

State Defense Force Monograph Series



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FOREWORD

The articles in this issue vary across a wide range of functions that help to define the State Defense Force mission to support the National Guard mission in support homeland security.

The legal article on the status of the militia examines how the militia should fit into the total military forces of our nation, including the relationship between the National Guard (NG) and the State Defense Force (SDF).

The article on examining the modern deployed reserve force mental health support needs deals with the problem returning veterans have with posttraumatic stress disorder (PTSD), how the SDF can offer some form of support to the NG is determining the existence of PTSD, a potential program to obtain treatment for these veterans and the potential for improvement through the new drug court program.

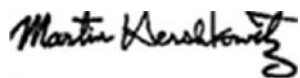
There is an article that describes a simulated surge medical event in joint with the SDF, a school of nursing, a Medical Reserve Corps unit and several other agencies.

Another article describes performing mental health screening while conducting military health clinics in low income Hispanic communities.

There is an article discussing tactical combat casualty care training for SDF medical units.

Another article discusses the value of the SDF and provides guidance to the state on the components of a SDF unit and the process for establishing one.

The last article presents the results of a survey of SDF units across the country in terms of their structure and homeland security mission, with detailed tables of their responses.



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FORWARD TO THE PAST: THE LEGAL STATUS OF THE MILITIA AND HOW THE MILITIA FITS INTO THE TOTAL FORCE

Roland L. Candee, JP

INTRODUCTION

The need for thoughtful consideration of what the militia is and how the militia should fit into the total military forces of our nation is a timely topic. Time Magazine recently published an article entitled “The Secret World of Extreme Militias”¹. The title of that article reveals that author’s apparent feeling that militias are extreme organizations that exist in secret places and the text of the article would lead uninformed members of the public to conclude just that. The Heritage Foundation recently published a Backgrounder Magazine article entitled “The 21st-Century Militia: State Defense Forces and Homeland Security”². The Heritage article notes that “(s)ince the founding of this country, militias have played a vital role in fulfilling the constitutional duty of providing for the common defense”³. The Heritage article equates today’s militia with the organizations known as State Defense Forces and urges that Congressionally authorized State Defense Forces take on an expanded role in the provision of homeland security for our nation. The Department of Defense (DoD) Inspector General undertook in 2010 an effort to evaluate the relationship between DoD and State Defense Forces⁴ and sent several personnel to attend the State Guard Association of the United States’ annual meeting held in October 2010 in Albuquerque, New Mexico. The State Guard Association of the United States is an organization created to represent and advocate for all of the various State Defense Force organizations, similar in focus to the National Guard Association of the United States’ representation and advocacy for all 54 National Guard organizations. As of the drafting of this article, DoD’s effort to evaluate the relationship between DoD and State Defense Forces remains a work in progress with State Defense Force Commanders and Adjutants General receiving recent letters requesting further information.⁵

It is this author’s opinion that the way forward for the modern militia is only discernable by looking to the past, and that a proper analysis of the legal status of the militia will naturally reveal how the militia should best fit into the total military force of our great nation.

With the clarity of vision that sometimes comes with hindsight and the commitment to candor that sometimes comes with age, I find myself compelled to acknowledge that I have

¹ Time Magazine, Sept. 30, 2010, author Barton Gellman, available at www.time.com/time/nation/article/0,8599,2022516,00.html.

² Backgrounder, published by The Heritage Foundation, No. 2474, October 8, 2010, authors James Jay Carafano, Ph.D., and Jessica Zuckerman, available at <http://report.heritage.org/bg2474>.

³ Article cited in footnote 2, page 9.

⁴ February 18, 2010 Memorandum for Under Secretary of Defense for Personnel and Readiness and the Chief, National Guard Bureau, from Charles W. Beardall, Deputy Inspector General for Policy and Oversight, Subject: Evaluation of Department of Defense Interaction with State Defense Forces.

⁵ January 4, 2011 Memorandum for State Defense Force Commanders from Kenneth Moorefield, Deputy Inspector General, Special Plans and Operations and a separate similar memo sent to the Adjutants General.

not always held the views I currently hold concerning that portion of the militia that includes what are currently known as State Defense Forces. When I was on active duty with the U.S. Army, I served in various attorney positions including Chief of Administrative Law at Fort Sill, Oklahoma. While I thought I knew everything (legally speaking), I now see that I had, as an active duty Judge Advocate, no real knowledge of what the unorganized militia or of what State Defense Forces were. When I served as the Staff Judge Advocate for the California Army National Guard, I knew there was a State Defense Force in California (the California State Military Reserve⁶) and that there was federal regulatory guidance in place governing such an organization⁷. I regularly used the applicable federal regulatory guidance, NGR 10-4, as the legal authority for recommendations against interaction between the National Guard and the California State Military Reserve. I also regularly cited to the Anti-Deficiency Act's prohibition against the acceptance of volunteer services⁸ and the perceived status of militia as volunteers who were not part of the regular military establishment of the United States as a basis for dismissing and downplaying any potential role the militia might have vis-à-vis the provision of military defense services to our country. In retrospect, I did not appreciate 1) what the militia truly is, 2) the Constitutional underpinnings for the existence and utilization of the militia, or 3) the assistance and support that the active unorganized militia can and does provide to the states and to our nation. I sat by without critical comment when, in 2006, a colleague of mine, as the Staff Judge Advocate for the California Air National Guard, provided advice to the leaders of the California Air National Guard⁹ that opined that there was no legal basis for the California State Military Reserve (the name used for California's State Defense Force) to interact with the California Air National Guard. The California State Military Reserve was simply not viewed by me, or my legal contemporaries at the time, as a legally authorized potential positive contributor to the military might of the state or nation.

It was only after I found myself looking at the issue through the eyes of a commander (who happened to also be trained in the law) of volunteer militia forces that had much to offer¹⁰

⁶ California Military and Veterans Code, Chapter 3, State Military Reserve Act (Section 550).

⁷ National Guard Regulation 10-4 (1 October 1987), hereinafter cited as NGR 10-4. NGR 10-4 is still currently the governing regulation with an applicability clause written into the face page of the regulation stating that "(t)his regulation is inclusive and addresses all authorizations regarding State Defense Forces; therefore, if a subject or area is not included, it is not authorized."

⁸ 31 U.S.C. Section 1342.

⁹ 13 March 2006 Memorandum from Colonel Thomas Reeves (now retired), Staff Judge Advocate for the California Air National Guard, to the Air Guard Command; Subject: Relationship between the California National Guard and SMR.

¹⁰ The California State Military Reserve has a formal operations order tasking from the Commander of the Joint Staff, California National Guard Joint Force Headquarters, with many specific missions to accomplish in support of the National Guard. Many CSMR members serve on State Active Duty doing a variety of jobs for the Joint Staff. Several CSMR members are on the teams that man the IC4U communications equipment for the state. In state emergencies, CSMR personnel directly augment the Joint Staff and serve as military liaison officers for many agencies. CSMR Chaplains augment the National Guard chaplains and, as per a 2009 report from the Senior Army Guard Chaplain, performed more funerals and death notifications than their Army and Air Guard counterparts. The CSMR has over 50 Judge Advocates who provide all the legal support for Soldier Readiness Processing at the Camp Roberts mobilization station, who provide a large amount of direct legal assistance work for National Guard troops, and who have been requested to provide Trial Defense Service assistance. The CSMR

in the way of assistance to the state and nation that I began to have second thoughts about my prior opinions concerning limitations on what California State Military Reserve personnel could and could not do as members of the active militia of California¹¹. This concern now had some immediacy thrown in as the nation was not in a time of peace. For the first time, my attention became focused on the potential legal import of the words “in time of peace” found in regard to the keeping of “Troops” in the Constitution¹², in the Congressional authorization for State Defense Forces¹³, and in the governing regulation¹⁴. The current Congressional authorization for State Defense Forces and the governing regulation were continually being cited as the authority for placing all kinds of limitations on any federal support or interaction with State Defense Force organizations. If all of the limitation provisions contain specific “in time of peace” language, then how applicable as a limitation should these constitutional, statutory and regulatory provisions be viewed when the nation is in the midst of armed conflict around the globe and not in a time of peace? Did the founding fathers really expect the nation to ignore the import of such express “in time of peace” constitutional language in dealings with the militia? That didn’t make sense. Certainly our founding fathers were pragmatic enough to know the critical need for military resources when a nation is not “in time of peace”. Wouldn’t our founding fathers, concerned with providing for a common defense, have wanted the total military assets of the country available to our national leadership whenever the United States was, as it currently is, sending troops into armed conflict in many different places around the globe?

These thoughts motivated me to go back and try to figure out just what the true legal status of the militia is and my opinions are now quite different than those I held several years back. In trying to analyze why I previously missed what I now believe to be the correct legal

has mental health professionals assisting in providing mental health preventive services to Guard members. The CSMR provides Combat Lifesaver training, Military Emergency Management Specialist (MEMS) training, and Small Arms Training Team assistance throughout the state to any Guard unit that needs the help. The CSMR’s Center for Military History assists Guard units in their unit history programs. The CSMR has Air Guard CSMR members that assist the air wings in the California Air National Guard, including running a Student Flight program for new Air Force enlistees awaiting basic training. CSMR field units provide opposition force assistance to Guard units training in the field and warrior skills training assistance. The CSMR is just starting a supply discipline assistance program for the Army Guard. The CSMR has several personnel assigned to Selective Service assistance duties. The CSMR has an Installation Support Command that has, as members, all of the fire-fighters for the Joint Forces Training Base, Los Alamitos, and some members that provide direct base security assistance in an armed status. A retired CSMR Judge Advocate sits as a member of the California Military Appeals Panel, the appellate court-martial review body under the California Manual for Courts-Martial, 2007 edition. Many of the cadre for California Youth Programs are CSMR members. The CSMR’s senior medical officer, BG(CA) Timothy Albertson, is a retired National Guard officer that served for years as a federally-recognized Brigadier General, who actively back fills for a deployed National Guard flight surgeon.

¹¹ California Military and Veterans Code, Section 120.

¹² Constitution of the United States, Article I, Section 10, providing that “(n)o State shall, without the Consent of Congress, ...keep Troops...in time of Peace,...unless actually invaded, or in such imminent Danger as will not admit of delay”.

¹³ 32 U.S.C. Section 109..

¹⁴ National Guard Regulation 10-4 (1 October 1987).

analysis, I can see that I was hampered by two factors: 1) my first research and analysis of State Defense Forces and militia was undertaken at a time when the nation was “in time of peace” and 2) I had the typical advising lawyer’s focus on the minimization of legal risk for the command (i.e., the client).

When I first became aware of the California State Military Reserve in the late 1980s, the 9/11 attacks and the subsequent Global War on Terror were years away. The peacetime Army at that time was not stretched thin by the regular and repeated deployments of National Guard members, militia under federal¹⁵ and California law¹⁶, into combat situations. Peacetime requirements were not sufficiently challenging so as to force commanders to look to utilize support from State Defense Force organizations (i.e., support currently not directly funded by and through the DoD) to meet basic mission requirements. The regulatory guidance that had the DoD’s stated primary objective as being the establishment of State Defense Forces as cadre organizations¹⁷ appeared entirely appropriate and the fact that DoD was expecting more supplementation of support to State Defense Forces only “upon passage of supporting legislation”¹⁸ didn’t appear to detract from the governing regulation’s facially all-inclusive limiting language (cited in footnote 7 above). As an advising attorney, I was perfectly willing to follow the basic administrative law principle that regulations in implementation of law have the force and effect of law, find an express prohibition from the regulation was applicable (or rely on the regulation’s language stating that no authorization means action is prohibited), and recommend against interaction between the federal military and the militia. I absolutely missed the fact that the congressional statutory authorization for State Defense Forces, 32 U.S.C. Section 109, and the implementing regulatory guidance, NGR 10-4, both contain the express “(i)n time of peace” language. Accordingly, these should be viewed as no legal impediment at all to interaction between militia organizations, including State Defense Forces, and the rest of the military establishment in other than a “time of peace”, i.e., in a time of war.

My job as the Staff Judge Advocate for the California Army National Guard included providing sound legal advice to The Adjutant General of the State of California. While my client was the Army National Guard, my focus was always on providing legal advice that served to protect The Adjutant General from legal problems. If I could find a legal basis on which to pin a recommendation to not do something and that made the life of The Adjutant General of California easier to protect from legal problems, there was a natural tendency to go with the answer (i.e., just say no) that appeared to be the simple solution for minimizing legal problems. There is express language in 31 U.S.C. Section 1342 prohibiting officers of the United States (which would include military officers holding a federally recognized position in the National Guard) from accepting voluntary services for the government exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property. Accordingly, it appeared to me that I could protect The Adjutant General from having to deal with any of the inevitable problems¹⁹ that might come up with militia

¹⁵ 32 United State Code, Section 101.

