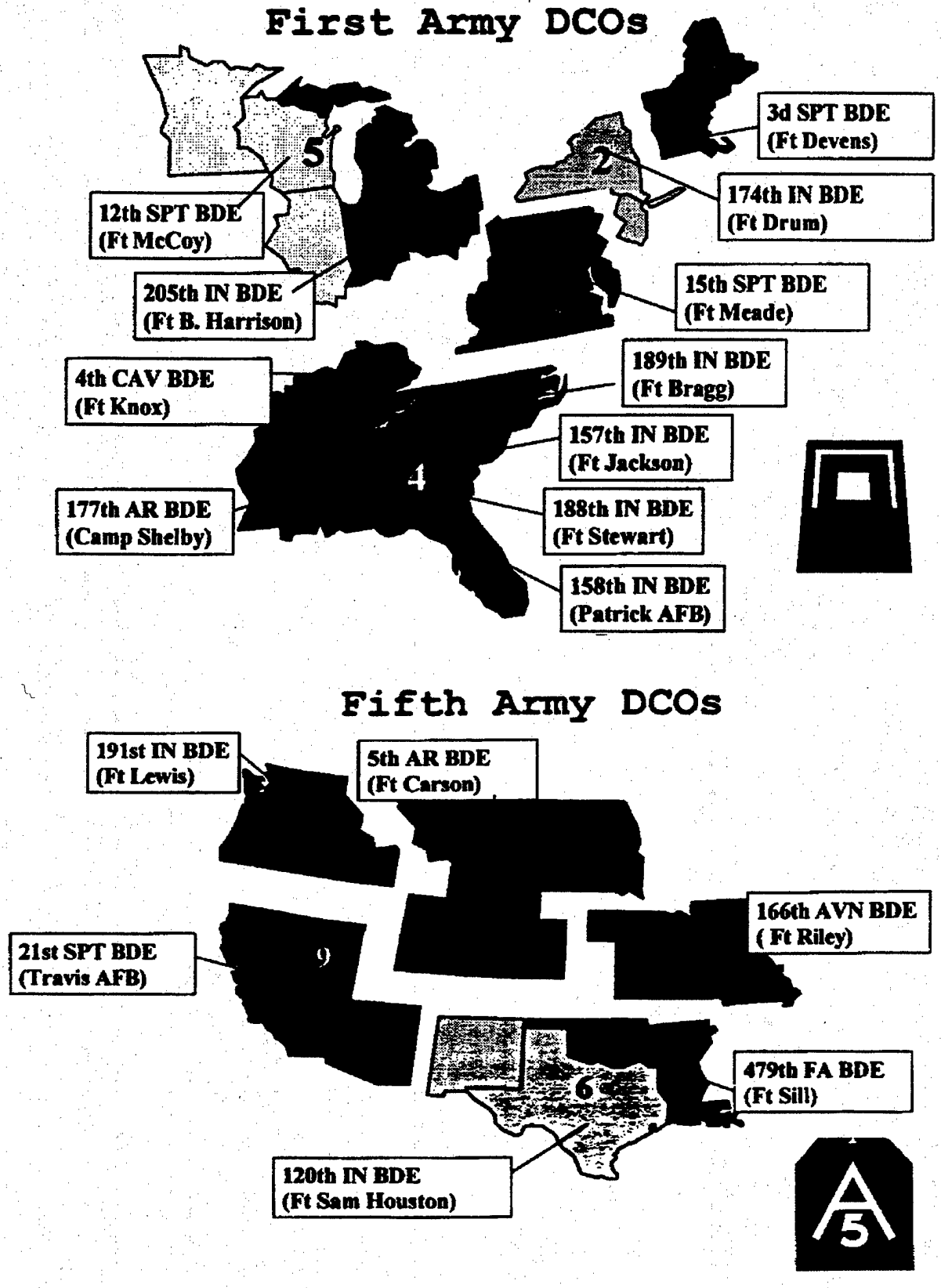

Figure 3. Training Support Brigade Locations[70]

