NAVAL POSTGRADUATE SCHOOL
Monterey, California

THESIS

FLEXIBILITY OF THE INCIDENT COMMAND SYSTEM TO RESPOND TO DOMESTIC TERRORISM

by

Gerald T. Favero

December 1999

Thesis Advisor: Paul N. Stockton
Second Reader: Jon Czarnecki

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20000309 014

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.

1. AGENCY USE ONLY *(Leave blank)*	2. REPORT DATE December 1999	3. REPORT TYPE AND DATES COVERED Master's Thesis

4. TITLE AND SUBTITLE FLEXIBILITY OF THE INCIDENT COMMAND SYSTEM TO RESPOND TO DOMESTIC TERRORISM	5. FUNDING NUMBERS
6. AUTHOR(S) Favero, Gerald T.	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000	8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)	10. SPONSORING/MONITORING AGENCY REPORT NUMBER

11. SUPPLEMENTARY NOTES

The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.

12a. DISTRIBUTION / AVAILABILITY STATEMENT	12b. DISTRIBUTION CODE
Approved for public release; distribution is unlimited.	

13. ABSTRACT ***(maximum 200 words)***

This thesis argues that the current Incident Command System (ICS) is inadequate for activating the National Guard Military Support Detachment – Rapid Assessment Initial Detection (RAID) Teams, which are vital for responding to domestic terrorism. The current ICS does not allow first responders to contact National Guard units directly during a WMD incident. First responders must send a request via their Emergency Operation Center (EOC), through the State Emergency Management Division (EMD), to the state Governor's office for approval. The Governor can then activate the National Guard to respond to the incident. This process is unnecessarily time-consuming.

Serious jurisdictional issues and "turf wars" may emerge between first responders and RAID teams, at precisely the time when close coordination is most necessary.

RAID teams should be recognized as operational units, and given the ability to initiate their response plan upon receipt of an alert from the local EOC. With the approval of the RAID team's higher headquarters they may then deploy.

Appendix A provides a guide to suggested changes in existing regulations. This thesis also proposes changes in education and training that should help alleviate other problems associated with rapid response, including the risk of jurisdictional conflicts and "Good Samaritan" casualties.

14. SUBJECT TERMS	15. NUMBER OF PAGES
Incident Command System, Weapons of Mass Destruction, Emergency Management Division, Emergency Operation Center, Military Support Detachment (Rapid Assessment Initial Detection (RAID)) Teams	63
	16. PRICE CODE

17. SECURITY CLASSIFICATION OF REPORT	18. SECURITY CLASSIFICATION OF THIS PAGE	19. SECURITY CLASSIFI- CATION OF ABSTRACT	20. LIMITATION OF ABSTRACT
Unclassified	Unclassified	Unclassified	UL

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)
Prescribed by ANSI Std. 239-18

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FLEXIBILITY OF THE INCIDENT COMMAND SYSTEM TO RESPOND TO DOMESTIC TERRORISM

Gerald T. Favero
Lieutenant Colonel, Washington Army National Guard
B.A., Seattle University, 1979

Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF ARTS IN INTERNATIONAL SECURITY AND CIVIL-MILITARY RELATIONS

from the

NAVAL POSTGRADUATE SCHOOL
December 1999

Author:

Gerald T. Favero

Approved by:

Paul N. Stockton, Thesis Advisor

Jon Czarnecki, Second Reader

Frank C. Petho, Chairman
Department of National Security Affairs

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TABLE OF CONTENTS

I. INTRODUCTION **1**

II. THE RISING THREAT OF TERRORISM: DOMESTIC POLITICAL CONSTRAINTS AND PROBLEMS FOR U.S. RESPONSE MECHANISMS **7**

A. THE RISE OF THE WMD THREAT 8
B. THE SPECIAL CHALLENGES OF RESPONDING TO WMD ATTACKS 10
C. POTENTIAL PROBLEM AREAS 12
D. THE NATIONAL GUARD AND WMD HOMELAND DEFENSE 17
E. CREATION OF RAID TEAMS 20
F. SUMMARY 23

III. ICS AND THE NATIONAL GUARD **25**

A. WHAT IS THE INCIDENT COMMAND SYSTEM? 25
B. ICS ORGANIZATION 29
C. HOW THE ICS WORKS 33
D. ROLE FOR NATIONAL GUARD IN CIVIL-MILITARY OPERATIONS 35
E. OPERATIONAL DILEMMA 45
F. SUMMARY 50

IV. FINDINGS AND RECOMMENDATIONS **51**

A. FINDINGS 51
B. RECOMMENDATIONS 52
C. CLOSING COMMENTS 54

APPENDIX A **57**

INITIAL DISTRIBUTION LIST **61**

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EXECUTIVE SUMMARY

This thesis will argue that the current Incident Command System (ICS) does not meet the needs of the community to activate the National Guard Military Support Detachment – Rapid Assessment Initial Detection (RAID) Teams. The National Guard mission of Homeland Defense includes response to Domestic Terrorism. I will demonstrate that the current Incident Command System needs to be modified to access the National Guard RAID Teams in a more expeditious manner for incidents involving Domestic Terrorism.

The current procedures for activating the National Guard, in any state, is too time consuming. The Incident Command System currently does not allow first responders to contact National Guard units directly during a Domestic Terrorist or like event. First responders must send a request via their emergency operation center through the State Emergency Management Division to the Governor's office for approval. It is then that The Adjutant General of the National Guard receives official notification and can then respond to the incident. Other issues deal with domestic political concerns, turf wars, and a controversial General Accounting Office (GAO) report.

This thesis will first assess the rising threat of terrorism to the United States, which makes the ICS a key element in the activation process. Second, the thesis will examine the implications for RAID teams. Third, the thesis will provide an explanation of the ICS program. This review will provide a history of the ICS, define the ICS role during crisis management, and describe the ICS organizational structure. Ultimately, the question to be answered is: When an incident does occur and a RAID team is needed, how can the team be accessed more rapidly utilizing procedures different from those normally followed for other events?

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I. INTRODUCTION

Recent events have highlighted the seriousness of the threat of domestic terrorism to the United States, especially when terrorists may employ Weapons of Mass Destruction (WMD) against major urban centers. The threat is real; so, too, is the need for the United States to improve its ability to respond to terrorist attacks and minimize casualties. Military Support Detachments – Rapid Assessment Initial Detection (RAID) teams are in the process of being trained to handle the mission of providing support to the civil authorities in the event of a WMD attack. As such, RAID teams are crucial to future U.S. security.

The Incident Command System (ICS) plays a key role in the process by which RAID teams are activated. The ICS has demonstrated the ability to handle local response to disasters in rural communities, as well as to successfully transition to the next higher level of disaster relief operations without skipping a beat. The ICS provided an effective management tool during the Oklahoma Bombing aftermath, the Northridge Earthquake aftermath, and the Wildland fires in the Pacific Northwest

The domestic terrorism threat posed by WMD, however, entails special response requirements. The acronym 'SIN' applies to incidents involving WMD. The first responder must ensure Safety (his and others), Isolate the area (conduct evacuation, contain, and secure the area as

necessary), and make appropriate Notification. After the first responders arrive and determine they are dealing with a potential WMD incident, they notify their dispatcher of the situation and request assistance. This step initiates the ICS that will serve as the managing system for the duration of the event and will initiate all other requests for response to the incident.

So far, so good. The question is: once the first responders notify their dispatcher of a WMD incident, how well is the ICS structured to meet the special requirements for a rapid response by RAID teams – especially to eliminate unnecessary delays? The logical way to answer this question would be to review the laws and regulations specifically created to provide for notification and deployment of RAID teams. No such RAID-specific laws and regulations yet exist, however. Current laws and regulations were not written with RAID teams in mind, and are poorly suited to meet their special requirements. As newly organized, operational response teams, RAID teams – by design – exceed the statutory response regulations for all other response procedures.[1] Civil laws and military regulations need updating to deal with two basic problems identified by this thesis concerning RAID team activation.

[1] The policy of "Immediate Response" allows a commander of any federally recognized unit to respond to a domestic crisis without authorization. ...The policy is designed to "save lives, prevent human suffering, or to mitigate great property damage, under imminently serious conditions where there has not been any declaration of catastrophic or major disaster or emergency by the President or Governor. National Guard Report to Congress, Section 4.8.1.6 Response Authorities.

First, current protocols for activating the teams are too time consuming and raise potential jurisdictional problems (and even risk "turf wars" at the incident site). Time means casualties in a WMD environment. In the event of a WMD incident, rapid response by the RAID teams will be critical to keeping casualties to a minimum. Preliminary indications are that if such an event occurs, first responders might call RAID teams directly to alert them of the situation. Some RAID team commanders' feel "immediate response" authority will allow them to respond prior to any request through the ICS. To activate a RAID team using immediate response as the authority would be stretching the intent of this status. It would also put the RAID teams into an uncoordinated effort with first responders. If RAID teams just showed up without any coordination with the Incident Commander (IC) they may not be welcomed. The civilian authorities might construe this action as an attempt by the military to take over the role of civil authorities, and could lead to operational problems on the ground. To go beyond the initial intent of immediate response authority may result in violations of regulations governing funding and utilization of National Guard forces in State support operations. In sum, for RAID teams to operate under the auspices of "immediate response" authority offers only a short-term solution to a long-term problem. Equivalent to placing ice on a broken leg, doing so eases the initial pain but does not heal the broken bone.