¹⁶ California Military and Veterans Code, Section 120.

¹⁷ National Guard Regulation 10-4, paragraph 6.b.

¹⁸ National Guard Regulation 10-4, paragraph 1.a.

¹⁹ The American Home Guard: The State Militia in the Twentieth Century, Barry M. Stentiford, Williams-Ford Texas A&M University Military History Series, 2002, Pages 225-237, chronicling a series

organizations simply by saying State Defense Force services were voluntary services which couldn't be accepted as a matter of law. What I didn't appreciate was the existence of express authorization for militia in the supreme law of the land, the United States Constitution. If one concludes that the Constitution authorizes militia forces, as an integral part of providing for the common defense, to exist and to perform military functions in assistance to the federal government during times other than a time of peace, then those services provided by the militia would be, and I now firmly believe are, properly viewed as authorized by law.

Black's Law Dictionary²⁰ defines "militia" as "the body of citizens in a state, enrolled for discipline as a military force, but not engaged in actual service except in emergencies, as distinguished from regular troops or a standing army". A similar definition is found in *Story v. Perkins*, 243 F. 997, at 999, (S.D. Georgia, 1917) where "militia" is defined as "(a) body of men composed of citizens occupied ordinarily in the pursuits of civil life, but organized by discipline and drill, and called into the field for temporary military service when the exigencies of the country require it." These definitions are a good starting point for understanding what the militia is. As seen from these basic definitions, the militia is made up of "citizens", is trained as a military force, and serves when needed. As also seen in the definitions, militia should not be confused with regular troops or a standing army. There are thorough and complete historical works tracking both the general militia history of the United States, such as John K. Mahon's *History of the Militia and the National Guard*²¹, and the state militia organizations' history across the United States, such as Barry M. Stentiford's *The American Home Guard: The State Militia in the Twentieth Century*²², but neither of these works focus primarily on the legal status of the militia. Both of these cited historical works are very useful in providing background information on how the militia has been actually used and on some of the motivating forces for changes in the statutory law that have occurred over time.

Also very helpful in my consideration of the legal basis for the militia were 1) *The Militia*, Extracts from the Journals and Debates of the Federal Convention, The State Constitutional Conventions, The Congress, The Federalist, Together with other papers relating to the Militia of the United States, by James Brown Scott, found at Senate Document no. 695, 64th Congress, 2nd Session, 1917, and 2) a December 1940 Harvard Law Review article by Frederick Bernays Wiener on *The Militia Clause of the Constitution*. The former is a marvelous collection of reference materials on the militia that date from the late 18th century while the later is a clearly written article documenting, persuasively in my opinion, how the current National Guard is simply no longer legally justifiable under the Militia Clauses of the

of challenges for state militia organizations in Texas, Ohio, Utah, California and other places. A review of these challenges certainly explains how the public perception of militia organizations can change from "militia are us" to "militia are rouge military units that do not have appropriate discipline, leadership, or usefulness". The existence of such past challenges explains why, for anti-militia proponents, the "cost" of the militia in the nature of dealing with these documented challenges makes any attempt to maximize utilization of the militia simply not worth the bother.

²⁰ Black's Law Dictionary, Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern, Revised Fourth Edition, West Publishing Co., 1968.

²¹ *History of the Militia and the National Guard*, John K. Mahon, The Macmillan Wars of the United States, Macmillan Publishing Company, 1983.

²² *The American Home Guard: The State Militia in the Twentieth Century*, Barry M. Stentiford, Williams-Ford Texas A&M University Military History Series, 2002.

Constitution but must find its Constitutional legal foundation in the power of Congress to raise and support armies. It is no coincidence, in my mind, that the time frame of World War I produced the first of these documents and the time frame of World War II produced the second. The very existence of the fog of war apparently is a strong motivator in creating a desire to clear the air in regard to the meaning and effect of the clauses of the Constitution dealing with the subject of the militia. The need for clarity is no less present today as our nation continues on with the military mobilizations and deployments that have occurred in response to the attacks on our homeland, attacks we now simply refer to as "9/11". And it is the Constitution that provides the framework for a system that involves relying on the militia as part of providing for a common defense with the outer limits of that common defense system marked by what a court would find to be unconstitutional. Accordingly, the key area of focus for reaching a correct understanding of what the militia was meant to be needs to begin with an analysis of what the Constitution says and what the Constitution's language means.

WHAT THE CONSTITUTION SAYS

It is not a particular challenge to find the sections of the United States Constitution that address the militia. Article I, Section 8 contains language granting Congress the power:

"To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions"; and

"To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress".

Article II, Section 2, provides that:

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States".

Amendment II provides that:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Other sections of the United States Constitution that will be relevant for the discussions contained in this article include 1) the grant of power to Congress, in Article I, Section 8, "(t)o raise and support Armies" and "(t)o make Rules for the Government and Regulation of the land and naval Forces", 2) the prohibition, in Article I, Section 9, that "(n)o State shall, without the Consent of Congress, ...keep Troops...in time of Peace ..., or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay", and 3) the language in the Constitution's preamble showing that one of the purposes of the Constitution was "to provide for the common defence(sic)" with Congress given express power to do just that, "provide for the common Defence(sic)", in Article I, Section 8.

WHAT THE CONSTITUTION'S LANGUAGE MEANS

Determining what these provisions actually mean is much more challenging. There is no reason to deny a couple of obvious matters. First, a lot of time has passed since the debates that led to the adoption of our Constitution and the passage of time can make it more difficult to determine what meaning to assign to words, such as “organizing”, “arming”, “disciplining”, and “governing”, that must be assigned a legal meaning in order to determine the correct boundaries (limitations) created by the Constitution’s language. Second, the choice to build into the Constitution a reliance on militia forces as part of our nation’s defense was not without detractors²³ and, as with much of the Constitution, the ultimate resolution was a compromise of conflicting views²⁴. Whenever matters are debated and a decision is reached that is a compromise, someone usually views that as a lost point. Human nature prompts those who view themselves as having lost the point to want to revisit the issue, if for no other reason than to be able to claim “I told you so” points. Scarier than the accumulation of “I told you so” points, however, are attempts to revisit a constitutional law issue in a way that changes the substantive legal outcome. Such revisiting of a constitutional law issue may take the form of changing interpretations of what was decided, redefinition of terms, or even selective recall concerning the debate and decision. Many in the legal profession are very skilled at the art of debating and arguing points, often personally experiencing the realization that truth can, on occasion, morph from being “what really happened” into being just “what is plausibly maintained and vigorously asserted”. The area of what the Constitution says about the militia is such a topic with both a lot of time having passed and with detractors from “the militia as part of the common (national) defense” idea wanting to push toward doing away with militia altogether, or at least severely limiting utilization of militia forces, despite the Constitution directly speaking to the existence and utilization of militia forces in providing for our common defense.

No less an authority on the Constitution and on the military than George Washington spoke at various times on both sides of the militia issue, being quoted as warning Congress that placing “dependence upon Militia is, assuredly, resting upon a broken staff”²⁵ yet disclosing in his *Sentiments on a Peace Establishment*, written in 1783, that he, in fact, relied on the militia, a well-regulated militia, in his leading of the Continental Army at the close of the Revolutionary War²⁶. Part of the debate when the Constitution’s original language was being

²³ See, for example, Alexander Hamilton’s writings in *The Federalist* (No. 25), as cited in the December 1940 *Harvard Law Review* Article (at page 185) by Frederick Bernays Wiener on “The Militia Clause of the Constitution”, stating that “we shall be told that the militia of the country is its natural bulwark and would be at all times equal to the national defence (sic). This doctrine, in substance, had like to have lost us our independence. It cost millions to the United States that might have been saved. The facts, which from our own experience forbid a reliance on this kind, are too recent to permit us to be dupes of such a suggestion.”

²⁴ See, for example, George Washington’s statement that the Constitution “was the result of a spirit of amity and mutual concession”, as cited in James Brown Scott’s compilation of papers relating to *The Militia*, Senate Document No. 695, 64th Congress, 2nd Session, 1917, page 8.

²⁵ Letter, Washington to Congress, Sept. 1776, as cited in “The Militia Clause of the Constitution” *Harvard Law Review* article (footnote 23 above), at page 183.

²⁶ Referenced in article (footnote 23 above), at page 183, stating “(f)or the text of this document, see 26 *The Writings of George Washington* (1938), 374-98.”

considered centered on whether or not to have a standing Army, the flip side of that coin (issue) being just how much reliance could and should be put on citizens voluntarily stepping forward in times of need to perform their militia duty in defense of their state and nation. Both the Scott compilation²⁷ and the Harvard Law Review article²⁸ relate a portion of the debate where Elbridge Gerry of Massachusetts suggested a standing army limitation phrased in a fashion that there shall not be kept in time of peace more than ??? thousand troops. Mr. Gerry was of the opinion that the blank should be filled in with two or three thousand. George Washington, presiding and so not entitled to vote, stage-whispered a mock amendment to the effect that no foreign foe be allowed to invade with an army of more than three thousand and Mr. Gerry's proposal was defeated. In the end, the ultimate result was a compromise with militia specifically embraced yet a standing army authorized in Congress' express power to "raise and support armies"²⁹, all in the context of providing for a common defense.³⁰

With this background in mind and a desire to discern what the Constitution truly means in those passages related to the militia, we begin to look at specific phrases. If one were looking to apply a statute, one would follow the plain meaning of the text first. If the meaning were plain and there was no basis for finding the statutory language unconstitutional, no deviation from that meaning would be allowed in applying the statute. Only if the meaning of the legislation were somehow not plainly evident from the text, then legislative history might be consulted over the ambiguity. Legislative history can include the opinions of the authors of the legislation concerning what they were trying to accomplish with the legislation. We should use a similar approach here. In trying to determine what the Constitution's language actually means, we look first to follow the plain meaning of the text. If the meaning is plain, no deviation from that meaning is allowed. In regard to interpreting Constitutional language, this rule of construction should be absolute as it would appear to be axiomatic that the Constitution's language could never be ruled unconstitutional. If, however, the language used is not plain, we are allowed to look to the historically recorded opinions and intentions of the drafters and, in fairness, the understanding of the respective members of the State conventions that ratified the Constitution to flesh out the meaning of the ambiguous phrase.

Additionally, we can't settle on meanings that make the document internally inconsistent but we are required to harmonize the Constitution's language so as to end up with one whole and consistent document. Additionally, we must recognize that the Constitution has built-in tension points, including 1) the tension that exists between having a standing Army at the same time as relying on the militia as part of the common defense system, 2) the tension that exists between having a militia that has two potential separate sovereigns, the United States when the militia is called into actual service of the United States and the individual states otherwise, 3) the tension that exists between having a militia answerable to two different commanders, the President when the militia is called into the actual service of the United States and a state official at all other times, 4) the tension that exists between giving Congress the power to "organize, arm, and discipline" the militia but not expressly requiring Congress to do so and 5) Congress' power of the purse in choosing to fund (or not to fund) items that

²⁷ Scott compilation, footnote 24, at page 32.

²⁸ Wiener's Harvard Law Review article, cited at footnote 23, at page 184.

²⁹ United States Constitution, Article I, Section 8, Clause 12.

³⁰ United States Constitution, Preamble, and Article I, Section 8, Clause 1.

require financial resources to implement. All of these tensions exist and go a long way, in this author's opinion, to explain why we are still trying to sort out the meaning of the Constitution's language concerning the militia more than two hundred years after the language came into existence.

The tensions actually were deliberately written into the Constitution in a fashion that shows great wisdom and foresight. It is these tension points that provide the political and practical flexibility that allows our Constitution to continue to function effectively as the bedrock document for our rule of law approach to government, including the militia issue, hundreds of years after the Constitution was originally ratified.

So, what is the proper interpretation of the word "organizing" in the Constitution as it relates to the militia? The first question is whether the word "organizing" meant something different back in the late 1700s³¹ than that word would mean today. As there doesn't appear to be any change in the meaning of that word, we can look to the current meaning of the word in question. One of the standard meanings for the verb "organize"³² is "to form an organization". As all of the standard meanings for organize that could refer to military organizations such as a militia unit are synonymous with the standard meaning cited above, "organizing" should, accordingly, be understood to mean the act of "forming into organizations". Anyone who has been around Army units will appreciate that military forces today, just like military forces back in the late 1700s, are organized (i.e., formed) into units – companies, battalions, brigades, etc. The Army commonly uses what are referred to as Tables of Organization and Equipment (TOE) to "establish as to each category of Army unit its title, the number and grades of its officers and men, its organic equipment, and its interior organization."³³ I can find no reason to settle on a meaning for "organizing" other than the obvious meaning and, when the standard obvious meaning fits, there is no reason to digress into esoteric discussions of what other meanings might be attributed to the word "organizing". The fact that the Scott Militia paper compilation has, at one point, discussion of "organizing" as "proportioning the officers and men"³⁴ is not a reason to stray from the standard meaning, especially since part of forming a military unit would be determining its overall size, including the number of officers and men. When Congress passed the original Militia Act in 1792, an act meant to "pass federal standards for the organization of the Militia"³⁵, the Act stated that "the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions, and companies"³⁶ and further provided how many privates (64) and officers would be in a standard company, how many companies would be in a battalion (five), how many battalions would be in a regiment (two), and how many regiments would be in a brigade (four)³⁷. Under our Constitution, Congress has the power, if it should choose to exercise that

³¹ See analysis in *District of Columbia vs. Heller*, 554 U.S. 570 (2008), looking to the definitions found in Samuel Johnson's 1773 dictionary and in Timothy Cunningham's 1771 legal dictionary to determine the meaning of words used in the Second Amendment.