First, the military plays a supporting role in domestic relief operations.[71] The commander must review his mission carefully to determine the scope and limitations of his operation. Most often Local and State authorities (including the National Guard) will already be engaged in supporting the relief operation. However, at times active component commanders may find themselves first to arrive with any notable capability. There will be temptation to take charge of the entire operation. While this might be necessary until others arrive and are ready to support, the military commander must remain aware of the fact that his is a support role.[72]

Second, commanders must anticipate that these operations will be "Joint" in nature.[73] At a minimum the Army and Air force will be involved, from the deployment phase through the sustainment/relief phase to the redeployment phase. In addition Reserve Component, other Federal and State agencies Non Government Organizations (NGOs) and Private Organizations (PVOs) will all play major roles in domestic relief operations. Commanders of active component units must be prepared to integrate his unit into the overall relief effort.[74]

The third area of consideration is force protection. The primary responsibility of a commander is accomplish the assigned mission and to insure force protection.[75] Not usually thought to be a major concern in this type of operation, force protection takes on different connotations in domestic support operations.

Instead of being concerned with injuries caused from enemy action the commander must now be concerned with issues such as: soldiers operating equipment they are not familiar with, exposure to debris and fragmented metal and wood, hazards from down electrical lines and sanitation issues. In large operations commanders should deploy with safety professionals from the installation staff and insure risk assessments are being done at the lowest level.[76]

Fourth, legal issues should always be a major concern to the commander. Even when commanders are acting within guidance or in accordance with orders they must remain aware that every decision they make may be grounds for claims against the government. Two examples would be: soldiers removing debris from private property without the proper authority and limiting access to assigned areas, both resulted in claims against the government.[77] The other issue commanders will face in most large scale operations is the handling of gifts and donations. Gifts and donations normally take the form of gifts to residents of the stricken area, gifts to soldiers deployed to support the operation, and volunteer labor to assist in the relief effort.[78] The issue of gifts has precedence on how to handle them. For the most current information Commanders must consult their legal advisor at every step of these operations to avoid legal problems for themselves and their soldiers.[79]

Fifth, logistics and support functions are another important aspect or consideration in all domestic relief operations.[80] In fact, logistics is often the main effort in relief operations.[81] This reality can become obscured and frustrate relief operations when the purpose is not properly framed in the actual nature of the operation.[82] Commanders can expect a wide variety of units to be deployed to support relief operations. Typical units that would be required in relief operations are:[83]

Transportation	Quartermaster
Medical	Engineer
Military Police	Medical
Aviation	Laundry and Bath
Civil Affairs	Combat Arms (labor force)
Materiel Management	Communication

In addition to these units, other services may be required to insure operational success they include: sanitation/waste removal, contracting and public affairs, chaplains and soldier support units. Prior to deploying commanders must think about how lines of communications (LOCs) will be maintained and give careful thought to functional aspects of split base operations. Given logistics may be the main emphasis of relief operations, in some cases it may be a wise decision to make the senior logistics office the RTF commander.[84]

Finally, Commanders must clearly identify and gain agreement on what the End State and/or transition plan will be. This can be done by establishing achievable objectives, clear termination standards and tailoring forces to the mission. End State is an

important concept to military commanders and planners, it is part of our operational thought process. But we must not be to hasty, in forcing termination before the mission is actually completed or another agencies are prepared to assume responsibility for providing what ever service the military unit is providing.[85]

CONCLUSION

Historical precedence and American's compassion for their fellow citizens as well as political necessity prevents Washington from ever turning its back on domestic disaster intervention. Throughout its history the United States Army has played a vital role in domestic relief efforts. Today, there are a wide range of laws, Presidential Decision Directives, Executive Orders, Department of Defense Directive (DODD) and Regulations that govern military support for domestic relief operations. The complexity and sensitive nature of these operations dictate that senior military leaders assigned to support them understand the legal and regulatory environment they are working in.

Increasingly, U.S. forces will be called upon to provide humanitarian assistance and disaster relief both at home and abroad.[86] The MSCA considerations developed in this paper provide commanders with the range of problems and constraints they will face while supporting these operations. This is by no means a "cookbook" of solutions to the problems that will be encountered. The full spectrum of mission requirements can never be anticipated but these considerations will provided a solid

foundation for starting the process of developing mission requirements.