A second problem associated with RAID Teams and WMD response stems from citizens who want to help, otherwise known as 'Good Samaritans.'[2] In a WMD incident Good Samaritans could become part of the problem inadvertently. As untrained personnel in disaster relief operations, they may not be aware of any residual effects of a WMD devise. A bomb detonation, among other things, is designed to attract attention and draw a crowd. Once a crowd has gathered, a secondary devise could be detonated that would cause greater numbers of injuries. A secondary effect of a blast could include the release of a chemical or biological agent. This has the possibility of providing even more unsuspecting casualties. By structuring WMD response mechanisms in ways that anticipate this risk, RAID teams could be postured to minimize such additional casualties.

The regulation governing the use of National Guard forces (NGR 600-5) needs to be revised to permit quick National Guard response

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[2] "Most states have enacted Good Samaritan laws. When citizens respond to an emergency and act as a reasonable and prudent person would under the same conditions, Good Samaritan immunity generally prevails. This legal immunity protects you, as a rescuer, from being sued and found financially responsible for the victim's injury. For example, a reasonable and prudent person would – Move a victim only if the victim's life was endangered. Ask a conscious victim for permission before giving care. Check the victim for life-threatening emergencies before providing further care. Summon professional help to the scene by calling the local emergency number of the operator. Continue to provide care until highly trained personnel arrive. Good Samaritan laws were developed to encourage people to help others in emergency situations. They require that the 'Good Samaritans' use common sense and a reasonable level of skill, not to exceed the scope of the individual's training in emergency situations. They assume each person would do his or her best to save a life or prevent further injury." The American Red Cross Community First Aid and Safety Manual, Mosby Lifeline, St Louis, Baltimore, Boston, Chicago, London, Philadelphia, Sydney, Toronto, (1993) p. 5

without having to resort to "immediate response." State laws governing the use of National Guard forces also need to be reviewed and changed to clearly and unequivocally state how these teams should be accessed. The solution, then, is to review current regulations and laws governing civilian procedures for activating RAID teams. In particular, regulations governing use of National Guard units must be updated to reflect the fact that full-time personnel man RAID teams and that these teams are operational units. Therefore, they should not be bound by the same rules for activating non-operational units for response. Explicit, step-by-step procedures are also needed to speed the accessing of RAID teams. Appendix A provides recommended step-by step procedures.

THESIS STRUCTURE

The thesis will first assess the rising threat of terrorism to the United States, which makes the ICS a key element in the activation process. Second, the thesis will examine the role of the National Guard in homeland defense, and analyze the implications for RAID teams. Third, the thesis will provide an explanation of the ICS program to understand the operational procedures utilized within this system that makes the ICS an internationally recognized management tool. This review will provide a history of the ICS, define the ICS role during crisis management, and describe the ICS organizational structure. Ultimately, the question to be answered is: When an incident does occur and a RAID team is needed, how

can the team be accessed more rapidly utilizing procedures different from those normally followed for other events?

II. THE RISING THREAT OF TERRORISM: DOMESTIC POLITICAL CONSTRAINTS AND PROBLEMS FOR U.S. RESPONSE MECHANISMS

With the collapse of the Soviet Union and the end of the Cold War, domestic terrorism poses an increasingly serious threat to United States territory. Yet, in responding to such threats, important domestic political constraints exist on utilizing the U.S. military – especially active duty forces. Deputy Secretary of Defense John J. Hamre recently talked about this issue during a luncheon with the Council on Foreign Relations. When asked, "Why did you change the name of your initiative from 'Homeland Defense' to 'Civil Support'[3]?" Dr. Hamre replied that he felt, "the term 'Homeland Defense' has ominous overtones, that is, ... [the term] gave the impression that there was something dangerous about asking the Department of Defense to react if there was an incident inside the United States involving chemical or biological or nuclear weapons." His comments pointed out that response actions by the Department of Defense might be perceived as a "threat to our civil liberties."[4] The key issue: how can the United States provide for effective response mechanisms to the

[3] For purposes of this thesis the term "Homeland Defense" is synonymous with the term "Civil Support," since this is still in its infancy and has not gained full approval of the Congress as of this writing.

[4]American Forces Information Service, Defense Viewpoint "Council on Foreign Relations." Luncheon, 23 Sep 99.

WMD threat, while also dealing with the significant political constraints highlighted by Dr. Hamre?

This chapter will look at the nature of the WMD threat and the evolution of U.S. strategy to deal with it. This chapter will also examine the roles of the National Guard in WMD response, in light of the Constitution and the history of U.S-Civil-Military relations, and review the legislative authority and executive directives that led to the development of the RAID teams.

A. THE RISE OF THE WMD THREAT

During the Cold War Era the United States enjoyed a position of being one of two superpowers. The breakup of the Soviet Union resulted in the U.S. assuming the role and responsibility of the world's only superpower. The Gulf War victory in 1991 demonstrated that in conventional warfare capabilities, the United States possesses overwhelming superiority. Since adversaries know they cannot compete with U.S. conventional warfare capabilities they are likely to exploit other U.S. vulnerabilities – including terrorist attacks using weapons of mass destruction.

Adversaries may look at opportunities to strike U.S. interests in both overseas locations and at home. U.S. political targets include military sites, economic relations, and/or a multitude of soft targets within the U.S.

Soft targets include people and structures with political or commercial value. For example, a potential target could include a major sporting arena. Adversaries may seek to attack the will of the U.S. by inflicting casualties among American forces and civilians to possibly deter any U.S. involvement.

In a recent briefing, FBI Director Louis J. Freeh identified three kinds of international threats: state sponsored terrorism, more formal terrorist organizations, and terrorism that stems from loosely affiliated extremists.[5] Each represents a real threat to National Security. There is a high probability that these groups will employ chemical and biological weapons, which level the playing field between super and smaller nations. Both international and domestic terrorist groups have expressed interest in these agents.

Director Freeh pointed out the importance and seriousness of the current terrorist threat to the United States:

> "To adequately understand the terrorist threat currently facing the United States, we must appreciate the unique position America occupies in the world today. As the sole superpower, the politics of the United States are viewed with intense interest by nations around the world. To some individuals and groups who feel powerless to affect their own destinies through legal means, the breadth of influence and power wielded by the United States represents a stunning contrast—and an attractive target for their frustrations.

[5] Freeh, Louis J., "The Threat to the United States Posed by Terrorist." Statement before the United States Senate Committee on Appropriations Subcommittees for the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies. 4 February 1999.

> Despite our successes against various terrorist groups and individuals, new groups and new individuals step onto the scene to take up the cause against America."[6]

The President highlighted the threat in his National Security Strategy report: "...easier access to sophisticated technology means the destructive power available to terrorists is greater than ever. Adversaries may thus be tempted to use unconventional tools, such as WMD or information attacks, to threaten our citizens, and critical national infrastructures..."[7]

B. THE SPECIAL CHALLENGES OF RESPONDING TO WMD ATTACKS

A critical factor commonly overlooked, with respect to how terrorist attacks occur, is the fact that terrorist attacks are generally unpredictable. Most attacks occur without any warning. In contrast, natural disasters generally have a build up period, with the exception of an earthquake. An earthquake shares many of the characteristics of a terrorist attack. Natural disasters, such as floods, wildland fires, tornadoes, and hurricanes are generally identified early in their development. By the time a natural disaster evolves into a full-blown disaster, disaster response plans are already in their operational phase, that is, pre-staging of emergency response equipment and personnel to provide relief prior to, during, and after the incident has subsided. But in the case of an earthquake, which

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[6] Ibid.

[7] The White House, *A National Security Strategy for a New Century*, p. 19. October 1998.

occurs without any warning, disaster relief/response is initiated by local and state responders immediately following the incident and before transitioning into a federal incident. Response here is defined as actual disaster relief personnel working at the incident site as opposed to administrative support personnel arriving on the scene. The same is true in the event of a terrorist attack. Quick activation becomes the critical factor in providing an effective response.

The State of Oklahoma is a primary example. On 19 April 1995, at approximately 0900, a large bomb detonated at the main entrance of the Alfred P. Murrah Federal Building. Immediately after the detonation various responders, including Good Samaritans, were entering the building providing assistance to those that had survived the blast but were injured and trying to get out of the building. There is no indication that anyone conducted any testing or searching for secondary devices or for any release of chemical or biological agents. Had there been a release there most surely would have been more casualties. The intentions of the Good Samaritans are quite noble, but in a WMD incident it may be an unnecessary sacrifice. They were lucky. This is what the RAID teams bring with their response package. Granted, they would be as eager to assist the injured as the next person would, but their first responsibility is to check the area for any contaminants that might present a secondary

danger. Once they determine all is clear, then and only then, would they assist in any other role deemed necessary.

Terrorist groups have already employed the use of secondary devices to inflict injuries on first responders, as seen in the most recent abortion clinic attack in Atlanta, Georgia. In the late 1970s I was a qualified Bomb Disposal Technician for a large County Police Department. Part of the training received at Redstone Arsenal was to always check the area for any secondary devices. Along this same line the instructors cautioned students to never assume there is only one device. Make a clean sweep of the area to ensure there are no other devices. The number of devices in any given area is limited only to the imagination of the terrorist individual or group.