³² Webster's Seventh New Collegiate Dictionary, G.&C. Merriam Company, Publishers, copyright 1967.

³³ The Officer's Guide, 37th Edition, published by the Stackpole Company, copyright 1973, page 468.

³⁴ Scott Compilation, cited in footnote 24, page 35.

³⁵ Introduction language, Militia Act of 1792, passed by Congress May 8, 1792.

³⁶ Militia Act of 1792, Section III.

³⁷ Militia Act of 1792, Section III, which did leave leeway for the states in saying this organizational structure was to be used "if the same be convenient".

power, to step in and legislate how militia units are to be formed and what the size of those militia units is to be.

The Militia Act of 1792 did not use the term “unorganized” in referring to that portion of the militia that would not be organized in the manner prescribed by Congress, i.e., that portion of the militia where states did not find the Congressionally proposed organization “convenient”.³⁸ Congress, through the Militia Act of 1903, again did not use the term “unorganized” in referring to that portion of the militia that would not be the National Guard (i.e., the “organized” militia³⁹), rather stating that the remainder of the militia after taking out the organized militia (i.e., the National Guard) was “to be known as the Reserve Militia”⁴⁰. At some point, Congress began to use the word “unorganized” in regard to the militia so that, since at least 1916⁴¹, there has been a specific statutory basis for saying there is a militia which consists of the “organized” militia (the National Guard and the naval militia) and the “unorganized” militia (all of the militia that is not part of the “organized” militia). It is appropriate, accordingly, to reserve utilization of the word “organized” in referring to the militia solely to refer to militia units where Congress has mandated the size, strength, and type of militia unit. This obviously does not mean that all state militia organizations which have not had their size, strength, and type mandated by Congress are “disorganized”. Such units may be extremely well organized in a military sense, but are simply not “organized” by Congress and thus not “organized” in a Constitutional legal sense.

One might argue that “unorganized” should refer only to those masses of citizen militia members who don’t belong to any active militia unit, but that would leave state militia forces, such as those currently existing as State Defense Forces under 32 U.S.C. Section 109, in an awkward situation of being neither organized (under 32 U.S.C. Section 101) nor unorganized. The better use of terminology is to refer to any actually formed and drilling militia unit (whether National Guard, State Defense Force, or other form of state militia unit) as “active” militia and the masses of citizen militia members who don’t belong to any active militia unit as “inactive” militia.

What is the proper interpretation of the word “arming” in the Constitution as it relates to the militia? The first question is whether the word “arming” meant something different back in the late 1700s than that word would mean today. As there doesn’t appear to be any change in the meaning of that word, we can look to the current meaning of the word in question. The standard meaning for the verb “arm” is “to furnish or equip with weapons”⁴². “Arming”, then, would be “furnishing or equipping with weapons”. There would not appear to be any reason to deviate from the standard usage meaning. The Scott Militia paper compilation includes a reference to a discussion back in 1787 where a Mr. King stated that “arming” meant specifying the kind, size, and caliber of arms. Mr. Madison (who would later be President of the United States) observed that, as defined, arming did not extend to furnishing arms. Mr. King then

³⁸ Same as reference in footnote 36.

³⁹ The Militia Act of 1903, commonly referred to as the Dick Act, Section 1.

⁴⁰ Same as reference in footnote 37.

⁴¹ The National Defense Act of 1916, Section 57, which provided that the “militia shall be divided into three classes, the National Guard, the Naval Militia, and the unorganized Militia.”

⁴² Webster’s Seventh New Collegiate Dictionary, G.&C. Merriam Company, Publishers, copyright 1967.

added to his former explanation that arming included the authority to regulate the modes of furnishing, either by the militia themselves, the states, or the nation.⁴³ When Congress did pass the Militia Act of 1792, it became law that every militia member was required to “provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein, to contain not less than twenty four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch, and powder-horn, twenty balls suited to the bore of his rifle, and a quarter pound of powder ...”⁴⁴. Amazingly, that law remained on the books for over a hundred years.⁴⁵ Under our Constitution, Congress has the power, if it should choose to exercise that power, to step in and provide arms to any militia units that Congress chooses to arm. Historical application, as shown in the references in the original Militia Act to belts, knapsacks, pouches, etc., shows that the word arming should be understood to include providing units and personnel with general military equipment that would go along with the weapons, and not solely the actual weapons.

What is the proper interpretation of the word “disciplining” in the Constitution as it relates to the militia? The first question is whether the word “disciplining” meant something different back in the late 1700s than that word would mean today. As there doesn’t appear to be any change in the meaning of that word, we can look to the current meaning of the word in question. The verb “discipline” can mean various things including 1) to punish or penalize for the sake of discipline (i.e., teaching, learning, instructing), 2) to train or develop by instruction and exercise, or 3) to bring a group under control (such as troops).⁴⁶ As “discipline” can mean various things in normal usage, even in normal usage as applied to military matters, it is appropriate to look at the legislative history of the Constitution, including Scott’s compilation of materials on the Militia, to determine the appropriate meaning to assign to the word “disciplining” as it relates to the militia.

There are multiple comments and references in the Scott compilation to each and every type of potential meaning for “disciplining” outlined above. We have in Scott’s compilation a definition of “disciplining” as “prescribing the manual exercise evolutions &c.(sic)”, as well as several indications that disciplining would have included imposing penalties and using courts-martial for enforcing penalties.⁴⁷ With multiple references to courts-martial and punishments, that aspect of the definition (i.e., punishing for the sake of discipline) is certainly fairly included in the meaning. The reference to “manual exercise evolutions” carries the connotation of training or developing by instruction and exercise, so that aspect of the definition is fairly included in the meaning. The training aspect being connected to “disciplining” is further revealed in the Constitution’s express language reserving to the states the authority “of training

⁴³ Scott Compilation, cited in footnote 24, page 35.

⁴⁴ Militia Act of 1792, Section I.

⁴⁵ That quoted portion of the Militia Act of 1792 remained in effect until The Militia Act of 1903, commonly referred to as the Dick Act, Section 13, which provided “(t)hat the Secretary of War is hereby authorized to issue ... standard magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia... .”

⁴⁶ Webster’s Seventh New Collegiate Dictionary, G.&C. Merriam Company, Publishers, copyright 1967.

⁴⁷ Scott Compilation, cited in footnote 24, page 35.

the Militia according to the discipline prescribed by Congress”. And with so many repeated references throughout the Scott militia paper compilation to the need for a “well regulated militia”, it can not be seriously doubted that the meaning includes the aspect of bringing a group (here the militia) under control. Who controls a military unit? The officer in charge controls a military unit. Disciplining the militia properly includes putting the militia under the charge of a particular officer, such as The Adjutant General for a given State.

A proper understanding, then, of what “disciplining” means includes all three potential aspects covered by the standard definition for that term. Under our Constitution, Congress has the power, if it should choose to exercise that power, to step in and require militia members (1) to be subject to the Uniform Code of Military Justice or some other punishment standards, (2) to drill a certain number of days and to train in a prescribed fashion, and/or 3) to come under the control of a particular officer.

What is the proper interpretation of the word “governing” in the Constitution as it relates to the militia? The first question is whether the word “governing” meant something different back in the late 1700s than that word would mean today. As there doesn’t appear to be any change in the meaning of that word, we can look to the current meaning of the word in question. The standard meaning for “govern” in the context of dealing with military units would appear to be “to exercise power or authority in controlling others”⁴⁸, so that “governing” would mean “exercising power or authority” over the militia. How does a government exercise power or authority over a military unit? A government exercises power or authority over a military unit by passing rules and regulations for the military unit’s governance. This gives us a very common sense understanding of the meaning of the word “governing” that is completely consistent with what military organizations actually experience. Those that are in the position to govern pass rules (statutory provisions, or regulatory guidance such as Army Regulations or Air Force Instructions) that the organization is obliged to follow. There does not appear to be any reason to seek further meaning for the word “governing”. Under our Constitution, Congress has the power, if it should choose to exercise that power, to govern such part of the militia as may be employed in the service of the United States.

How are we to determine which part of the militia is subject to federal governance/regulatory oversight? It would not be consistent to say that all of the militia is subject to federal governance/regulatory oversight because that would nullify the “such part” language. We also must recognize that the only times when Congress can force utilization of the Militia is when there is a need “to execute the laws of the Union, suppress insurrections and repel invasions”. Congress isn’t ever required to mobilize the militia under our Constitution, even in those circumstances where Congress believes that military force should be brought to bear to execute the laws of the union, suppress insurrection or repel invasions. Congress has the plenary power to raise and support armies to meet these common defense military tasks if Congress so elects. Congress, therefore, has the power to pick and choose what part of the militia, if any, it “may” want to use and whatever part Congress picks as what Congress “may” want to use is that part of the militia that is subject to be governed by the federal government.

⁴⁸ Webster’s Seventh New Collegiate Dictionary, G.&C. Merriam Company, Publishers, copyright 1967.

This power to govern certainly would include any part of the militia that is “called into actual service of the United States”, the phrasing used in the Constitution, Article II, Section 2, and any part Congress determines “may” be necessary to use to “execute the laws of the Union, suppress insurrections and repel invasions”. Congress has certainly already done that, selecting a part of the militia that Congress “may” use, in picking the National Guard as the organized militia. And the National Guard is certainly well regulated. But if Congress looks at a state militia organization and says, for whatever reason, that Congress will never use that organization for any military purpose, then Congress must step back and take no action to establish rules and regulations for that militia unit’s governance. While Congress has stated, in 32 U.S.C. Section 109, that state defense forces will not be “called, ordered, or drafted into the armed forces”, the *Perpich*⁴⁹ case notes that it is nonetheless possible that such state defense forces are subject to call under 10 U.S.C. Sections 331-333 which distinguish “militia” from the “armed forces” and which subject all of the militia to call if needed for the purposes specified in the Constitution’s militia clauses. Thus, even state defense forces are subject to Congressional governance.

The fact that Congress has power to organize, arm and discipline any and/or all of the militia does not mean that Congress is required to step in and exercise that power. The best understanding of these specific Congressional powers is that the states may step in to organize, arm and discipline any militia that Congress doesn’t regulate in these regards. This understanding flows from several lines of thought. First, the only militia organizations that were contemplated to be worth anything were well regulated militia. If Congress were to not step forward to organize, arm and discipline the militia and the states were without power to regulate the militia in these regards, then a rogue militia that was not well regulated could actually exist. As crystal clear from the Scott Militia paper compilation, no one ever argued (or even entertained a thought) that the militia contemplated by the Constitution would not be a well regulated militia. Any interpretation that leads to an absurd result (an unregulated militia) certainly must be rejected. Second, the grouping of these three powers together in a single phrase in the Constitution allows no logical variant in Congress’ authority between the three powers, i.e., if arming the militia might be left to the states and arms aren’t required to be provided by Congress, then there is no logical justification for Congress to be required to organize and discipline the militia either. And we know that Congress wasn’t required to arm the militia as the First Militia Act, the Militia Act of 1792, did not require federal arming of the militia. The Scott Militia papers show the drafters contemplated multiple ways that the militia could be armed. The actual point was debated with some of those present arguing vigorously that should the federal government “neglect to arm and discipline the militia, there should be an express declaration that the State governments might arm and discipline them.”⁵⁰ The view that prevailed was that of James Madison (sometimes referred as the Father of the Constitution) that the power of Congress in question here “is concurrent and not exclusive”⁵¹ and that no express declaration of state power was necessary.

Can Congress do away with the militia altogether under the power to prohibit states from maintaining “troops” in time of peace? No fair reading of the records of the debates that

⁴⁹ *Perpich vs. Department of Defense*, 496 U.S. 334 (1990).

⁵⁰ Scott Compilation, cited in footnote 24, page 60.