Disaster relief is indeed a traditional Army mission. The recent experience in Florida [and elsewhere] have both enriched and reinforced that tradition. It is inseparable from the sacred notion of America's Army as a servant of the nation and its people.

Especially in natural disasters of truly monumental proportion, only military forces possess the capabilities and resources readily at hand to reinforce state and local efforts to deal with the immediate situation.

The U.S. Army must remain fully prepared to carry out its critically important role in the arena. The American people demand nothing less from their Army.[87]

GEN G.R. Sullivan

ACRONYMS

AC	Active Component
AOR	Area of Responsibility
CINC	Commander in Chief
CJCS	Chairman Joint Chiefs of Staff
COMFORSCOM	Commander Forces Command
CONUSA	Continental United States Army
DCO	Defense Coordinating Officer
DOA	Department of the Army
DOD	Department of Defense
DODD	Department of Defense Directive
DODRDB	Department of Defense resources Data Base
DOMS	Director of Military Support
EO	Executive Order
ESF	Emergency Support Function
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FORSCOM	U.S. Army Forces Command
FRB	Federal Response Plan
JCS	Joint Chiefs of Staff
KAPP	Key Asset Protection Program
LA	Lead Agency
LOA	Lead Operational Authority
LOC	Lines of Communication
MACA	Military Assistance to Civil Authorities
MACDIS	Military Assistance for Civil Disturbance
MSCA	Military Support to Civil Authorities
MSCLEA	Military Support to Civil Law Enforcement Agencies
NG	National Guard
NGO	Non Government Organization
OOTW	Operations Other Than War
PPA	Principle Planning Agent
PVO	Private Organization
RC	Reserve Component
RTF	Response Task Force
USACOM	United States Atlantic Command
USPACOM	United States Pacific Command
USSOUTHCOM	United States Southern Command
WMD	Weapons of Mass Destruction

ENDNOTES

[1] George H. Hazel, "Turning the Tide on Domestic Relief," USAWC Student Paper, 8 June 1998, 2.

[2] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), 5-4.

[3] Ibid., G-8.

[4] U.S. Army Forces Command, Military Assistance to Civil Authorities. Command Readiness Program Handbook, (September 1998), Chapters 3,4.

[5] Ibid., 3.

[6] The author of this paper was the commander of the 189th Corps Support Battalion, 1st COSCOM, Fort Bragg N.C., July 1995 to July 1997. During this period the 189th CSB was deployed to support relief operations for Hurricane Marilyn (Sept 1995) and Hurricane Fran (Oct 1996).

[7] Donald E. Nuechterlein, "National Interest as a Basis of Foreign Policy Formulation." In America Over Committed: United States National Interest (University Press of Kentucky, 1985), 143-150.

[8] Ibid., 150.

[9] A National Security Strategy for a New Century, (The White House, May 1998); iii.

[10] Ibid.

[11] Edwin J. Arnald, " The Use of Military Power in Pursuit of National Interest," Parameters (Spring 1994): 46.

[12] Ibid.

[13] Donald E. Nuechterlein, "National Interest as a Basis of Foreign Policy Formulation." In America Over Committed: United States National Interest (University Press of Kentucky, 1985),148.

[14] Department of the Army, Operations, Field Manual 100-1 (Washington, D.C.: U.S. Department of the Army, 14 June 1993), 2.

[15] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), 1-1.

[16] Ibid., 1-2.

[17] Charles 1. Rosenfeld, "Roles and Missions of the U.S. Army in Disaster Relief Operations," USAWC Student Paper, 11 April 1993, 8.

[18] Ibid., 9.

[19] Ibid., 8.

[20] Ibid., 10.

[21] A National Security Strategy for a New Century, (The White House, May 1998); iv.

[22] Department of the Army, The Army, Field Manual 100-1 (Washington, D.C.: U.S. Department of the Army, 14 June 1994), 41.

[23] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), viii.

[24] Ibid., 3-2.

[25] "Federal Response Plan" Federal Emergency Management Agency, (For Public Law 93-288, As Amended. 6 April 1992), 1.