C. POTENTIAL PROBLEM AREAS

A number of concerns have surfaced over the past year concerning existing mechanisms to respond to the rising WMD threat. Some of these concerns are unfounded; others are serious indeed.

As pointed out by Dr. Hamre, political concerns continue to constrain the kind of mechanisms and forces that the United States can put in place for domestic response. The Department of Defense wants civil authorities to understand that military assets are a support package that comes to assist local first responders. As will be discussed in the next

section, this civil-military issue has profound implications for the role of the National Guard in WMD Response.

The second issue confronting the establishment of RAID teams involves that of "Turf Wars" with other responders. ABC News has reported that "...officials with the two agencies responsible for managing the federal response to domestic terrorist attacks, the FBI and the Federal Emergency Management Agency, say there is no role for the RAID teams in the government's Federal Response Plan."[8] Jason Pate, a research associate at the Monterey Institute of International Studies in California notes that "I think that there are turf issues to some extent, because there is a lot of money being thrown at this problem right now and various agencies are very interested in getting a piece of that."[9]

Turf wars between DoD, FEMA, the FBI, and first responders have already begun. The National Association of Fire Chiefs feels their role as first responders in Hazardous Material emergencies may be usurped by the RAID teams. Some of these feelings come from the fire fighters themselves. They believe that the RAID teams are composed of personnel who have had only introductory training and do not have the years of experience that they, the fire fighters, have amassed.

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[8] Ruppe, C. David. "Turf Wars". ABCNEWS.com, 23 June 1999

[9] Ibid.

A controversial GAO report also identified other potential problems concerning RAID teams. The report generally supports the arguments being used by first responder critics of RAID teams. Many first responders and federal agencies (particularly the FBI and FEMA) believe RAID teams are a waste of federal funds. Moreover, the GAO report identifies a number of other issues that call into question the need for (and role of) RAID teams. The report argues that six problems exist: 1) DoD has no specific role identified for RAID teams; 2) different views exist on the role of RAID teams; 3) other organizations that can perform similar functions to the RAID teams; 4) States without RAID teams see no use for the teams; 5) concerns exist related to recruiting and retention of RAID team personnel; and 6) RAID teams face problems in maintaining proficiency without performing day-to-day response missions.

The GAO's report suffers from a number of flaws, however. LTC Fred Hoon, Colorado National Guard and 8th MSD (RAID) team Commander, noted that the GAO report missed some crucial points that justify the role of RAID teams. He stated that:

> The timeliness of response is also important. The RAID teams are scheduled to deploy within two hours of a WMD event. This would put them on-scene in two to eight hours, depending on the location within the region. The local hazardous materials (HAZMAT) team, if the affected community has one, will have tried to identify the agent and will have taken some protective measures to establish safe zones and protective measures for responders. As the RAID team arrives, it can immediately assist the Incident

> Commander with sophisticated modeling capabilities and a Gas Chromatograph/Mass Spectrometer (GC/MS) capability far exceeding local capabilities. In addition, survey team members can pick up where HAZMAT teams left off conducting further sampling, monitoring, or surveying operations. As the HAZMAT team is depleted, the RAID team can assist with these manpower and time-intensive operations. These are the activities that can help save lives and mitigate the effects of a WMD event.[10]

The GAO report also overlooked the fact that the RAID team program is being implemented as part of Secretary Cohen's Defense Reform Initiative. The reorganizations stemming from that initiative include the assignment of specific responsibilities to RAID teams for incident response. This DoD plan has already undergone review by other federal agencies including the FBI and FEMA, who both reviewed and concurred with it prior to its release. Furthermore, implementation of the plan has undergone review by both the National Security Council and the Office of Management and Budget. Specific direction was provided to the Department of Defense by the President to establish these units. Presidential Decision Directive (PDD)-62 tasks DoD to provide this type of support, and the October 1999 National Security Strategy specifically directs the establishment of the RAID teams.

The GAO report also seems off base in its suggestion that the United States already have enough first responders. However, Chief Richard

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[10] Hoon, Fred LTC and MAJ Chris Petty, "The Case for RAID Teams," Colorado National Guard Response to GAO/NSIAD-99-110, 6 July 1999.

Marinucci, the president of the International Association of Fire Chiefs, told the Research and Development Subcommittee of the House National Security Committee in March 1999, that he did not support the GAO's assessment. Chief Marinucci feels very strongly that when it comes to responding to a WMD incident there can never be too many trained responders, in his opinion, "more is better."[11] Moreover, as noted in a recent Army Times article, "Several defense officials defended the RAID teams. The GAO report failed to consider that even if equipped and trained with the latest [WMD] detection equipment, local responders may be quickly taxed to the breaking point, according to a combined statement from Charles L. Cragin, acting assistant secretary of defense for reserve affairs, Maj. Gen. Roger C. Schultz, Army National Guard director, and Brig. Gen. Bruce M. Lawlor, Army deputy of military support."[12] The article continued by saying, "No single local, state, or federal agency acting alone can address the problem in its entirety."[13] "RAID teams are designed to assist civilian authorities with a WMD disaster, not to come in and supplant the authority of the local authorities and the state."[14]

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[11] Ibid.

[12] Tsimekles, Diane. "Guard's role in terrorism response questioned." *The Army Times*, 12 July 1999.

[13] Ibid.

[14] Ibid.

In sum, there are important problems associated with RAID teams – but not those identified by the GAO report. The United States does not suffer from over capacity in response capabilities, as alleged by the GAO. On the contrary, RAID teams can make a critical contribution. Nor do RAID teams exist outside of formal DOD plans and requirements. Their roles have been established according to carefully reviewed plans.

Problems do exist, however. Existing ICS regulations may produce unnecessary delays in response by RAID teams, exacerbate jurisdictional uncertainties and create problems in dealing with Good Samaritans. U.S. response mechanisms must take into account domestic political concerns over the use of DOD assets – an issue that makes the role of the National Guard crucial.

D. THE NATIONAL GUARD AND WMD HOMELAND DEFENSE

The National Guard is ideally suited – politically and operationally – for the mission of Homeland Defense and for Countering Weapons of Mass Destruction. This was pointed out in a recent study, "The National Defense Plan (NDP), In Progress Review/Draft report to the Adjutants General." The National Guard has proven to be highly proficient on numerous disaster missions, which are part of the homeland defense mission. The National Guard is integrated into state emergency management systems, and has close relationships with civil authorities.

The National Guard responds to floods, wildland fires, earthquakes, hurricanes, tornadoes, and man-made disasters such as chemical spills, bombings, and other such events. In the U.S., the National Guard has always been there to assist the local civilian responders.

By design and tradition, The National Guard provides a unique force immediately available and linked to civil authorities for responsive domestic support, and is a model of civil-military, inter-agency cooperation. More significantly, given the political issues cited by Dr. Hamre, the National Guard is the most palatable military force that can be tasked for primary employment within the confines of the U.S.

The National Guard can provide comprehensive WMD homeland defense throughout the nation, but the National Guard requires major structural adjustments to ensure it possesses the necessary authorities, organizations, and capabilities.

National Guard Bureau (NGB) Plans and Operations Division identifies the combat structure of the National Guard to consists of 15 enhanced readiness brigades, eight combat divisions, two separate brigades and one scout group. After apportionment to war plans (designated wartime assignments) and Total Army redesign agreements, two combat divisions and two separate brigades remain non-apportioned for contingency plans and are considered a 'strategic reserve.' The recommended projection for the two divisions and brigades not required

for current war plans are to comprise the Homeland Defense divisions of the future.[15]

States are conducting an ongoing review to identify available nuclear, biological and chemical (NBC) units. States are also looking to change their force structure to meet the new challenges of homeland defense. Restructuring would require states to trade non-essential units that would allow them to add NBC units. States are reviewing a Department of the Army listing of inactive units to initiate negotiations with National Guard Bureau for reorganizing the state force structure. Washington State is one state that was successful at this process. The Washington Army National Guard traded a Mechanized Infantry Battalion to the California Army National Guard and added a Chemical Battalion to its force structure. These units will enhance National Guard capabilities to combat the increased threat of terrorism in the U.S. NBC units would be capable of augmenting RAID teams in a major WMD incident. NBC units would not be part of the RAID teams. They would be capable to either support the RAID teams or operate independently. They would provide an enhanced capability for the state. This would be likened to purchasing fire insurance before the fire rather than after the fire.

[15] Stewart, Michael J. CPT, ARNG, National Guard Bureau, Plans and Operations (AR [Army Readiness]), e-mail 19 February 1999.

E. CREATION OF RAID TEAMS

In June 1995 President Clinton recognized the need for the United States to take action to counter the potential threat of terrorism. The White House issued PDD-39, "United States Policy on Counterterrorism"[16] to meet this need. PDD-39 was initially published as a classified document. In order for the document to be made available to the public the classified version was sanitized and an unclassified version was provided. PDD-39 opens with a clear statement: "It is the policy of the United States to deter, defeat, and respond vigorously to all terrorist attacks on our territory and against our citizens, or facilities, whether they occur domestically, in international waters or airspace or on foreign territory. The United States regards all such terrorism as a potential threat to national security as well as a criminal act and will apply all appropriate means to combat it."[17]

In response to a terrorist incident, Federal departments and agencies will rapidly deploy with the needed Federal assets to the event, including specially trained elements for dealing with a specific incident resulting from the threat or actual use of a WMD device. PDD-39 validates and reaffirms existing lead agency responsibility for two types of federal

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[16] US President, Presidential Decision Directive 39, "US Policy on Counterterrorism," 21 June 1995.