⁵¹ Scott Compilation, cited in footnote 24, page 61.

led to the ratification of the Constitution would allow one to conclude that Congress could altogether do away with the militia. Militia are a subgroup of the people (citizens) themselves and it makes perfect sense that any government that was to be of, by and for the people would naturally include a reliance on those people, the citizen militia, in providing for the common defense. Indeed, as the existence of militia forces was recognized to be as natural as the existence of the right of self-defense⁵², Congress is without power to completely legislate away the militia in the very same way that Congress can't completely legislate away a person's right of self-defense. Additionally, the maintenance of troops in time of peace would logically be at the same time (i.e., peace time) when states were maintaining and drilling their militia so as to have a trained, well regulated militia available for use when the militia would need to be used (i.e., not a time of peace).

The key to understanding the limitations in Congress' power to prohibit states from maintaining troops in time of peace, and in harmonizing that Constitutional provision with the other Constitutional passages that address the militia, lies in recognizing that militia that exist but have not been actually called forth in an emergency to serve either the nation or the state are simply not included in the word "troops" as used in the Constitution.

Congress is given the express power to prohibit states from having "troops" in time of peace and that makes perfect sense. States were not going to be allowed, absent Congress' express consent, to have their own standing armies in time of peace, even if such a standing army was small and focused entirely on defense. But as the drafters of the Constitution would have considered themselves to be militia, there would have been no need for clarification that the word "troops" as used in the Constitution didn't include militia. To interpret the language otherwise would give the federal government the power to preclude states from defending themselves, something that was not contemplated as the militia was the perceived "ultimate safety"⁵³ for the drafters of the Constitution. Taking away the militia would have been viewed as denying states the right that "Divine Providence has given to every individual – the means of self-defense."⁵⁴

More persuasive than this argument, however, in showing that "troops" (or even references to "land ... forces") as that word (or phrase) was used in the late 1700s didn't include militia is a review of the now forgotten language of the Articles of Confederation. Many of the same people that drafted the Constitution drafted the Articles of Confederation. The Articles of Confederation were the actual law of the land immediately before the Constitution was adopted. And the Articles of Confederation were also designed to provide for the common defense through the utilization of militia forces. The Articles of Confederation, in Article VI, Section 4, as per Weiner's Harvard Law Review article, provided that "(n)o State to keep ...troops in time of peace, except as Congress may deem necessary; each State to keep up and equip a well regulated and disciplined militia."⁵⁵ To interpret "troops" as including militia and allow Congress to preclude all militia would have precluded states from their Article of Confederation obligation to each keep up and equip a well regulated and disciplined militia.

⁵² Scott Compilation, cited in footnote 24, pages 60 and 61.

⁵³ Scott Compilation, cited in footnote 24, page 64.

⁵⁴ Scott Compilation, cited in footnote 24, pages 60 and 61.

⁵⁵ Wiener's Harvard Law Review Article, cited in footnote 23, at page 184.

While Weiner's Harvard Law Review article cites the language as I have just quoted it, the actual quotation from the Articles of Confederation is even stronger and reads, in pertinent part, that: "No vessel of war shall be kept up in time of peace by any State, ...; nor shall any body of forces be kept by any State in time of peace, except in number only, as in the judgement of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, ...".⁵⁶ Again, to interpret "troops" or "land ... forces" as including militia and allow Congress to preclude all militia would have precluded states from fulfilling their Article of Confederation obligation to "always" keep a well-regulated and disciplined militia. The word "troops" as used in the late 1700s simply did not include militia. The confusion is understandable, however, because militia can be turned into troops (or into a land force) very quickly by being mobilized in an emergency for actual military service. And because militia would view themselves as members of the military establishment and a common word used to refer to military members was "troops", militia members would normally not raise any objection to being referred to as "troops". But just as a citizen is really only a juror while serving as a juror on a particular jury, a militia member is only a "troop" when serving as a military unit member mobilized for military service.

The correct understanding is that states can always maintain their own militia forces and are not limited to what Congress provides through the National Guard. Such additional militia forces, however, are all subject to the federal government's powers over the militia, including the potential to be federally mobilized in appropriate circumstances under 10 U.S.C. Sections 331-333, and such militia could not include full-time members as states cannot maintain any standing military forces in a time of peace, even a small military force to be used only for defensive purposes, without Congress' consent. Congress has given limited consent for "State Defense Forces" in 32 U.S.C. Section 109. The correct understanding outlined above allows 32 U.S.C. Section 109 to be understood in a manner that does not offend the Constitution's presumption that states have a right to militia forces but honors the Constitution's language about Congress' approval of "troops" and Congress' power over "land ... forces". This understanding that militia is not included in "troops" or "land...forces" is also consistent with Black's definition of militia cited above.⁵⁷

Has Congress precluded state militia beyond the National Guard (the organized militia) under the power to prohibit states from maintaining "troops" in time of peace? There are some who believe that is exactly what happened when Congress, in the National Defense Act of 1916, passed a law that contained, in Section 61, what appeared to be a clear policy on other forces:

Maintenance of other troops by the states. No state shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act: Provided, that nothing contained in this Act shall be construed as limiting the right of the states and territories in the use of the National Guard within their respective borders in time of peace: Provided further, that nothing contained in this Act shall prevent the organization and maintenance of state police or constabulary.

⁵⁶ Articles of Confederation, Article VI, 4th paragraph.

⁵⁷ See footnote 20 above..

Notice, however, that Section 61's language makes no mention of "militia" but rather simply addresses other "troops". If "troops" as used in the Constitution includes militia, then Congress could preclude states from maintaining militia beyond their National Guard. But, for the reasons set out in some detail above, "troops" or "land ... forces" as used in the Constitution does not include militia. Additionally, if Congress could limit a state's militia forces to the National Guard and mobilize all of that force for certain specified reasons, states could be left without any militia at the exact time that states needed militia the most. Again, this would be an absurd result under a system that presumed states without a militia was as unthinkable as a person without the right of self-defense.

States certainly have the ability to choose, if they want to for whatever reasons seem appropriate to those states, to not have militia units beyond their National Guard and to rely completely on the federal government to protect them with troops raised under Congress' power to raise and support armies. But to say the federal government can preclude state militia from existing is, in this author's opinion, unconstitutional. With language being "unconstitutional" showing the outer limit of the common defense system, 32 U.S.C. Section 109, the current Congressional authorization for State Defense Forces, should not be interpreted as a Congressional preclusion of state militia forces beyond the organized militia (the National Guard) and the expressly authorized State Defense Forces.

A SHORT HISTORY OF THE LAWS THAT HAVE ADDRESSED THE MILITIA OVER THE YEARS

As previously stated, there are very thorough historical works already in existence that record the history of the militia.⁵⁸ Some court cases, such as *Perpich vs. Department of Defense*, 496 U.S. 354 (1990), also contain historical descriptions of how the present statutory scheme concerning the militia evolved. For the purposes of this article, however, I will in this section attempt to briefly address the most significant laws that have addressed the militia over the years along with a short statement as to who came out ahead in the particular resolution – the militia proponents or the anti-militia proponents.

The first law that needs to be noted as having addressed the militia is the Articles of Confederation and Perpetual Union, prepared by Congress in the third year of our independence and finally ratified in 1781. In addition to the portion of the Articles of Confederation quoted above requiring that every State shall always keep up a well-regulated and disciplined militia, the Articles of Confederation stated that every state was obligated to have the militia "sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage."⁵⁹ The states bore the express obligation to "always" maintain a militia that was armed and provided for, and the only mention of an Army was in the requirement for at least nine states to agree to the appointment of any commander of the Army.⁶⁰ The proponents of militia won the first battle in the legal war of words over the existence and utilization of militia.

⁵⁸ Cited in footnotes 21 and 22.

⁵⁹ Articles of Confederation, Article VI, 4th paragraph.

⁶⁰ Articles of Confederation, Article IX, 3rd paragraph.

The Constitution is the supreme law of the land and, as set out in some detail above, says various things about the militia. It is not possible to say that the proponents of militia prevailed or didn't prevail concerning the Constitution's language in light of the compromise nature of the document in setting up a system that expressed a reliance on militia but also gave Congress plenary power to raise and support armies. While we can call it a compromise, the sentiment at the time was that the Constitution struck the proper balance. As George Nicolas stated at Virginia's ratifying convention⁶¹: "We must either empower them (Congress) to employ and rely altogether on a standing army or depend altogether on militia, or else we must enable them to use the one or the other of these two ways, as may be found most expedient. The least reflection will satisfy us that the convention has adopted the only proper method. If a standing army were alone to be employed, such an army must be kept up in time of peace as would be sufficient in war. The dangers of such an army are so striking that every man would oppose the adoption of this Government had it been proposed by it as the only mode of defence (sic). ... Although some people are pleased with the theory of reliance on militia as the sole defence (sic) of a nation, yet I think it will be found in practice to be by no means adequate. ... It is therefore neither safe nor just to depend entirely on the militia. As these two ways are ineligible, let us consider the third method. Does this Constitution put this on a proper footing? ... Till there be a necessity for an army to be raised, militia will do. And when an army will be raised, the militia will still be employed, which will render a less numerous army sufficient. By these means, there will be a sufficient defence (sic) for the country, without having a standing army altogether, or oppressing the people."

The proper analysis, in this author's opinion, is to view the Constitution as the document that sets out, in broad strokes, the system desired by the founding fathers of providing for the common defense. The only loser here would be our American system if we, the people, did not strive with all our power to stay within the boundaries of the system the founding fathers set up in regard to how the militia would exist and would always be a part of our defense establishment. The drafters of the Constitution settled the outer limits in the legal war of words over the militia; well regulated, organized, armed and disciplined state militia are to exist and those well regulated state militia forces are to play an active role, right alongside whatever standing military forces Congress deems are necessary, in providing for the common defense of our nation.

The Militia Act of 1792⁶² was intended to provide federal standards for the organization of the Militia. While the Act did facially attempt to establish a uniform militia throughout the United States, the anti-militia proponents were very successful in obtaining language in the Act that made the law ineffective. The law required every citizen enrolled in the militia to arm themselves but provided no penalty for enforcement of this requirement. The law set out a proposed arrangement for militia to be formed into divisions, brigades, regiments, battalions, and companies, but left that organization to be "as the legislature of each state shall direct"⁶³ and further stated that the size of the units and the number of privates and officers only

⁶¹ Scott Compilation, cited in footnote 24, page 67.

⁶² May 8, 1792, Ch. 33, I Stat. 271.

⁶³ Militia Act of 1792, Section III.

needed to follow the law's standard "if the same be convenient".⁶⁴ The rules of discipline that Congress wanted the militia to follow (presumably the Articles of War approved and established by Congress in 1779) were to be observed by the militia throughout the United States, but deviation was allowed "as may be rendered necessary" or due to "some other unavoidable circumstances".⁶⁵ The Act required the appointment of an adjutant general in each state who would report yearly on the status of the militia, but Mahon's history concludes that it was a dozen years "before the secretary of war could even approximate a comprehensive report" as to the number of men enrolled in the militia.⁶⁶ The anti-militia proponents had won this round in the legal war of words over the militia. The net result of not having effective state militia organizations led to the reliance on volunteer organizations, the Constitutional basis for militia participation in the common defense giving way to a historical repetition of reliance on volunteers, not militia, during the Mexican-American, Civil and Spanish-American wars.

Given the Constitutional basis for the militia, it is not surprising that a resurgent organized militia, the National Guard, would in the early 1900s begin "to wrest from the Volunteers the official role as the nation's second line of defense."⁶⁷ Yet, at the time, the "Regular Army had little but contempt for state military forces. Many reformers in the army were disciples of the late Emory Upton, a Civil War hero and protégé of Lt.Gen. William T. Sherman, who argued that state control of and influence on the militia would always make it unreliable as a reserve for the federal army."⁶⁸ The battle between pro-militia and anti-militia forces was on with a vengeance. The Militia Act of 1903⁶⁹ (also known as the Dick Act) was sponsored by Senator Charles Dick, who also happened to be a Major General in the Ohio National Guard, to be very active in the National Guard Association, and to be the Chair of Congress' Committee on the Militia. Senator Dick saw, along with everyone else who looked at the issue, the need for a truly organized, armed and trained militia. It was obvious that the current militia law just wasn't working and that there was no expectation that states would step up to fund equipment and training. The Dick Act created the "organized" militia (to be now officially known as the National Guard), recognized the federal status of the organized militia, required units to conform to the organization of similar units in the federal army within five years, instituted paid drills and annual training periods for militia, and contemplated that the express authorization to issue arms and equipment, along with federal funding, would be the carrot to get these changes done. The militia proponents were making a comeback in the legal war of words over the militia, but made a critical error in ignoring what would happen in full mobilization. "Neither the states, the army, nor the National Guard seem to have considered the question of what would replace the National Guard in its state mission should it ever be called upon to fulfill its federal mission."⁷⁰ Additional challenges for the militia, at least in the Regular Army's perception of the militia as a potentially effective fighting force, included State governors still having the right to deny their state's units entry into federal

⁶⁴ Militia Act of 1792, Section III.