[26] Robert T. Stafford Disaster Assistance And Emergency Relief Act, Title 42 U.S. Code. Sec 5121 as amended, 6.

[27] Ibid.

[28] Ibid., 38.

[29] Ibid.

[30] Ibid.

[31] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), 3-1.

[32] Ibid.

[33] Ibid.

[34] Ibid.

[35] Ibid.

[36] U.S. Army Forces Command, Military Assistance to Civil Authorities. Command Readiness Program Handbook, (September 1998), 15.

[37] U.S. Army Forces Command, Military Assistance to Civil Authorities. Command Readiness Program Handbook, (September 1998), 15.

[38] "Federal Response Plan" Federal Emergency Management Agency, (For Public Law 93-288, As Amended. 6 April 1992), 13.

[39] Ibid., 1.

[40] Ibid., 12.

[41] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), 5-8.

[42] Ibid., 19.

[43] The term "currently" is used because as of the time of the writing of this paper the Unified Command Plan (UCP) is under revision. When the new UCP is published this may change.

[44] U.S. Army Forces Command, Military Assistance to Civil Authorities. Command Readiness Program Handbook, (September 1998), 28.

[45] Military Support to Civil Authorities (MSCA), Department of Defense (DOD) Directive 3025.1, (15 January 1993), 13.

[46] Ibid.

[47] Ibid.

[48] U.S. Army Forces Command, Military Assistance to Civil Authorities. Command Readiness Program Handbook, (September 1998), 29.

[49] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), vii.

[50] Military Support to Civil Authorities (MSCA), Department of Defense (DOD) Directive 3025.1, (15 January 1993), 2,3.

[51] Ibid., 1.

[52] Ibid., 3.

[53] Ibid., 1.

[54] Ibid., 4.

[55] U.S. Army Forces Command, Military Assistance to Civil Authorities. Command Readiness Program Handbook, (September 1998), 12.

[56] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), 2-8.

[57] U.S. Army Forces Command, Military Assistance to Civil Authorities. Command Readiness Program Handbook, (September 1998), 27.

[58] Military Support to Civil Authorities (MSCA), Department of Defense (DOD) Directive 3025.1, (15 January 1993), 10.

[59] Ibid., 8.

[60] Military Support to Civil Authorities (MSCA). Department of Defense (DoD) Directive 3025.15, (18 February 1997) 3.

[61] Ibid.

[62] Military Support to Civil Authorities (MSCA), Department of Defense (DOD) Directive 3025.1, (15 January 1993), 10.

[63] Idid.

[64] U.S. Army Forces Command, Military Assistance to Civil Authorities. Command Readiness Program Handbook, (September 1998), 30.

[65] Ibid.

[66] Ibid., 31.

[67] Ibid.

[68] Ibid., 68.

[69] Ibid., 69.

[70] Ibid., 35.

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[72] Ibid., 5-6.

[73] Ibid., 2-13.

[74] Ibid., 5-9.

[75] Ibid., 4-17.

[76] Ibid.

[77] Domestic Disaster Assistance, A Primer for Attorneys, Unpublished Handbook, (Provided by COL Donald Dubia, U.S.A.) Tab Mc.

[78] Thomas R. Lujan, "Legal Aspects of Domestic Employment of the Army." Parameters (Autumn 1997): 84.

[79] Ibid., 85.

[80] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), 4-1.

[81] Department of the Army, Operations, Field Manual 100-5 (Washington, D.C.: U.S. Department of the Army, 14 June 1993), 12-7.

[82] Christopher R. Paparone "Logistics-Sometimes the Main Effort in MOOTW." Army Logistician Magazine (March-April 1996), 1.

[83] Department of the Army, Domestic Support Operations, Field Manual 100-19 (Washington, D.C.: U.S. Department of the Army, 1 July 1993), 4-3 to 4-12.

[84] Ibid., 4-3.

[85] Ibid., 4-4.

[86] Charles 1. Rosenfeld, "Roles and Missions of the U.S. Army in Disaster Relief Operations," USAWC Student Paper, 11 April 1993, 33.

[87] Sullivan, GEN G.R., "Hurricane Andrew: An After Action Report", Army, vol. 43(1), January 1993.

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