[17] Ibid.

response. First, for crisis management, The Department of Justice (FBI) is designated as the lead agency for threats or acts of terrorism within the United States. Second, for consequence management, FEMA is designated as the lead agency.[18] During crisis management, FEMA is directed to support the FBI until the Attorney General transfers the overall Lead Federal Agency role to FEMA.

In 1996, Congress passed Public Law 104-201, Title XIV – Defense against Weapons of Mass Destruction Act, otherwise known as the Nunn-Lugar-Domenici legislation. This Public Law mandated the enhancement of domestic preparedness and response capability for terrorist attacks involving WMD incidents. The legislation provided funding authority to improve the capability of local, state, and federal agencies to prevent and/or respond to WMD incidents. The Department of Defense was given the lead to develop an Emergency Response Assistance Program as part of a federal interagency effort. The Secretary of the Army was designated Executive Agent for the Department of Defense program implementation.

In November 1997, the Deputy Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness to oversee the development of a plan to integrate all Reserve Components into Department of Defense plans for consequence management response to

[18] Federal Response Plan 9230-1-PL, "Terrorism Incident Annex." April 1999.

domestic WMD attacks. The Under Secretary of the Army was given the lead for developing the plan. A core group of experts from a variety of Department of Defense agencies developed the concept, model, and necessary funding for such a plan. The objective of the Department of Defense plan was to improve military capabilities to effectively support local, state, and federal consequence management response plans for terrorist attacks including WMD. Part of this plan includes the formation of the National Guard RAID teams. These teams will respond under state control and if needed, under a federal response plan, under federal control. On 22 May 1998, the President announced the ten states in which the initial ten RAID teams would be located.[19] The Secretary of Defense confirmed this information in his press statement later the same day. (The projected plan indicates all 54 States and Territories will eventually have their own teams, and in the larger states there may be two teams.)

In early 1998 the House of Representatives Report 105-206 (HAC) stated its agreement with the Secretary of Defense recommendation for the new role of the National Guard for combating terrorism in the US. As stated in the report, "The Committee expects this mission to be comprehensively and aggressively pursued. This will require a detailed planning effort to develop a comprehensive program that is fully

[19] President Clinton's Commencement Address, Annapolis, Maryland. 22 May 1998

coordinated and integrated with other organizations within the Department of Defense, with other federal agencies, and with state and local authorities. The Committee recommends $10,000,000 for detailed planning and concept studies that will assist the National Guard..."[20] in the definition and planning of its Counterterrorism roles and missions. Given its federal (Title 10 USC) and State (Title 32 USC) mission, the National Guard is uniquely suited to assume the role of coordinator and integrator for federal, state, and local forces to combat terrorism.

F. SUMMARY

This chapter looked at how the world has changed since the collapse of the Soviet Union and the end of the Cold War. The threat has changed from warding off the Big Red Army to combating other threats that during the Cold War were of lesser priority. Some of these other threats are illegal drugs, immigration issues, peacekeeping, peace making, and now terrorism and the potential use of WMD. Several actions by the President, the legislative body, and others, have established the need for the urgent criteria for activating RAID teams.

[20] Army National Guard's Mission – A Role in Countering domestic WMD Terrorist Attacks," in Army National Guard Report to Congress, 2 February 1998, p. 5

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III. ICS AND THE NATIONAL GUARD

This chapter will review the history, organization, and effectiveness of the Incident Command System (ICS). It will address the flexibility of the ICS and how it works in day to day operations. It will look at how RAID teams will integrate into Civil-Military operations. This chapter will conclude with a discussion of the operational dilemmas that are becoming apparent with this unique operational unit of the National Guard.

A. WHAT IS THE INCIDENT COMMAND SYSTEM?

The ICS is the organizational structure employed to manage a variety of man-made and natural environmental emergencies. The scope of both planning and responses for domestic emergencies by emergency response agencies is required for good planning. Emergency contingency (response) plans are written and maintained by the Emergency Operation Center (EOC) at every level of government.

The ICS is being used more and more by various agencies to manage emergency disaster responses within the local responding agencies. The ICS gives the responders the basic framework to manage any level of incident response. Local, state, and federal agencies are involved in any given incident. The ICS provides a common framework for every responding agency to merge into upon arrival. Because of the considerable

flexibility of the ICS it is the ideal management model for all agencies, whether the incident is large or small. This flexibility makes the ICS a very cost effective and efficient management system. The basic principles of the ICS allow state and local emergency response agencies to utilize common terminology, span of control, organizational flexibility, personnel accountability, comprehensive resource management, unified command and incident action plans.

The Minister of Environment, British Columbia, Canada, in an introductory course on the ICS explains that it originated in California as a result of the 1970 wildfires. In 13 days the fire consumed over ½ million hectares, destroyed 772 buildings, killed 16 people and cost $233 million.[21] ICS resulted from the obvious need for a better plan to manage the assets responding to a rapidly moving wildfire.

At the time of the 1970 fires in California there was no unified system for managing all the assets for a wildfire response. Each responding agency had its own method for managing assets. There was no structured coordinated plan between responding agencies. Terminology differed from one agency to another. As a result, the California Department of Forestry/Fire Protection identified the need for a better

[21] Reid, Stafford, "The Introduction to the Incident Command System for Environmental Emergency Response" British Columbia Ministry of Environment, Lands, and Parks, Resource Stewardship Branch. [http://www.env.gov.bc.ca/eeeb/icsintro/icsintr.html]

management system with multi-agency and multi-functional response capabilities that led to the development of the ICS. They initiated a single incident management system that can be employed by all responders regardless of discipline. "Early in the development process, four essential requirements became clear:

1. The system must be organized for flexibility to meet the needs of incidents of any kind and size.

2. Agencies must be able to use the system on a day-to-day basis for routine situations as well as for major emergencies.

3. The system must be sufficiently standard to allow personnel from a variety of agencies and diverse geographic locations to rapidly meld into a common management structure.

4. The system must be cost efficient."[22]

Characteristics of wildfire incidents, from a response perspective, are similar to those found in a civil disorder event, a hazardous material spill, and other like events. These characteristics include little advanced warning, occurrences that develop rapidly; and if left unchecked, may increase in both size and complexity. These characteristics lend themselves to putting the response personnel at a higher level of risk.

The nature of many natural disasters such as flooding, earthquakes, and wildland fires, tend to become multi-jurisdictional. These events attract the media and become an issue of increasing public interest. Such

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[22] "New York State Incident Command System," *New York State Emergency Management Operation (NYSEMO)* Website. [http://www.nysemo.state.ny.us/ICS/explain.html]

events potentially threaten life, property, and public safety, the three components disaster response personnel attempt to minimize. One final concern that always becomes a factor is the cost for responding. Cost is measured in many ways: cost of lives (death and injury), cost of loss to property (personal and public) and the cost to prevent future injuries and damages.

Since its inception and development in California by the Firefighting Resources of California Organized for Potential Emergencies (FIRESCOPE), the ICS was adopted throughout the United States and Canada by all components within the emergency response network. FEMA has endorsed the ICS concept and offers introductory and advanced level courses on ICS at their national training center in Emmitsberg, Maryland. As a result, ICS is the most commonly used management system for any disaster event at all levels of government. As a testimonial to the effectiveness of ICS the following agencies have endorsed the use of ICS:

- FEMA
- National Curriculum Advisory Committee on ICS/Emergency Operations Management System recommends adoption of ICS as a multi-hazard/all-agency system.
- FEMA's National Fire Academy (NFA) has adopted ICS as a model system for fire services.
- FEMA's Urban Search and Rescue Response System, a component of the Federal Response Plan, uses ICS as it's on site management system.

- National Fire Protective Agency (NFPA) Standard 1405 (Land-Based Firefighters who respond to marine vessel fires) was developed at the request of, and in cooperation with, the US Coast Guard and calls for the use of ICS.

- NFPA Standard 1500 states that all departments should establish written procedures for use of ICS.

- The US Coast Guard is incorporating ICS basic structure and management principles into the National Response System used for oil and hazardous material pollution response plan.

- The Occupational Safety and Health Administration (OSHA) requires that all governmental and private organizations that handle hazardous materials use ICS.

- Many states now require the use of an emergency management system based on ICS.

- Environmental Protection Agency (EPA) rules require non-OSHA states to use ICS at hazardous material incidents.

- The National Wildfire Coordinating Group (NWCG) has formally adopted ICS for use by all federal and state wildfire management organizations.[23]

- Ministry of Environment, Land, and Parks, British Columbia, Canada.[24]

B. ICS ORGANIZATION

The ICS is designed with flexibility in mind. During any given incident, five components of management will, to some degree, always apply. The ICS, built around five major management activities, are:

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[23] Ibid.

[24] Reid, Stafford.

- COMMAND – Sets objectives and priorities, and has overall responsibility at the incident or event.
- OPERATIONS – Plans and executes operations. Establishes the tactical objectives, and directs all resources.
- PLANNING – Develops action plan, collects and evaluates information, and maintains resource status.
- LOGISTICS – Provides support to ensure resources and services are obtained.
- FINANCE/ADMINISTRATION – Monitors costs for procurement, time recording and provides cost analysis.