⁶⁵ Militia Act of 1792, Section VII.

⁶⁶ Mahon's work, cited in footnote 21, at page 63.

⁶⁷ Stentiford's work, cited in footnote 22, at page 11.

⁶⁸ Stentiford's work, cited in footnote 22, at page 11.

⁶⁹ 32 Stat. 775.

⁷⁰ Stentiford's work, cited in footnote 22, at page 13.

service, a nine month service limit on federal service, and the inability to remove militia officers from command, no matter how incompetent they were.⁷¹

Amendments to the Militia Act in 1908⁷² attempted to remove some of these obstacles to utilizing the militia by creating a National Militia Board to advise the Army on militia matters, creating a Division of Militia Affairs (which would become the Militia Bureau in 1916 and is the predecessor to our current National Guard Bureau) in the Army, lifting the nine month service limit, giving the President the right to prescribe the length of time militia units could spend in federal service and allowing service to be ordered within or without the territory of the United States. A 1912 Attorney General opinion that sending National Guard units outside U.S. territory violated the Constitution⁷³ did little to motivate Regular Army officers to see the National Guard as a usable force in wartime.

The next significant statutory change concerning the militia was the National Defense Act of 1916⁷⁴. As explained by Stentiford in his history work: “The National Defense Act of 1916 was a compromise between the various schools of thought on preparedness. The Volunteer system remained extant in theory, with an expansion of ROTC ... to train a reserve of its future officers. But the Volunteers were relegated to the third tier of the nation’s defense, after the Regular Army and National Guard. The National Defense Act of 1916 guaranteed that in the next war, the entire National Guard would be taken into federal service before any additional forces were accepted. The National Guard Association got most of what it wanted in the Act, and members took the dual oath to become the nation’s official second line of defense. Through the National Guard, the states maintained a vehicle to participate in future wars. The National Guard remained a state-based military force, with federal pay and equipment, but with the ability to accompany the Regular Army into any theater of operation in the world. Only one issue remained undiscussed, unsolved, and perhaps unanticipated: The National Defense Act of 1916 ensured that states would lose their National Guard – their organized militia – during America’s next war.”⁷⁵ This oversight would prove very costly for the organized militia as the 1916 Act did not provide for National Guard members to go back to their National Guard units after a federal mobilization. Why would a National Guard member who found himself mustered out of the Army with no further militia obligation want to go back and rejoin that militia unit after being sent off to fight and win the war to end all wars, World War I? And the anti-militia proponents certainly thought they’d minimized, once and for all, the influence of the militia by securing the language quoted above as Section 61 of the National Defense Act of 1916, and then seeing a general mobilization of the entire National Guard for World War I service and demobilization without direct reinstatement in the Guard.

The establishment of Home Guard and State Guard militia units during World War I did not, under anyone’s theory, require Congressional authorization as these units were formed in other than a “time of peace”.

⁷¹ Stentiford’s work, cited in footnote 22, at page 13.

⁷² Ch. 204, 35 Stat. 399.

⁷³ Official Opinion of the Attorneys General (Washington, D.C.:Government Printing Office, 1913), Volume 29, pages 322-329.

⁷⁴ June 3, 1916, Ch. 134, 39 Stat. 166.

⁷⁵ Stentiford’s work, cited in footnote 22, at page 20.

The 1933 amendments to the National Defense Act⁷⁶ were the next legislative attempt to solve the standing army vs. militia balancing act. The Congressional solution of 1933 was no longer simply having National Guard members swear allegiance to both the federal and state constitutions. The new fix had members joining the state National Guard simultaneously with joining the National Guard of the United States (the latter being a formally recognized part of the Army). Members of a state's National Guard retained their status unless and until ordered to active federal duty and automatically reverted to state National Guard status upon being relieved from federal service. The effect of joining the National Guard of the United States meant these troops could be ordered to federal duty for any "emergency", not just the specific situations that the Constitution allowed the militia to be mobilized to deal with, there was no express limitation on time periods that the Guard could be mobilized for, and there was no limitation (even outside the United States) concerning where active duty deployments might send these military forces. While the state National Guard remained organized "militia" under federal law, there was no thought by the federal military establishment that these National Guard forces were "militia" in the original constitutional sense where "militia" could only be called forth by Congress to "execute the laws of the union, suppress insurrections and repel invasions". Yes, state authorities could (and did) mobilize their state Guard for state missions, but the legal trump card concerning whose call on the militia would prevail now appeared to clearly belong to the federal authorities.

Again, the establishment of State Guard militia units during World War II did not, under anyone's theory, require Congressional authorization as these units were formed in other than a "time of peace".

In 1952, further legislation removed the requirement for a national emergency to activate the Guard. Congress passed the Armed Forces Reserve Act of 1952⁷⁷ which, in part, declared that "the National Guard ... (is) an integral part of the first line defenses of this Nation (and must be maintained at all times) ... (W)henever ... units and organization are needed for the national security in excess of those of the Regular components ..., the National Guard ... shall be ordered into the active military service of the United State and continued therein so long as such necessity exists." It was this 1952 legislation that had the language that became Title 32 U.S.C. Sections 672(b) and (d) stating that the governor's consent is required for an overseas deployment of National Guard members. This language led, three decades later, to the Montgomery Amendment and the *Perpich*⁷⁸ decision previously mentioned. While one can certainly argue that the 1952 Act's language confirming the National Guard as an integral part of the first line defenses of the nation was a victory for militia, the reality is that the anti-militia proponents accomplished the vast majority of what they wanted. The National Guard could be used whenever the national security required such usage, the organized militia (National Guard) was now expressly built on Congress' power to raise and support armies rather than on the limiting Constitutional militia basis, and militia forces beyond the National Guard were pretty much dead.⁷⁹

⁷⁶ 48 Stat. 149, 155.

⁷⁷ 66 Stat. 481.

⁷⁸ *Perpich v. Department of Defense*, 496 U.S. 334 (1990).

⁷⁹ There is little surprise here. Anti-militia proponents view traditional militia with as much disdain today as expressed by Alexander Hamilton in *The Federalist* (No. 25) cited in footnote 23 above. The beauty of our rule of law approach with an express constitutional foundation for the militia, however, is that you

Other legislation that is notable includes legislation that didn't ultimately become law. A listing of the attempts to merge the National Guard and Reserves is set out in a report prepared by the Federal Research Division of Congress in October 2007, entitled "Historical Attempts to Reorganize the Reserve Components". Immediately after World War II, the Gray Board⁸⁰ convened to examine the status of reserve forces. The Gray Board's final report in June 1948 recommended the merger of the National Guard and Reserves into a federally controlled force to be called the National Guard of the United States. "(T)he active military establishment had secretly determined in 1944 to deactivate the units of the former National Guard overseas and then try to reconstitute the reserve components for the post-war era in the United States as purely federal organizations without state control. The National Guard, if any were to exist, would be a purely state constabulary commanded by the governor with no federal responsibilities or resources."⁸¹ The National Guard Association of the United States was successful in lobbying Congress against the Gray Board's recommendations. In 1964, Secretary of Defense Robert McNamara, announced that he intended to merge the organized reserves into the National Guard.⁸² Numerous other proposals to merge the National Guard and the Reserves have been made over the years, and it does seem inefficient to maintain multiple reserve force structures that would be redundant, as a minimum, to the extent of the federal management forces for these separate reserve components. Additionally, if the founding fathers really contemplated using the militia as the reserve, then embracing that approach completely would appear to be consistent with a desire to live within the system set up by the Constitution.

WHAT IS THE WAY FORWARD FOR THE MILITIA?

One of the reasons that the militia is a remarkable institution is the broad range of tasks that the militia can successfully perform. There does not appear to be any legitimate argument left for the anti-militia proponents that the militia can't function effectively as an operational reserve of the regular military forces of our country. Militia, either as mobilized state militia members or as organized militia (National Guard) members after the Dick Act of 1903, have been involved in all of our country's armed conflicts; the Revolutionary War, the War of 1812, the Mexican War of 1846, the Civil War, the Spanish-American War, the Mexican War of 1916, World War I, World War II, Korea, Vietnam, Grenada, Panama, Desert Storm/Desert Shield, and all of our post-9/11 armed conflicts. Yet if one were to ask a typical citizen (if there is such a person) of the United States in 2011 what their vision of the National Guard is, there

simply can't kill the militia. The traditional militia may have been put on life support but it didn't, and won't ever, die. While the Department of Defense can take active steps to oppose an active unorganized militia being a part of the national common defense system, the constitutional foundation for such state militia forces insure that any funeral notifications sent out will always be premature. If you can't kill such militia and such militia can add quite a bit of value (see footnote 10s listing), the most logical course of action to adopt is to bring the militia (organized and unorganized) completely into the common (national) defense fold.

⁸⁰ Convened in November 1947 by Secretary of Defense Forrestal and named after its chairman, Assistant Secretary of the Army Gordon Gray.

⁸¹ Section III of Article, May 1, 1990; The National Guard, The Montgomery Amendment and Its Implications; a group Study Project, U.S. Army War College, Colonel James Burgess, Colonel Reid K. Beveridge, LTC George Hargrove.

⁸² Mahon's work, cited in footnote 21, at page 264.

is very little chance that the response would be: “They are the organized militia that were meant by our founding fathers to be part of our common defense system and they have participated in every one of our armed conflicts.” Instead, there is a very good chance that the response would be: “They’re the folks in uniform that respond to all of our natural disasters”. Indeed, the militia in California is expected by our citizens to be the folks in military uniforms that respond to natural disasters in any of California’s four seasons: the flood season, the fire season, the earthquake season, and the riot season⁸³.

If there is any credibility left in any of the arguments that have, over the years, been used by the anti-militia proponents (state control makes militia unusable as a reserve, the militia are not well trained or regulated, the militia does not have good enough leaders, etc.), then the existence of a separate non-militia reserve for the Army and the Air Force would be entirely appropriate. But, if the organized militia (National Guard) is now a well regulated, well trained, well led, armed and disciplined military force fully available for use by our nation’s leadership in time of need, then there would appear to be no reason for a separate reserve save for the sole thought that the states might have a need for militia that would go unfulfilled in the event of a general mobilization. Logically, however, this reason should not motivate Congress to be concerned beyond taking actions to facilitate states being able to meet this need to still have militia available in the event of a general mobilization. And Congress has already done that in authorizing State Defense Force organizations. The problem is that Congress has not made it clear that while these State Defense Force organizations are not federal forces, and could only become federal forces under the specific areas delineated in the Constitution, such State Defense Forces are part of our common defense system and appropriately should be recognized as part of our Department of Defense. States such as California that have viable militia units that have not been organized by Congress (i.e., the unorganized militia) are able to say that they have that situation (the need for militia for state missions even when we’ve had a general mobilization) covered, but are forced to struggle against a less than militia-friendly Department of Defense organization when those State Defense Forces attempt to help the Department of Defense by doing missions (such as assistance in mobilization) that are specifically authorized⁸⁴.

Examples of such struggles for California include the submission of a Master Cooperative Agreement to National Guard Bureau contemplating in one section of the agreement that the federal government would reimburse California for State Defense Force efforts in support of mobilization of Guard units at Camp Roberts. The California State Military Reserve has some dentist and medical doctor members that would be willing to provide mobilization dental and medical reviews (fully to Army standard) for the cost of travel and per diem reimbursement, but these services are rejected, reportedly because that would have money going to the State Defense Forces in violation of 32 U.S.C. Section 109. Well, 32 U.S.C. Section 109 is on it’s face a “in time of peace” statute and mobilization of troops headed for combat certainly wouldn’t appear to be an appropriate situational application of that statute. The bottom line is that our federal government gets to go out and contract with some of the same people (private dentists and doctors that are CSMR members) at a market rate price for their services and tens of thousands of our tax dollars are needlessly wasted. The

⁸³ MG Scott Johnson, 40th I.D. Commander, remarks upon his promotion to Major General, Joint Forces Training Base, Los Alamitos, January 7, 2011, noting California’s four seasons.

⁸⁴ National Guard Regulation 10-4, paragraph 5.c. (21 September 1987).

situation doesn't completely preclude our utilization of lawyers in the CSMR to provide services as we utilize a specific authorization from the Office of The Judge Advocate General to provide legal assistance services through private volunteer attorneys. It certainly does, however, affect our lawyers when they find themselves willing to give their time but denied travel and per diem payments that would allow them to not have to actually go "out of pocket" to provide the needed service to our mobilizing Guard troops.