These management activities are the organizational foundations upon which ICS was developed. They apply whether an agency is handling routine emergencies, organizing for a major event, or managing a major response to a disaster."[25]

The Command Section has an Incident Commander (IC) and a command staff. Each of the other four sections are managed by a Section Chief and supported by other functional units.

In some incidents there may be several agencies that respond. ICS has the advantage of combining different federal, state, and local agencies and the responsible party (e.g., in cases of oil spills) into the same organizational system, maximizing coordination of response activities and avoiding duplication of efforts. The Incident Command Section is also known as the Unified Command Section. The Unified Command is

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[25] Ibid.

employed when a disaster response crosses over jurisdictional boundaries. The Unified Command is a joining of forces to combat an event whereby organizations with jurisdictional responsibility can contribute in determining response strategy and objectives, planning and tactical activities, and sharing of resources.

For example, in the event of an oil spill in the coastal zone, the Unified Command is typically comprised of the Federal On-Scene Coordinator, the State On-Scene Coordinator, and the Responsible Party representative. This group sets the overall incident objectives and approves the incident action plan. The Unified Command members retain their authority, but work to resolve issues in a cooperative fashion so maximum attention is given to the response effort.

The ICS organizational chart (see Figure 1) shows the five major management groups and further provides subordinate components to each group.

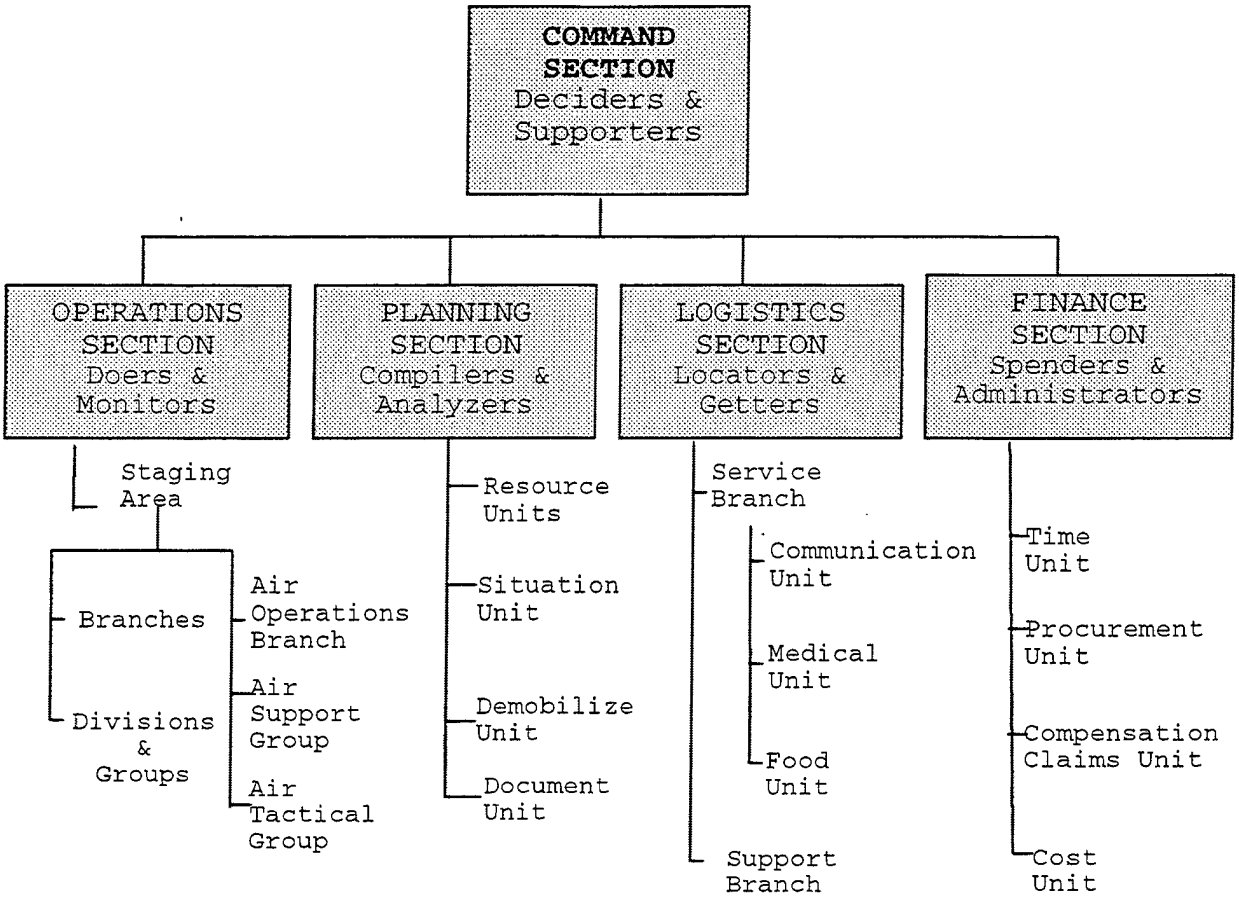

Figure 1. Organizational Chart for ICS

It is important to know that working relations are understood and agreed upon for a specific type of emergency incident prior to establishing a UC. Interagency agreements, followed by joint exercises, serve this need. In an ideal world, each responding organization (fire, police, federal agency, and local government) would employ the same type of organization to facilitate communications, to exchange resources, and to delineate specific response activities. It is the responsibility of the IC to

initiate and encourage the use of a UC and to establish mutually agreed response strategy and objectives.

C. HOW THE ICS WORKS

The ICS provides a management system, which organizes the functions, tasks, and staff within the overall emergency response. It transforms the confusion of an emergency into a well managed response by recognizing "people" as the primary asset of any response. The ICS provides the people with the critical answers to "Who is in charge?" and "What is my job?" The ICS promotes communications and coordination at all times. However, for the ICS to work, all responders must understand the system and their role in it. Such an understanding can only be gained through training, experience, and teamwork.

The ICS is the primary emergency management system at any emergency incident. "The FRP [Federal Response Plan] employs a multi-agency operational structure that uses the principles of the Incident Command System (ICS), based on a model adopted by the fire and rescue community. ICS can be used in any size or type of disaster to control response personnel, facilities, and equipment. ...The basic functional modules of ICS can be expanded or contracted to meet requirements as an event progresses."[26] Learning to use the structure and terminology of the

[26] "Federal Response Plan" 9230.1-PL. *Federal Emergency Management Agency*, April 1999.

system allows communication with other agencies in a more professional and coherent manner.

According to the FIRESCOPE California, Fire Service Field Operations Guide – ICS 420-1, "The Incident Commander's responsibility is the overall management of the incident. During most incidents a single Incident Commander carries out the command activity. The Incident Commander is selected by qualifications and experience."[27]

The ICS organizational structure is developed in a "modular" fashion based on the type and scale of the emergency. The organization's staff develops from the top down, with responsibility and performance placed initially with the IC. As the need increases, separate sections can be developed into any or all five major management activities. If one individual can simultaneously manage all major functional areas, no further organization is required. If one or more of the functions require devoted attention, one individual is assigned. The ICS is capable of expanding to meet an escalating situation by activating more sections, units, teams, and resources as required. This adding of functions, with staff assigned, recognizes that a small emergency needs only a small organization, but a big emergency needs a big organization. The specific organizational structure of any given incident will be based on the

[27] "FIRESCOPE California, Fire Service Field Operations Guide," ICS 420-1, *Incident Command System Publication,* October 1994

management needs of the incident. Personnel assigned to manage at each level of the organization will have a distinct title. The person responsible to manage:

- COMMAND is called . . . Incident Commander (IC)
- COMMAND STAFF are called . . . Officers
- GENERAL STAFF are called . . . Section Chiefs
- BRANCH STAFF are called . . . Directors
- GROUP STAFF are called . . . Supervisors
- UNIT STAFF are called . . . Unit Leaders [28]

Each response person has his/her own "Checklist of Duties and Responsibilities" for guidance through initial deployment and activities. Checklists are developed for each of the five key functional activities and subordinate elements. These checklists are designed to provide general guidance to individuals in each position within the ICS organization. Each responder is, however, responsible for applying their own expertise and that of their supporting branches when making a decision.

D. ROLE FOR NATIONAL GUARD IN CIVIL-MILITARY OPERATIONS

This section looks at the role of the National Guard from a historical overview and how all throughout its existence it has been governed by the

[28] Ibid.

civilian sector. Even more so today, the National Guard receives its missions for domestic support from the local first responder up through the ICS program. When the National Guard arrives at the incident it reports into the Unified Command to the IC.

In the United States the framework for control of the military is established in the U.S. Constitution. Control is divided within the national government between the Legislative branch and the Executive branch. Article I, Section 8 grants authority to the Congress to "...provide for the common Defense and general Welfare of the United States."[29] Article II, Section 2 is the established authority for the President of the United States to be the "Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into actual Service of the United States."[30] For most of American history, the Constitution, supported by the Federalist Papers (No.29: Hamilton)[31], and little else, determined the legal structure of American civil-military relations.