Another example concerns Common Access Cards (CAC) that allow California State Military Reserve members to come onto a military facility, such as Camp Roberts or the Joint Force Headquarters in Sacramento, and do work that includes utilizing a Department of Defense computer system. Computer security is obviously a critical issue and the California State Military Reserve goes so far as to get a "Live Scan" fingerprint review for every person joining the active militia organization. The California State Military Reserve absolutely supports having appropriate security clearances for any and all members obtaining access to any military facility or Department of Defense computer system. The CSMR functioned successfully for some time period with CAC cards obtained for those that needed them only to find the organization told that we, the California State Defense Forces that could be disciplined by military courts-martial for not doing our jobs, would now be categorized the same way a Red Cross volunteer (who could quit and walk away from their job anytime they wanted with no discipline resulting) would be categorized and we'd need to get Volunteer Logical Access Cards (VOLAC) that had to be renewed at a cost of \$35 per card every six months. At our current strength, this requirement means the California State Military Reserve needs to spend \$70,000 a year we don't have to get VOLAC cards. And to add insult to injury, all the VOLAC cards will be set to expire at the same time in the middle of the upcoming fire season.

In light of these points, the militia needs to reclaim a position that will honor the Constitutional design to have militia and to actually utilize all of the militia, not just the National Guard that is currently an operational reserve of the regular Army and the regular Air Force, as part of providing for the common defense. The Montgomery Act, the *Perpich* case, and the mobilizations of the Guard since "9/11" show that we have the clear legal basis for utilizing the organized militia, the National Guard, as an operational reserve force. The recent experiences (post 9/11) of utilizing the National Guard for the airport security missions, border security missions, Kosovo security, Sinai peacekeeping operations, Guantanamo facility support, and regular rotations into combat zones have validated that forces trained as militia can effectively accomplish any and all federal military missions. The historical anti-militia force arguments (state control blocks federal usefulness, the militia isn't an effective fighting force, militia officers aren't good enough leaders, and militia are not a dependable reserve force) are simply not effective arguments in 2011. Congress having the power over the militia expressed in the Constitution, Congress can and should pass legislation to insure that a truly well regulated militia exists and to remove any legal impediments to utilization of the militia to the maximum extent possible.

Any and all militia units organized by Congress certainly need to be well regulated militia. In regard to creating a well regulated militia, Congress has already created the National Guard and labeled it the organized militia. With the ability of the National Guard to potentially serve in any of the legal statuses for military duty in the United States in 2011 (U.S.C. Title 10 service, U.S.C. Title 32 service, and State Active Duty) across the entire spectrum of operations, the number of available National Guard troops to be used to provide for the

common defense should be maximized. Such action would be consistent with the founding fathers' design of using the militia as the reserve for our military forces and would recognize that a force that can readily accomplish both federal and state missions is a more valuable force to our society than one which can only accomplish federal missions. This maximization would be accomplished by Congress passing legislation to convert all of the currently existing U.S. Army Reserve and the U.S. Air Force Reserve units into National Guard units. Congress will have all of the formal reserves the regular Army and Air Force needs, Congress will give the states the burden of paying the small current state share of training costs as the cost for having potential access to these troops for state military duty, and Congress will maximize the presence of these well regulated militia forces in the states to the general benefit of meeting all of the common defense needs of society.

As we have already seen, Congress does not have the Constitutional ability to eliminate all state militia beyond the National Guard but does have the ability to preclude states from maintaining in peacetime a regular standing army, even a small one maintained only for defensive purposes. State militia units that are not part of the Guard, including what are currently authorized as State Defense Forces, should be called "active" militia and should be regulated by Congress. Regulation can be accomplished as simply as by using the same language California uses in stating⁸⁵ that all acts of the Congress of the United States relating to the control, administration, and government of the Army of the United States and the United States Air Force, and all rules and regulations adopted by the United States for the government of the National Guard, so far as the same are not inconsistent with the rights reserved to the State and guaranteed under the Constitution of the State, constitute the rules and regulations for the government of the active militia. Making all of the active militia subject to the Uniform Code of Military Justice is appropriate and can be accomplished by using similar language to California's provision⁸⁶ that the Uniform Code of Military Justice and the rules and regulations thereunder, together with the Manual for Courts-Martial, United States, shall govern and be applicable, except as otherwise provided in regulations adopted by the Adjutant General, to the active militia. These active militia units may be directly mustered into active federal service whenever the President deems necessary to suppress insurrections and repel invasions. Congress has already expressed the policy position, through the Posse Comitatus Act⁸⁷, that federal troops should not be used to execute federal law within the territory of the United States. But as any active militia can, in theory, be mustered into federal active service under the appropriate circumstances, it is proper for all active militia to swear to support and defend both the federal and applicable state Constitutions.

To insure that militia organizations that have not been organized by Congress are all "well regulated", Congress should pass legislation specifically requiring that any and all active state militia units that have not been organized by Congress fall under the command of The Adjutant General for the state (or territory or district having an Adjutant General) where the unit is located, that all active state militia units that are not National Guard require specific written approval from The Adjutant General to exist, and that all individual active militia members swear to support and defend both the federal and applicable state Constitutions. To further make it difficult for rogue militia units to recruit members under the false pretense of being a

⁸⁵ California Military and Veterans Code, Section 101.

⁸⁶ California Military and Veterans Code, Section 100.

⁸⁷ 18 U.S.C. Section 1385, passed June 18, 1878.

legitimate Constitutional militia unit, Congress should outlaw the utilization of the terms “state guard”, “state militia”, “state defense force”, or “militia” in regard to any recruiting efforts for any organization not falling under the command of The Adjutant General.

Congress should add language to 32 U.S.C. Section 109 to clarify that the current statute is no legal impediment to cooperation, interaction, or support to or from State Defense Forces (or other active unorganized state militia units) when the nation is not in a time of peace.

To continue to capture the military talents of already trained forces that are moving into the Retired Reserve, Congress should allow members of the Retired Reserve that are under 60 years of age to join an active unorganized state militia unit and drill for additional retirement points (for example, one drill per month and one week of active training/service for 19 potential retirement points a year). Such an action would facilitate keeping fully trained forces readily available and actively contributing to the common defense force. To facilitate such volunteerism even in states that choose not to create active unorganized state militia units, Congress should require all active unorganized state militia unit members to be legal citizens of the United States but preclude states from requiring their active unorganized state militia unit members to be residents of the state where they are choosing to serve. If someone qualified to serve in such a militia unit but living in Kansas City, Kansas wants to join and serve in a unit in Kansas City, Missouri, or if someone in Stateline, Nevada wants to join and serve in a unit in South Lake Tahoe, California, are they not still positively contributing to the common defense?

Congress should recognize all active State militia units, not just the organized militia known as the National Guard, as part of the Department of Defense. With State militia units all falling under the command of the appropriate Adjutant General and the National Guard Bureau already serving as the coordinating agency for the organized militia units under the Adjutants General, the National Guard Bureau should continue to serve as the coordinating agency for all militia units, whether organized and unorganized by Congress. Active unorganized state militia forces would be fully functioning forces that could be planned in for assisting in non-Title 10 missions such as the airport security or border security missions, relieving National Guard troops in a fashion that would help keep those Guard troops fresh for their next upcoming deployment.

If active unorganized state militia forces exist in a state, then those forces can be properly included in plans concerning homeland security. A United States Property and Fiscal Officer (USPFO) for each of the 54 National Guard organizations is already in place and already tasked to be the “grants” officer. The USPFO could readily be tasked to control the funds that might flow from the Department of Homeland Security to active unorganized state militia forces that were viewed as viable homeland security forces. The actual facility and equipment costs for active unorganized state militia forces should prove to be very nominal. The unorganized state militia units can drill on weekends that aren’t National Guard drill weekends, utilizing facilities, equipment and arms that already exist and are in place for use by the organized militia, the National Guard.

CONCLUSION

A review of the Constitution's language on the militia, along with a review of the history of the militia, confirms that our founding fathers contemplated a common defense system that had state militia playing an active role. The organized militia, the National Guard, should be expanded to the maximum extent possible as National Guard forces can perform across the greatest spectrum of military force needs, are a fully proven operational reserve force, and are a better value for our society than straight federal reserve forces that cannot be readily utilized for necessary state missions. The successes, however, of the current organized militia, the National Guard, do not negate the need for active state militia units that have not been organized by Congress but which appear to be capable of providing a very cost-effective armed, disciplined, and well regulated military force that could contribute much to our common defense system if Congress takes various proposed actions, including recognizing active unorganized state militia units as a proper part of the Department of Defense. Absent such actions, the state militia units that are not organized militia will continue to struggle and much of the military talents and volunteer spirit of our citizens will simply never be discovered, much less effectively utilized.

**RESERVE FORCE TRIALS, TRAUMA AND TRANSITIONS:
EXAMINING THE MODERN DEPLOYED RESERVE FORCE
MENTAL HEALTH SUPPORT NEEDS
(EMERGENT ROLES FOR THE STATE DEFENSE FORCE)**

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ABSTRACT

*In an address to the graduating class of the Michigan Military Academy, 19 June 1879, General William Tecumseh Sherman stated “I’ve seen cities and homes in ashes. I’ve seen thousands of men lying on the ground, their dead faces looking up at the skies. I tell you, **war is Hell!**” (Brown, 1933). He referred to the hell of combat and what is now referred to collateral damage. But there are two kinds of hell; that hell experienced by the Reserve Force warrior and his or her family during the deployment cycle and that hell they experience after deployment when the Reserve Force veteran seeks treatment for the symptoms of traumatic brain injury (TBI) and/or posttraumatic stress disorder (PTSD). The problems and possible solutions are explored herein.*

INTRODUCTORY THOUGHT

It is generally thought that Posttraumatic Stress Disorder, “... an anxiety disorder that some people get after experiencing a dangerous event. . . ,” occurs at or somewhat after that traumatic event (UMASS Medical School, n.d.; National Center for PTSD, 2012), yet does it? The National Center for PTSD suggests that only some will develop PTSD following the event, depending on:

- How intense the trauma was or how long it lasted.
- If you lost someone you were close to or were hurt.
- How close you were to the event.
- How strong your reaction was.
- How much help and support you got after the event.

Consider, not for research ad infinitum but for incorporation during examination and diagnosis, the possibility that the seeds for potential PTSD are sown during the emotional upheaval that may attend pre-deployment that jointly faces the warrior and family, and perhaps even more so for the part-time soldier who does not have familial comfort of the Active Force warrior.

THE HELL OF DEPLOYMENT

From the Militia to the Reserve Force

The American settler, later citizen always knew that protection of the homeland was the responsibility of the local militia. From the very first muster of 1636 through the French and Indian War of 1756, the Revolution of 1775, the Whiskey Rebellion of 1794, the Mexican War of 1847, the Civil War of 1861 and even all the way to global war on terrorism (GWOT) and Hurricane Katrina the “citizen soldier” in the local militia responded to the call (National Guard Bureau, n.d.; Sergeant, 1896).

In the 17th and 18th centuries, the era of small armies and limited warfare, members of the militia unit knew each other. They served in homogeneous home town companies. When they left their families they had each other for mutual support. When they returned home they worked together nurtured by their tightknit communities to restore their homes and properties to normal life. Their experience was shared in every sense of the word, in both their civil and military spheres of camaraderie.

The 19th century saw the first mass citizen mobilizations since Roman Republican times initiated by Napoleon. Armies swelled to monstrous size often absorbing both individuals and local volunteer militias into their unfamiliar and anonymous ranks. By the Civil War the only connectivity was that the soldier typically came from the same state. The earlier relationship no longer existed. Still, like Cincinnatus (Lucius Quinctius Cincinnatus, 2012), they left their “plow and farm” behind, returning after the crisis.

Today’s militia, the National Guard, is central to the Department of Defense (DOD) strategy to deter war, and combat terrorism by providing “operational capabilities and strategic depth to meet the nation’s defense requirements ...” (Department of Defense Office of Reserve Affairs, 2008; Adjutants General, 2011). The DOD Office of Reserve Affairs (2008) made this clear in its statement:

“... the Reserve components have been used in different ways and at unprecedented levels, most significantly after September 11, 2001, and the onset of the global war on terrorism. The demands of the persistent conflicts of the past seven years have been high—beyond the ability of the Active component to meet alone. The Reserve components have been relied on heavily to fill operational requirements—comprising close to 40 percent of forces in theater at the height of the mobilization. The role of the Reserves in the total force changed fundamentally.”

Twenty-first Century U.S. expeditionary troops in all anti-terror theaters were typically comprised of about 28% Reserve Force (RF) personnel including erstwhile militia (NG) and other reservists [from Table 1, below (Committee Staff, 2010, Table 2.1)]. This heavy reliance on citizen soldiers resulted in repetitious and prolonged deployment (Korb & Segal, 2011). These up-tempo cycles induced considerable stress and strain that can disrupt social lives of the former “weekend warriors” damaging relationships and disordering once familiar ways of behaving. The concepts presented herein, in part, focus on how prolonged and often repetitive deployments have traumatized and otherwise impaired the mental health of too

Table 1: Service Members Deployed by Component as of April 30, 2009

	Army	Navy	Air Force	Marine Corps	Coast Guard	TOTAL
Active component	582,733	320,140	269,220	209,175	3,539	1,384,807
National Guard	239,336	N/A	65,295	N/A	N/A	304,631
Reserves	125,595	33,891	38,056	37,602	228	235,372
Total	947,664	354,031	372,571	246,777	3,767	1,924,810

many part time soldiers who, due to geopolitical exigencies, found themselves standing as full time regulars upon occasion -- perhaps too many occasions (Chandra, et al., 2011; Chandra, et al., 2008; Wong & Gerras, 2010; O'Connor, 2009).

Impact of the Global War on Terror on the Traditional Militia Mission

The post “9/11” GWOT has generated two of America’s longest wars and has clearly changed the National Guard’s traditional role, which had been to support state needs under USC Title 32 (32 U.S.C., § 109; Commission on the National Guard and Reserve, 2008) and to stand as a strategic reserve under USC Title 10 (10 U.S.C., Chapter 13; National Governor’s Association, 2007). Their repetitive and often prolonged combat deployments as part of the all-volunteer force were necessary as they constituted almost one-third of all personnel involved in the now referenced “global contingency operation” (GTO) (Department of Defense, 2009a; Wilson & Kamen, 2009).

This watery designation belies the stark and stress saturated realities faced by soldiers engaged in struggles like those of their Viet Nam era fathers, that have no defined “front lines,” where each civilian -- man, woman, or child -- might be a hostile agent, assailant, or attacker waiting for any chance to ambush and annihilate, even at the casual or welcomed risk of self-extermination. The recent spate of green-on-blue killings are just one such example. These oppressive yet almost constant uncertainties, punctuated for some by moments of acute shock, raise stress levels to constants unmatched by any normative civilian experience in comparable time spans (Katz, et al., 2007; Manderscheid, 2007). The gnawing boredom of day to day-to-day routines punctuated by terrifying extremes (sometimes involving physical injuries that were un-survivable only a decade ago) can cause psychic damage that can follow the soldier home like a hidden parasite to emerge when the conditions are right to attack its host by triggering affective reactions (Lafferty, et al., 2008). These sometimes alter or even shatter comfortable pre-war patterns of family, workplace, and community life.

The Dual Life of the National Guard Soldier

Members of the National Guard live in two worlds. The citizen soldier is mostly a civilian and only an occasional warrior, floating between each status when called up or stood down (Harnett & DeSimone, 2011; Manderscheid, 2007; McNutt, 2005). They leave and re-enter their civilian roles and circles and their friends and family remain largely unaware of the soldier’s martial existence which is impenetrable to those unschooled by military culture and

the crucible of war. This lack of shared experience impairs the civilians' ability to recognize or understand the psychic wounds that scar too many returning NG soldiers and reservists.

Of course, active force regulars are not immune to these pressures: however, they are more inured to them. After all, they serve in combat with the same people that they worked with stateside. Although they too leave their families behind, but their loved ones are cocooned in military communities where they are socialized to the familiar values, risks and expectations of military life (Griffith, 2009). This creates a common culture that is increasingly distinguished from civil *otherness*. When deployed, Active Force warriors do not shift roles as such. Their passage to combat follows a more familiar corridor.

Reservists, on the other hand are more sharply uprooted (Jackson, 2009). Their dominant civil roles are temporarily suppressed and remain latent while in theater where they serve with other weekend warriors who they may know only causally. Now, they must embrace a highly differentiated set of war-role expectations that are less familiar to them than to their active duty counterparts who they must emulate. Even if the weekend warrior adheres to the drilled in guiding cues of more highly trained regulars, this may make them better prepared for battle, but possibly less prepared to revert to civil life (American Psychological Association, 2007; Goldich, 2011).

The difficulties of civil readjustment are compounded by the fact that their folks back home may also be less acculturated to the ways of war than are the families of regulars (Harnett & DeSimone, 2011). Their military support networks, if they exist at all, may be more attenuated by the family members' dispersion into increasingly diverse communities. They simply do not enjoy the strong institutionalized social support networks that bind Active Force military families together. Consequently, these family members are less able to realistically anticipate and deal with the personal after effects of war's often harsh vicissitudes, or help their loved ones deal with the invisible scars of war (Harnett & DeSimone, 2011).

It should be emphasized that most veterans--militia or not--successfully transition back from their normal life-skipping war zone experience (Eisen, et al., 2012). Still, although research is less than definitive, it is clear that too many veterans encounter a range of problems that, in many cases, appear to exceed community norms. Consider employment for example. One would think that returning warriors would be sought after by employers due to their skills, discipline, reliability, and can-do attitudes? Apparently not. They actually suffer higher unemployment rates standing at 31% for "veterans in the 20 to 24 age group ...:compared to the national average of the same age group at 15 percent ..." (McIlvaine, 2011). Although speculative, this gap may be due to employers' concerns about former *soldiers who may snap*, or who are somehow debilitated by PTSD, and other *problems of coping with their horrible experiences*. They might also worry that returned Guardsmen might be called up again. Other problems are less salient. For instance, one study found that returning Gulf War veterans were more prone to traffic accidents:

"Troops coming off deployment had 13 percent more at-fault auto accidents compared to their time before deployment, said USAA. The increase was largest among Army soldiers, at 23 percent, followed by Marines at 12.5 percent. Losing control of the vehicle was the most common type of accident" (Lienert, 2012).

Speaking more broadly, veterans seem to be overrepresented in the ranks of the homeless as well. One study found that veterans comprised fully 23 percent of the homeless population (Burt, et al. 1999). The National Coalition for the Homeless (2009). paints a grimmer picture, pointing out that “approximately 40% of homeless men are veterans, although veterans comprise only 34% of the general adult male population (The Greater Cincinnati Homeless Coalition, n.d.). Further research is needed to determine the representation of militia and reserves in these rates, but it may be conjectured that since mental health problems with substance comorbidities, which as we shall see, are higher among returning Reserve Force personnel, then similar representational asymmetries may be expected in the homelessness data.

As alluded to above the data regarding mental health issues are even more foreboding. Veterans suffer a number of problems disproportionately to similar demographic groups. Consider suicide, for example rates among active duty soldiers and veterans in the 17 to 24 year age range are nearly four times greater than non-veterans in the same age group (Gibbons, Brown & Hur, 2012; Bossarte, et al., 2012). This trend has been accelerating for uniformed personnel and reached highest point in July 2012, when the army reported 39 deaths, twelve of whom were Guardsmen or reservists (Kime, 2012). Previously in 2012, a total of 187 uniformed personnel had killed themselves, including 71 citizen soldiers (about 38%),

Other problems abound. Traumatic brain disorder (TBI) has been called the “signature injury of the Afghanistan and Iraq Wars” (Goodale, et al., n.d.). The various cognitive, behavioral, and social effects of TBI would be the subject of a separate paper. Other problems include domestic violence (Office of the Surgeon Multi-National Force-Iraq, 2009; Tanielian, et al., 2008); diminished family resilience (Lester, et al., 2012). Depression, PTSD, sleep disorders, and other mental adjustment troubles, both at work and at home, are widely addressed in the literature (Pigeon, et al., 2012; Seal, et al., 2007; Shen, Arkes, & Williams, 2012; Taneiljan, et al., 2008; Lafferty, et al., 2008), and alcohol abuse and other substance comorbidities (Eisin, et al., 2012; Hoge, Auchterlonie & Miliken, 2006). Although research dealing specifically with the NG is scant, one study of 596 Gulf War veterans, including 149 who were NG or Reservists, found that nearly 14% suffered from PTSD and nearly 40% may misuse alcohol (Elsen, et al., 2012). Other research shows that service people who experience multiple deployments have almost twice the incidence of PTSD than warriors with a single deployment (MacGregor et al., 2012).

In 2009 there were more than 1.1 million Reserve Force military personnel whose families must cope with the burdens discussed above (Hoseck, Cavanagh & Miller, 2006). Not only must they deal with chaotic separation problems, but they must handle the emotional pressures as well. This can lead to considerable stress affecting marriages and children with the latter complicating the former. And, although divorce rates don't appear to have trended up for Gulf War veterans (Karney & Crown, 2011), lifestyle changes can still trigger emotional exhaustion and multi-tasking demand overload. These pressures have been predicted to follow a five stage causal pattern broadly reflecting the deployment cycle (Pincus, et al., 2005). These stages are:

- (a) pre-deployment -- Beginning with “warning orders” and ending with relocation to an operational area, it may last as long as 12 months. This period vacillates between denial and anticipation of loss resulting in conflicts. Stage One requires family affairs to be set in order and possible fears about the separation to be confronted.
- (b) deployment -- Beginning with relocation and lasting a month, it consists of mixed emotions, disorientation, anger, abandonment, anxiety. Ability to communicate is a two-way door, on the positive side reduced anxiety and stabilization, on the negative side increased stress when issues remain unresolved and new events occur. Electronic participation in family events is a plus.
- (c) sustainment -- Beginning in the second month and ending in the fifth, it consists of increased support from family, friends, religious leaders, the military’s Family Readiness Group and others. Confidence increases with communication as long as topics that arouse anger and resentment are avoided. Children may exhibit negative behavior and mood while the parent is deployed.
- (d) re-deployment -- Beginning the month before coming home from deployment and ending with the return, it consists of anticipation and excitement on the one hand and concern over loss of independence and second guessing decisions made during deployment on the other.
- (e) post-deployment -- Beginning with arriving at home and ending from three to six months, it ranges from celebration to frustration. Following a honeymoon period there is a need to determine their new roles and a continuing family routine. Tension can result as the veteran attempts to regain his former role while the spouse becomes resentful over a possible loss of independence. This stage requires patience, communication, lower expectations, reacquainting among family members.

This model provides insight into how the family should and might react during a member’s deployment; a helpful tool when used to help planners reduce the practical and mental pressures of deployment. Recognizing this utility, Morse (2006) proposed a revised seven-stage model to account for multiple deployments, extended deployments and rapid re-deployments. These stages are: (a) Anticipation of Departure, (b) Detachment and Withdrawal, (c) Emotional Disorganization, (d) Recovery and Stabilization, (e) Anticipation of Return, (f) Return Adjustment and Renegotiation, and (g) Reintegration and Stabilization.

SUPPORT MEASURES

Understandingly, soldiers and their families need a variety of resources to assist them throughout the deployment stages. The most notable of these include The Yellow Ribbon Reintegration Program which was passed by Congress in 2008 (Public Law 110–181 § 582, 2008). This provides an array of information about various support events, resources, treatment programs, and other benefits (c.f., Appendix A). Augmenting this are the Joint Family Resource Centers that were established, in part, to support the military commanders, soldiers trainers and civilian volunteers who sustain the extensive system of unit affiliated, command sponsored Family Readiness Groups (FRGs) (Department of Defense Office of the Under Secretary for Reserve Affairs, 2008) and the Defense Center of Excellence Outreach

Center's OneSource (Defense Center of Excellence, 2009c). Unfortunately, reservists rarely have regular military peer support, which complicates reintegration (Lafferty, et al., 2008). These mixed teams provide mutual support and other resources to the *whole unit community*. FRGs provide ombudsmen, school and other liaison services; they establish phone and email networks, organize educational seminars and social events, and provide referral services that nurture the soldiers' and their families' sense of community in order to better deal with changes wrought by the deployment cycle (Department of Defense, 2011). Colonel O'Connor, USA, (2009) offers a series of recommendations to the Army to remove barriers to the care and treatment of mental health problems for soldiers and their families, and recommendations for Army follow-on studies.

The DOD has also developed a mental health assessment protocol to detect the presence and effects of PTSD and other physical and behavioral problems so that afflicted soldiers can receive the restorative experiences needed to lead competent and productive lives and have successful relationships (Department of Defense Task Force on Mental Health final report, 2007). Known, as the Post-Deployment Health Reassessment (PDHRA), these comprehensive screenings do not take place immediately upon returning home. Instead, the Reserve Force warrior (now veteran) receives healthcare where available from the military medical system; however, six months following return from deployment he must depend on such care from the Veterans Affairs (VA). Unfortunately, the veteran must live near a VA facility (Harnett & Gafney, 2011), which is often not the case. When the veteran depends upon health care from private healthcare he must seek leave from work, thus, some elect not to obtain needed treatment (Friedman, 2011).