The militia clauses of the Constitution enhance civilian control of the military in two ways: 1) they give constitutional sanctions to a democratic

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[29] Tedeschi, Robert F. Jr. The US Constitution and Fascinating Facts About It. Oakhill Publishing Company (1993)

[30] Ibid.

[31] Rossiter, Clinton, ed. *The Federalist Papers.* Penguin Books USA Inc., April 1961.

military force; and 2) they give constitutional sanction for a division of control over the militia between state and national government. Only Congress has the authority to "raise and support Armies..."[32] under the army clause. After 1903, the militia came under the dual control in time of peace and national control in time of war. When not in the active service of the United States Government the militia remains exclusively under the state control, specifically the Governor. It is the Governor who issues executive orders activating the National Guard to assist civilian authorities and agencies within their state to deal with domestic emergencies.

The National Guard has its state mission and when called upon, the National Guard comes to the aid of the state during domestic emergencies. The Governor of each state is authorized by the United States Constitution to serve as Commander in Chief of the State's National Guard when it is serving in state status.

The National Guard has always had a two-fold, Federal and State, mission requirement. Under its Federal mission statement, the National Guard is a reserve force to be drawn upon by the Active Components during times of war. The primary training of the National Guard is for this mission. But, unlike other Reserve Components, the National Guard has a

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[32] Tedeschi.

domestic State mission: that is, the National Guard is an asset within each State to be used by the Governor to provide assistance to local emergency responders in both natural and man-made disasters.

The National Guard is the most logical military component to perform the disaster relief mission because of its dual status role. As the National Guard responds to a disaster mission it generally does so as a component of the state government, not as federal troops. The role of the National Guard is to be a supporting activity for federal and state civilian agencies and officials. It is an asset of the Governor and can be utilized for a multitude of missions. Special equipment and operators can and have been utilized in support of disaster relief missions. Examples of special equipment include generators, heaters, engineer equipment, etc. Persons who are not trained in the proper use and maintenance of such equipment cannot operate all these assets. National Guard personnel continually train for their combat mission. This training allows them to employ their skills and equipment with greater success and professional confidence during domestic relief missions.

Each state has an emergency response structure. In many states this organization serves under the state Adjutant General. The Adjutant General (TAG), in many states, is the executive agent for emergency management. Each State Area Command (STARC) operates an EOC managed by the full time Plans, Operation, and Military Support Officer

(POMSO). The POMSO, which is the state level equivalent of the Federal Defense Coordinating Officer (DCO), works out of the state National Guard EOC, planning and coordinating military response to the domestic emergency with local, state, and federal emergency response agencies throughout the state.

National Guard forces involved in fire fighting and Military Support to Civil Authorities (MSCA) missions regularly create Joint Task Forces, consisting of both Army and Air National Guard personnel commanded by the senior commander of the predominately deployed unit. Liaison Officers at both the local and the state government Office of Emergency Services (or equivalent) represent the state military department. They assist with the coordination of the military response to domestic crises.

During an incident that requires resources exceeding a state's National Guard personnel or equipment capabilities, a Governor may, if his/her state has membership in an interstate compact, contact another compact member state and request National Guard support from that state. In accordance with the interstate compact, National Guardsmen from the other state would also serve in State Active Duty status in the Host State.

> Throughout the years, a number of different types of interstate mutual support agreements have been developed and executed. These voluntary agreements essentially provided that the signatories will, if possible, provide assistance to each other during civil emergencies including natural or man-made disasters. Some states require the consent of their Congress to enter into compacts to expedite the interstate use of emergency

> response assets during an emergency. These compacts may be either general or limited in nature. Efforts made in 1991 to start a compact that involved sharing National Guard resources among states faltered and were subsequently overtaken by the Southern Governors' Association initiative in 1992 to develop a regional compact. This compact, which was endorsed by all nineteen Governors of the Association in 1993, is designed to facilitate the sharing of all state agency resources, not just those of the National Guard.[33]

If a Governor's state does not belong to an interstate compact, he/she may then request federal assistance. Assistance may come from federalized National Guard units from outside the affected state or from the Active Component (AC) forces.

In 1988, the Robert T. Stafford, Disaster Relief and Emergency Assistance Act was established. The Stafford Act, as it later became known, modified existing laws and provided the federal government with authority to respond to disasters and emergencies with military personnel, to save lives, and to protect public health, safety, and property. Throughout the 1990's the Stafford Act facilitated increased use of the AC to provide needed assistance in fire fighting, immigrant control, flood, hurricane, and earthquake recovery.

To effectively accomplish these missions, the AC is often confronted with the need to enforce civilian laws by controlling rioter or looters, and to prevent trespassing. However, the Posse Comitatus Act of 1879

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[33] Brown, Roger A., William Fedorochko, Jr., John F. Schank, "Assessing the State and Federal Missions of the National Guard," *RAND Corporation*, (RAND NG) 1995.

restricts the use of federal forces (including National Guard units in federal status) from enforcing civil law within the United States. This historical act was passed after the Civil War to prohibit Federal troops from providing local law enforcement during the turbulence of reconstruction. This act has established the proper limits for the use of a civilian-controlled military in a free democratic society.

The use of National Guard personnel in State Active Duty status to provide law enforcement support missions assigned by the Governor are not precluded by the Posse Comitatus Act. The United States Constitution, The Federalist Papers, as well as other state and federal laws, clearly authorize the use of the militia for state emergencies. Other missions include natural disasters such as: floods, hurricanes, winter storms, wildland fires, volcanoes, and man-made disasters such as riot control, law enforcement support, bombings and WMD attacks brought on by terrorists.

The mission of the National Guard in disaster relief incidents is not that of a lead role, but rather to support the first responders in the affected area. The National Guard has always served in a support role and is not designated to be a lead agency in any civilian response. This is because the military serves in a subordinate role to civilian authorities (e.g., either for the Governor or the President). The National Guard is an asset that augments law enforcement or other local and state emergency response

agencies. National Guard units augment state emergency management divisions for many other missions. They may be the largest unit involved in any disaster response mission, but they are always in a support role to the civilian lead agency.

MSCA operations continually train with state emergency management divisions and other response agencies to refine and develop skills for disaster operations. Training in MSCA operations is part of the STARC mission and is conducted frequently. Drills and exercises are utilized to maintain the skills of those at management levels. Response plans are continually being reviewed and updated. As times change and priorities shift, so must the Emergency Response Plans. Contingency response plans are developed to provide a base response plan for any event/incident that may develop. Plans for the activation of RAID teams do not exist at this point. Attempts to identify the status of such plans were unsuccessful.

RAID teams are currently in their infancy. Each team will be composed of twenty-two personnel. The uniqueness in these teams is that they will be a Joint Operational Unit, that is, the membership will consist of members from both the Army and the Air National Guard. This is the first time an "operational" unit has been manned in this manner. The members of these teams will be Active Guard/Reserve (AGR), Title 32,

soldiers as opposed to being Title 10 AGR.[34] This was a conscious decision made by the Secretary of Defense's office so as not to lose the capability of utilizing these teams in support of local or state law enforcement agencies. (Posse Comitatus does not apply to the National Guard in SAD.[35]) The hiring of the 220 personnel to fill these positions concluded in January 1999. The initial training of team members also started in January 1999 and will continue through December 1999. The doctrine that describes the mission, objectives, intent, and operations for these teams has also just been published in "Draft" form. The intent of the Secretary of Defense is for these teams to be fully trained, operationally ready, and activated on 5 January 2000. Until that time the civilian sector has been told these teams will not be available for operational purposes.

In response to the assigned mission for countering WMD homeland defense, the NDP looked at several areas for response. The National Guard

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[34] NGR 600-5, Para. 1-5a, dated 15 May 86, defines AGR as: "ARNG [Army National Guard], ARNGUS [Army National Guard of the United States], and United States Army Reserve (USAR) personnel on full-time National Guard duty or active duty (AD) (other than for training or active duty in the active component (AC)) for 180 days or more in support of **a** Reserve Component (RC) or the National Guard and are paid from National Guard personnel, Army or Reserve personnel, Army appropriations." Soldiers assigned to the ARNG are serving in Title 32 status and are assigned to a specific state. Soldiers assigned to the ARNGUS or USAR serve in a Title 10 status and are subject to worldwide deployment.

[35] NGB Message No. PTTUZYUW RUEAUSA7855 2141849-UUUU-RUWMFLA. Subject: Status of National Guard Personnel Employed During State Emergency Operations. Dated 2 Aug 96. This message defines SAD D defines SAD, the acronym for State Active Duty, occurs "when an emergency is declared by the Governor in accordance with applicable state laws and regulations, and the Governor directs National Guard assistance, The Adjutant General of the state initiates the alert, assembly and employment of resources based on the urgency and scope of the situation." When National Guard soldiers are activated for SAD they basically are employed by the state and are paid by the state emergency operations fund at the direction of the Governor.

leadership received the tasking by the Secretary of the Army to take the lead in developing, training, equipping, and maintaining the RAID teams. In conjunction with the Director of Military Support (DOMS) for the Army, NGB is now in the process of executing the plans. The intent of NGB and DoD is to provide a proactive unit to identify potential WMD situations. Once a potential incident or event is identified, RAID teams may be pre-deployed in an attempt to minimize, if not neutralize, the potential WMD incident. RAID teams could be pre-deployed to any of some 3,300 National Guard Armories throughout the country. These pre-staging sites are a critical part of the planning process for proactive operations. RAID teams are but one of several Federal Domestic Response forces that can be utilized for these type events. Other such forces are the Response Task Force from either the First or Fifth Army Headquarters and the Marine Corps' Chemical, Biological Rapid Response Force from Camp LeJeune, North Carolina. Proactive operations might be employed at an event such as the Olympic Games (when held in the US), or any major sporting event, political national convention, or any other like event.

The mission statement from the Initial Draft of the Military Support Detachment (Rapid Assessment and Initial Detection) Operations Manual

for the RAID team is quite simple, the RAID teams "...deploy to an area of operations to: Assess, Advise, and Facilitate."[36]

During the assessment phase the RAID teams support the local first responder by providing added assessment capability when dealing with a potential nuclear, biological, chemical or radiological event. Once the RAID Team completes its assessment it advises the IC regarding appropriate action to be taken. This is only an advisory. The IC is the final authority as to what steps will be taken. The final phase, to facilitate, utilizes the team on site expertise to save lives, prevent human suffering and mitigate great property damage.

E. OPERATIONAL DILEMMA

The previous section provided a historical review of the National Guard, and showed how the National Guard received their mission from both the President and Congress. The National Guard roles of state and federal missions place them at the apex between the State and Federal Government. This section, however, will discuss the response issue and critical need for RAID teams to respond as soon as possible. RAID teams may respond prematurely before they are requested. This could have repercussions. First responders may feel they are being upstaged.

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[36] Department of the Army, "Military Support Detachment (Rapid Assessment and Initial Detection) Operations Manual," *Washington D.C.*, 17 December 1998.

The response is the primary issue at hand. Currently, there is no procedure that spells out the changes from the traditional method of activating the National Guard for response to disaster relief. Requests for additional support, particularly from the National Guard, must follow specific steps. The first official member of the local Emergency Management System (fire or police) to arrive at the scene of an incident will assume the responsibilities of the IC. The IC will remain in command until relieved by someone of higher authority or until the incident is terminated. The IC will work through the IC checklist to ensure all steps are followed. If the incident has or is consuming all civilian assets available, the IC may request National Guard support. The IC must first submit his/her request to their immediate Emergency Operations Center (EOC) who in turn, if approved, forwards the request to his/her next higher EOC. When the request gets to the State EMD, and is approved, a proclamation is prepared for the Governor's signature. Once the Governor signs the proclamation the Adjutant General, for the National Guard would be notified and the request is then supported. The request for National Guard support will generally articulate a mission requirement. The National Guard will determine the response to be provided. For example, the mission might be to evacuate a nursing home due to rising floodwaters. The nursing home has 90 occupants. The National Guard might respond with two 44 passenger buses and several trucks to assist with the moving

of both personnel and equipment. The manpower and equipment requirements will be determined by the National Guard leadership, not the IC or civilian section within the ICS. The National Guard is better able to make this determination.

A major operational issue has surfaced with respect to the activation and mobilization of the RAID teams. The RAID Operations Manual identifies five operational phases of RAID operations. These phases are cyclic in nature but continual. First is the Pre-Incident phase during which the RAID team conducts planning, unit training and equipment maintenance. Teams maintain the highest levels of readiness for immediate deployment when called upon. Second is the Alert phase. This is the initial notification plan to recall team members to the unit assembly area for deployment to an incident site. The alert phase does not require a Governor's proclamation. Unit members are full time employees and are subject to call out anytime, day or night. Third is the Deployment phase, which currently requires a Governor's proclamation. This is the actual time when the unit leaves the assembly area enroute to the incident site. Fourth, is the Response phase, the actual time the unit is engaged in it mission at an incident site. Finally, the Post Incident phase, otherwise known as the recovery phase. This is the time that the unit re-deploys back to its home station and conducts post-operational maintenance on all

equipment. This phase is a transition of the unit back into the pre-incident phase and the unit readies itself for the next mission.

The above presents a logical sequence for a unit's deployment. However, there is a problem between the Alert phase and the Deploy phase. For example, during a personal interview with a RAID team Commander in June 1999, he indicated he would deploy his team prior to the receipt of official notification of a Governor's proclamation. The Commander makes the case that immediate response would be his authority to mobilize. Army Regulation (AR) 500-60 and National Guard Regulation (NGR) 500-1 authorize a "...local military commander to take immediate action as required and justified to save human life, prevent immediate human suffering, and lessen major property damage and destruction."[37] However, both regulations caution commanders to ensure they are utilizing the authority appropriately. Funding authorized by congress must be used for the purpose for which it was appropriated. "This is a function of law, codified in 31 USC 1301, which is commonly known as the Anti-Deficiency Act."[38]

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[37] NGB Message. Subject: Status of National Guard Personnel Employed During State Emergency Operations. Dated 2 Aug 96.

[38] Ibid.

COL Ken Gonzales, Plans Operation and Training Officer (POTO) for the State of Missouri echoed the comments of the RAID team Commander earlier. However, he stated this is the short term response plan until something is developed that more directly details how RAID teams will be accessed in the future. At present he believes that "If we adjudge it to be warranted, at the state level we envision having full deployment authority to launch the RAID team to any corner of Missouri on the order of The Adjutant General (TAG) – without any formal or separate Executive Order from the Governor. Since the RAID members are already Title 32, FTS [Full Time Support] personnel, their status will not be impacted by a gubernatorial declaration."[39] COL Gonzales also stated that with respect to using the RAID, within the FEMA Region, outside the RAID team home state, should only require a TAG-to-TAG, POTO-to-POTO, or State Emergency Manager-to-State Emergency Manager call to initiate call-out. The law enforcement channels should already be activated and the FEMA Region staff involved. If a non-RAID state wants the RAID team prior to a Federal Declaration the requesting state must be prepared to reimburse the RAID state for all expenses incurred while deployed to the using state. The deploying RAID will be OPCON (operational control) to the receiving TAG.

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[39] Interview between Ken Gonzales, Colonel, DCSOPS, COARNG, and the author, 8 April 1999.

As has been pointed out there are differing opinions both within the National Guard and between the National Guard with other responders that deal with the operational aspects for utilizing the RAID teams that seriously need to be remedied. Without some corrective action each team will operate independently in ten different ways. There needs to be a Federal level plan spelling out the process for activating the RAID teams for a regional response outside their home state and can serve as a template for states to develop internal access procedures.

F. SUMMARY

This chapter looked at the history, organization, and effectiveness of the ICS as a management tool. It confirmed that the ICS is flexible enough to meet the requirements of normal operations. It showed from where the National Guard received its legislative authority and executive directives that led to the development of the RAID teams. It discussed how the RAID teams integrate into the civilian emergency response plans and concluded with a discussion about operational dilemmas for the National Guard RAID teams dealing with call out procedures for both internal and external accessing of RAID teams.

IV. FINDINGS AND RECOMMENDATIONS

A. FINDINGS

This thesis identified two critical factors that influence all other issues when responding to a WMD incident. The two factors are, in order of importance, timeliness of response and the unpredictability of an attack. In the WMD arena, time means casualties. Unpredictability is closely related to timeliness because the more unpredictable an event is, the more difficult it is for disaster relief agencies to respond in a timely manner to minimize casualties. Whereas natural disasters generally have a build up time before the incident develops into a disaster response mission, WMD incidents strike quickly and at targets that are not known ahead of time. An earthquake is the only natural disaster that strikes without warning and basically has the same results as a WMD incident: potential for mass casualties, large-scale destruction, and intense media attention.

The ICS is the primary management tool utilized during any response to disaster relief. Therefore, is the ICS flexible enough to adjust to a change of protocols when accessing the RAID teams?" The answer is a strong yes. The ICS was designed to be a flexible management tool for disaster management. The ICS provides a standard program for all response elements during any disaster. The ICS can consist of one person or accommodate a full staffing compliment. The ICS is flexible enough

because it implements only those procedures spelled out for responding agencies. The ICS, currently, will access the RAID teams in accordance with the currently established procedures for activating any National Guard asset. This process will follow the path from the first responder to the local EOC, to the State EOC to the Governor and then back down to the TAG. This is the approved procedure. However, this procedure is too time consuming for activating the National Guard in WMD incidents that develop quickly and without warning. It is incumbent on the National Guard to change, amend or otherwise update the NGB regulations and also to make recommendations for corrections of the state statutes governing the procedures for activating the National Guard.

B. RECOMMENDATIONS

The recommendations provided are suggested solutions to the two critical factors, timeliness and unpredictability, that influence all other issues.

An issue dealing with the actors of disaster response might also be clarified with the proposed regulation changes. But, in order to resolve the "turf war' issue, that seems to exist, there needs to be training to the national level agencies and then to the local and state first responders. The National Guard RAID team should not be perceived as a threat to first responders at local, state, or federal levels. RAID teams should be looked

upon as an organization designed to assist the IC at a WMD incident. Their mission statement says "...deploy to an area of operation to: Assess, Advise, and Facilitate."[40]

Procedures for activating the RAID teams need to become more streamlined. New protocols are required for the local EOC to contact RAID teams directly with pertinent information about the on scene situation. The purpose for this contact is two fold; to alert the team of a potential mission, and to provide a description of the symptoms being experienced by victims. Once the team is alerted it initiates its response procedures to get ready to deploy to the incident site. Meanwhile, the first level EOC continues its standard protocols for requesting National Guard assets. By the time the formal request gains approval and the tasking is received by the TAG the RAID team will be either ready to deploy or in the final moments for deploying. The RAID Commander will be able to contact the IC and receive updates while in route.

The ICS is flexible enough to handle a WMD mission of homeland defense with respect to RAID team operations. The problem lies in the procedures for activating the RAID teams. Strict laws and regulations of both the National Guard and state rules, laws and regulations, Emergency Operation Plans, etc. need to be reviewed and updated to reflect the

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[40] Department of the Army. "Military Support Detachment (RAID) Operations Manual." *Washington D.C.* 17 December 1998.

operational status of the RAID teams. The wording should provide guidance that supports the concept that because RAID teams are an operational unit they can respond to an incident prior to the issuance of a Governor's disaster proclamation. By the time the unit arrives a Governor's approval will be in hand. RAID teams would not take an official active role until the Governor's Proclamation is issued. This makes it incumbent on EOCs at all levels to expedite the obtaining of a Governor's proclamation. If the RAID teams are classified as an operational unit, the conflict between deliberate and immediate response becomes a moot issue. RAID teams will respond as a function of their operational mission. A complete understanding of the reworded regulations need to be communicated to all responders. This training will clarify requirements for activating RAID teams by local, state, and federal level responders.

C. CLOSING COMMENTS

The National Guard stands ready to assume a major role in the massive undertaking of WMD/Homeland Defense. The National Guard has the right personnel, the dispersed and embedded presence, established relationships, and extensive experience acquired through its traditional Federal and State missions that can be optimally applied to this emerging mission. But the National Guard cannot do it alone.

All members of the public safety, security and defense community across the United States and within its communities must begin to form the alliances and the capabilities our nation will need to meet these future challenges. Every one needs to get involved—from the local fire marshal to the Federal Emergency Management Agency, from the local sheriff to the Nation's Justice Department. Linking arms and capabilities across federal and state agencies and with local authorities, a strong and proactive cooperative effort can provide our nation's citizens continued assurance of a safe, secure, and peaceful way of life. This thesis has taken the first step towards this end by identifying the obstacles to a quick and coordinated response to WMD situations and recommending a solution.

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APPENDIX A

The following is a sample step-by-step recommended sequence format for consideration by each state with RAID teams. The steps identified in this draft Appendix follows the recommended procedural steps from the thesis work. This suggested appendix differs from the normal activation process for National Guard units. This appendix allows the first responder on the scene that feels strongly that the situation he/she is dealing with is a real or potential WMD incident. The IC can call the RAID team direct and identify the situation to either the duty officer or the Commander, whichever is present at the time of the call.

This is only a sequence of actions that can be modified to meet the needs of the state.

MOBILIZATION PROCEDURES FOR RAID TEAM

The Mobilization Procedure is as follows:

LOCAL INCIDENT COMMANDER

- Upon determining that:
  - A WMD incident has occurred or is suspected
  - Available resources are inadequate to achieve incident stabilization and control, and additional expertise is required, then the local Incident Commander shall:
    - Notify the RAID Team Point of Contact and provide the following information:
      - Name and phone contact number of Incident Commander
      - Current status of the situation

- All available information pertaining to symptoms of casualties;
- All available information pertaining to source;
- All available information pertaining to delivery system; and

- Notify the local emergency operation center (EOC) that RAID Team has been alerted and is preparing to respond.

LOCAL EMERGENCY OPERATIONS CENTER

- Upon notification from the on scene Incident Commander that the RAID Team has been alerted a formal request for RAID Team support will be initiated and sent to the State Emergency Management Division (EMD).

STATE EMERGENCY MANAGEMENT DIVISION

- Endorse request from Local EOC and forward to the Governor's office for approval. State EMD receives signed approval from Governor with required supporting information and issues mobilization request to the State Military Department.

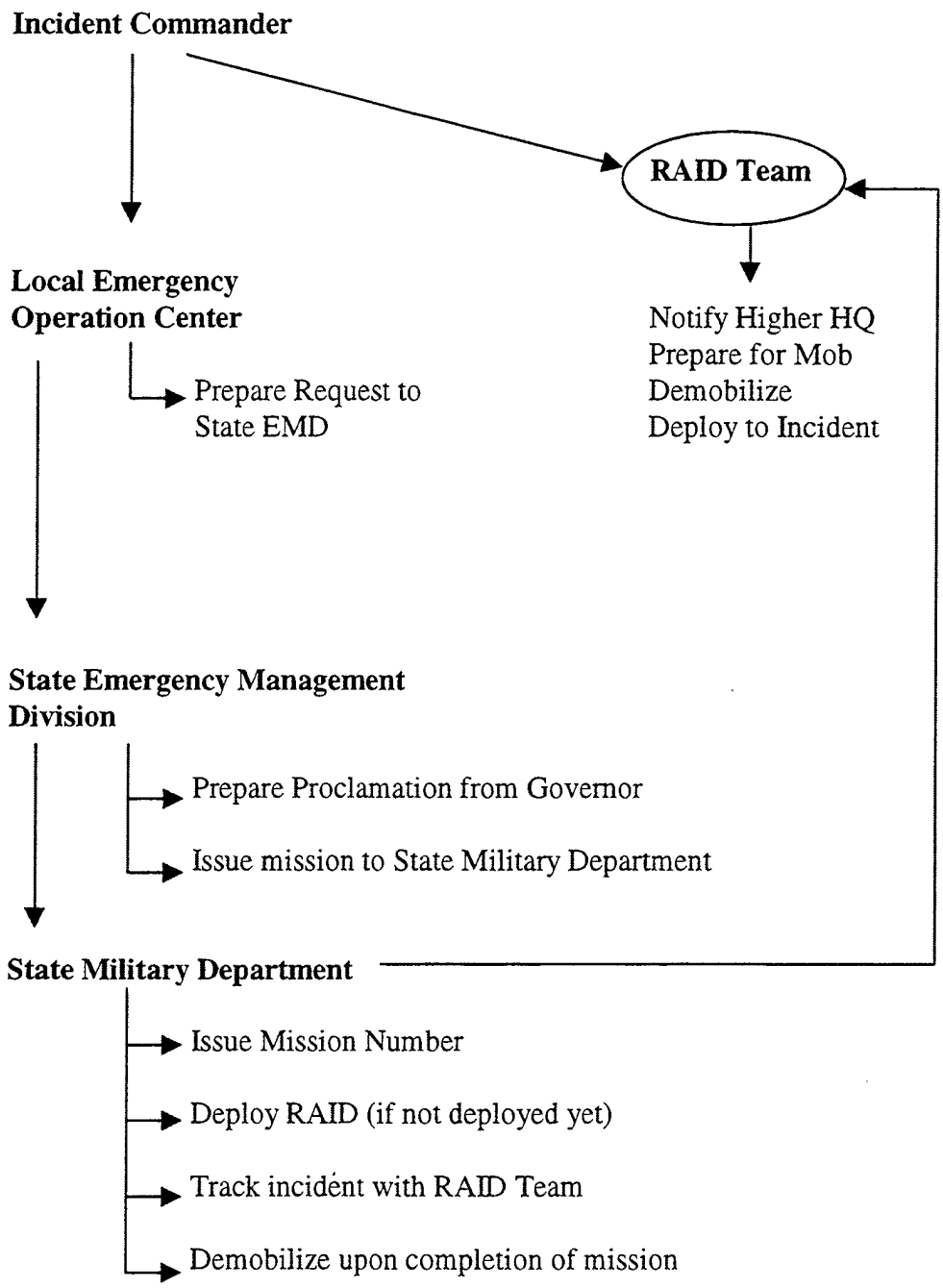
STATE MILITARY DEPARTMENT

- Upon receipt of the initial alert from the on-scene Incident Commander the RAID Team must first notify its higher headquarters of the alert. Once the mission is approved by the higher headquarters the RAID Team will initiate recall procedures and prepared to mobilize (in some cases may even be enroute) to the incident site.

- If the RAID Team has already deployed to the incident site the RAID Team Commander will maintain contact with the higher headquarters and the Incident Commander to receive current updates on the status of the incident.

- Upon deployment of the RAID Team State Military Department EOC will assign a mission number to the emergency event and will track all events of the RAID Team.

MOBILIZATION FLOW CHART



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   Duty Chief of Staff, Operations
   Washington Army National Guard
   Camp Murray, Bldg. 1
   Tacoma, WA 98430

7. John G. Asay, Colonel, WAARNG 1
   Chief, Civil-Military Operations
   ATTN: DCSOPS-MS
   Camp Murray, Bldg. 1
   Tacoma, WA 98430

8. Kenneth A. Gonzales, Colonel, MOARNG 1
Plans, Operation and Training Officer
Missouri Army National Guard
2302 Militia Dr.
Jefferson City, MO 65101

9. Dr. Paul N. Stockton, NS/PS 1
Naval Postgraduate School
Monterey, CA 93943

10. Dr. Donald Abenheim, NS/AB 1
Naval Postgraduate School
Monterey, CA 93943

11. Dr. Richard Hoffman 1
Center for Civil-Military Affairs
Naval Postgraduate School
Monterey, CA 93943