A Measure of Posttraumatic Stress Disorder

In response to the report and the need it addresses the Department of Defense (DOD) has developed a sequence of health assessment tools to address its concern over the impact and effects of Posttraumatic Stress Disorder (PTSD), defined to be "... an anxiety disorder that can develop after exposure to one or more terrifying events in which grave physical harm occurred or was threatened. It is a severe and ongoing emotional reaction to an extreme psychological trauma ..." (Staff, n.d.), with some of the symptoms being hyper arousal, drinking, drugs, hopelessness, shame, despair, divorce, violence and employment problems (Veterans Affairs, 2007). Admiral Mike Mullen, chairman of the Joint Chiefs of Staff, said:

... he was particularly disturbed by the emergence of homelessness as a problem among war veterans and also was worried by a rising number of suicides among U.S. military members. "The trends are all in the wrong direction," he said, adding that "we're just at the beginning of understanding" how to deal with the psychological wounds and scars that military members incur during combat service. (Burns, 2009).

The sequence begins with a Pre-Deployment Health Assessment (PDHA), where all active duty and reserve soldiers deploying for more than 30 days are required to complete a pre-deployment health assessment form (DD Form 2795) within 30 days of deployment (Joint Medical Surveillance, 1997). The purpose of this screening is to review each service member's perceived current health, mental health or psychosocial issues commonly

associated with deployments, special medications taken during the deployment, possible deployment-related occupational/environmental exposures and to discuss deployment-related health concerns. This review is conducted by a trained health care provider (physician, physician assistant, nurse practitioner, advanced practice nurse, independent duty corpsman, independent duty medical technician or Special Forces medical sergeant). Positive findings require use of supplemental assessment tools and/or referrals for medical consultation.

The final step in the sequence of the assisted self-assessment is a Post-Deployment Health Reassessment (PDHRA) [Post-Deployment Health Reassessment (PDHRA) Program (DD Form 2900), 2011; Post-Deployment Health, 2006]¹ where active and reserve service members must be screened between 90 and 180 days (sometimes possibly both) after returning from certain qualifying deployments.

Following demobilization the veteran must depend on his NG or Reserve unit to conduct the PTSD testing; however, the NG functioning on state funds under Title 32 (32 U.S.C., n.d.), arguably has insufficient funds and medical staff to perform this function at consistently optimal levels. Twenty-three states have a volunteer military unit reporting to the Governor through the state's Adjutant General that can, as evidence shows, augment this function. These units, authorized under Title 32 (32 U.S.C., § 109) and their state legislature are designated the State Defense Force (SDF), with the mission to support their NG (sometimes they are designated as the State Guard or the State Military Reserve). Some of these units have the needed medical capability, but most do not.

NEW BEHAVIORAL HEALTH SUPPORT ROLES FOR THE STATE DEFENSE FORCE

In addition to relationships with various state health departments, universities and other agencies, the existing State Defense Force (SDF) units are also showing a capacity to support returning NG soldiers and airmen through their mission to support the NG, and to a lesser extent, VA clients. The SDF is a state military unit authorized to the states by Congress under Title 32 USC §109. Twenty three states currently maintain these lawful volunteer military units as part of the state military department in conjunction with their organized militia (which includes the National Guard in its non-Federal status). The SDF cannot be federalized and is constituted primarily for in-state duty, although it may serve out of state for domestic disaster relief and other civil support roles if its services are requested by another state's Governor through an Emergency Management Assistance Compact (EMAC) request (Nelson, et al., 2007). Although some SDF medical commands have served in many emergency services and other Defense Support to Civil Authority missions, their main function is to provide professional medical and behavioral health support to the National Guard (Nelson, et al. 2007; Nelson & Hershkowitz, 2007).

Currently, at least three states have robust medical commands (i.e., Maryland, Texas and North Carolina), and at least one these SDF units, the Maryland Defense Force (MDDF), has a behavioral health team with several psychologists, Licensed Clinical Social Workers and other mental health professionals who serve in a psychological/behavioral health company within MDDF's 10th Medical Regiment. It is important to note that the three SDF medical

¹ In some cases the Enhanced Post-Deployment Health Reassessment DD Form 2796 may be used first [Enhanced Post-Deployment Health Assessment (PDHA) Process (DD Form 2796). (2008)].

commands mentioned above are also dually-hatted as Medical Reserve Corps units which are part of a larger network of over 200,000 volunteers in more than 970 overwhelmingly civilian units across the country (Medical Reserve Corps, 2012).

One of MDDF's most important health support roles has been taking a lead in providing Post-Deployment Health Reassessments (PDHRAs) that have been required by the DOD since 2005 (McCarthy, Thompson, & Knox, 2012; Post-Deployment Health Reassessment, 2006), as described above. Briefly, the PDHRA must take place between three and six months after a service member returns from Iraq or Afghanistan. The PDHRA does not involve an actual physical. Rather, it is a process that collects data from returning soldiers and airmen via an online structured interview questionnaire based on DOD health self-assessment Form 2900 (Nelson, 2007; BUMED, 2006). This form is designed to systematically identify poorly healed injuries, chronic health problems, depression, anxiety, PTSD, alcohol abuse and suicidal risk factors among other health and behavioral problems (Loftus as cited in McCarthy et al., 2007). Once a soldier has completed the questionnaire, a provider conducts a further interview to identify any adjustment issues including "family and social adjustment." In Maryland, the form is then reviewed by an MDDF mental health professional (Post Deployment Health Reassessment Program, 2006). These assessments have been credited with uncovering a staggering number of physical, and, in terms of the present focus herein, behavioral health problems.

Consider that nationally, over 1.6 Million services personal have returned from tours of duty in Iraq and Afghanistan. Of these, nearly 19% have been identified as suffering mental health issues including depression and PTSD (Southwick, et al., as cited in McCarthy, Thompson, & Knox, 2012). A recent Associate Press release (Marchione, 2012) states that "... A staggering 45 percent of the 1.6 million veterans from the wars in Iraq and Afghanistan are now seeking compensation for injuries ..." more than double an earlier 21%; however, the release states that others believe that the dramatic increase is due to the economy and lost or unavailable jobs. A counter position is suggested by a Seattle Times release (Bernton, 2012), where "... soldiers under consideration for medical retirement complained that their original PTSD diagnoses were reversed by a screening team, with some of the soldiers labeled as possible malingerers ..." causing "... a major review of post-traumatic stress disorder (PTSD) and other behavioral-health diagnoses received by soldiers evaluated for medical retirement ..." and that the system is broken (Howell, 2012) with 886,000 claims in backlog.

The 10th (MDDF) Medical Regiment's PDHRA work not only supports these statistics, but, more broadly, illustrates a potentially important and demonstrably viable role that SDF units can play in helping assess and monitor their state's returning warriors. MAJ William M. Fox, the Deputy State Surgeon for the Maryland Army National Guard deemed these volunteer provider services to be "invaluable" to meeting the National Guard's health service needs (personal communication, February 9, 2012). The MDDF's involvement began in 2006 when 11 MDDF personnel were initially trained by the Maryland Army National Guard PDHRA program manager to administer and review the questionnaire FORM 2900. Many more have since been trained and have participated in regular PHDRA missions. The NG has stressed the need for these medical personnel be issued either Common Access Cards (CAC) so that they can use the military computers to enter the assessment data, or in other cases (e.g., physician assistants involved in Periodic Health Assessments and PDHRAs) to be issued

Volunteer Logical Access Credentials (VOLACs). Both cards provide MDDF volunteers essential information technology (IT) access, but the CAC contains a picture ID that is required for frequent service in restricted areas for which more than a handful of MDDF medical providers have been cleared. Regardless, these cards are essential for MDDF volunteers to reach their “maximum point of effectiveness” in servicing the Maryland National Guard’s health service missions, including PDHRAs.²

The first PDHRA screening involving the MDDF took place in December 2006 at the Baltimore Medical Center when 95 NG soldiers from the combat tested 243rd Engineering Company showed up for this review six months after their return from Iraq (Nelson, 2007). After filling out the form, the soldiers met with MDDF behavioral health team members to further assess their socioemotional needs (Nelson, 2007). Seventy one of the 95 soldiers were identified as needing additional care, including 31 who needed mental health treatment—a rate that far exceeds the national norm of 19% reported above. After the interviews, the SDF practitioners, as a matter of standard practice, made referrals for further treatment or evaluation, and the reports became part of the returning soldiers’ medical record. The resulting data set is ultimately entered into the “Defense Medical System Surveillance data base” (Milken, Auchterionie, & Hoge as cited in McCarthy et al. 2012).

The many subsequent PDHRAs involving MDDF providers have revealed rates much closer to the national norm than the exceptionally high rates effecting the 243rd Engineering Company. Consider, for example, the first combined PDHRA in Maryland involving National Guard Airmen and Soldiers which took place on May 7, 2011 at the Baltimore Veterans Administration Center. Five MDDF medical providers and two MDDF behavioral health providers assisted in the assessment of 13 MDANG Airmen and nine MDARNG soldiers. This small group resulted in six medical referrals (27%) and four psychological assistance referrals (19%), that match the aforementioned national rate cited above.³

Research on the effectiveness of the PDHRA program at any level is scant. Although MDDF providers seem to be matching or exceeding the average national problem identification rates, some researchers argue that the process in general has room for improvement. One recent study, for instance, suggested the while the assessment instrument is at least “moderately effective” in some domains, that improvements in the questionnaire’s “sensitivity and specificity” should be pursued (McCarthy et al, 2012, p. S60). Still, these researchers concluded that the PDHRA is “central to maintaining healthy military population and decreasing the risk for suicide” (McCarthy, et al, 2012, p. S61). This coupled with the evidence of the MDDF’s critical contributions to Maryland’s PDHRA review processes clearly argue for an expanded role for SDF medical commands across the nation. It also suggests, at least indirectly, that there may be a role for the Nation’s civilian Medical Reserve Corps who explore by partnering with their respective state’s National Guard. The issue of deficits in the PDHRA process will be further explored below.

Span of Potential SDF Professional Health Support

² Major Fox also noted that the issuance of CAC and VOLACS allows the NG to quantify and demonstrate the financial impact.

³ Colonel Walter Hettinger, M.D., Commander, 10 Medical Regiment provided this information through personal communication.

Although the MDDF 10th Medical Regiment's professional support has focused primarily on PDHRAs, and, to a slightly lesser extent routine periodic health assessments (PHAs) and flight physicals, the mental/behavioral and psycho-social support provided by the MDDF to the Maryland National Guard extends throughout the deployment cycle and involves a wide array of community outreach and training interventions. This has involved MDDF participation in state and national committee memberships on veterans' behavioral health issues and National Guard deployment issues. Notably, an MDDF psychologist⁴ took the lead behavioral health assessment role on the Adjutant General's Health and Safety Council spearheading a report on the strengths, weaknesses and opportunities for improvement concerning various National Guard behavioral health programs, including:

- Suicide prevention.
- Domestic violence.
- Sexual harassment and assault.
- Substance abuse.
- General mental health climate on operations.

In addition, members have responded to specific requests for mental health assistance for crisis incidents around the loss of deployed service members and family support activities, including those falling along the entire deployment cycle. A systematic review of the scope of MDDF support follows.

Pre-Deployment Phase

The pre-deployment timeline includes any period after a National Guard unit receives orders and training begins until the unit leaves the country. The members of the 10th Medical regiment have been very active in both developing training modules and sessions for pre-deployment briefings for soldiers and their spouses and significant others. They have also participated as presenters/facilitators of those psycho-educational modules. For example, a member of the regiment, a psychologist,⁵ co-developed the resilience briefing which was delivered in workshop format as a core component of the pre-deployment event for deploying Maryland National Guard units.

Deployment Phase

During deployment, members support the Guard's mission by developing and delivering Family Readiness briefings for spouses of deployed members.

Demobilization: Arrival Back in Country

The demobilization phase begins upon arrival back home and ends a brief time after that when soldiers are discharged home. Members from the 10th Medical Regiment have participated in this phase. During a briefing event at Fort Dix, New Jersey on the subject they

⁴ Major Wayne Hunt, Ph.D.

⁵ Christine Harnett, Ph.D.

attended as mental health support for the debriefing team composed of military members and civilians; essentially, this function was to be on-call for any mental health emergency that might arise.

THE HELL OF MENTAL/BEHAVIORAL HEALTH ISSUES POST DEPLOYMENT

The Invisible Wound: A Critique of the Current Mental Health Support Network.

Posttraumatic stress disorder is no longer treated as the Gulf War **equivalent** of “Agent Orange,” although the Torah describes battle hysteria and the Priest Anointed for War in Deuteronomy 16:8-21:9 (Trachtman, 2008). The Department of Defense has recognized it as a serious and debilitating illness and is establishing programs to diagnose and treat it. Active duty military are diagnosed and treated in military hospitals, while the National Guard and Reserve military are diagnosed and treated by their respective commands. As shown above, despite expanding partnerships and drawing on new levels of volunteer state militia available to some states, most states are not fully prepared to meet this need, so many National Guard troops are not receiving the treatment that they need, which appears to be the case for the Reserves as well. The Department of Veterans Affairs is designated as the agency to provide this service; however, many veterans are not using their program for a variety of reasons. Described herein is a program to identify, examine, diagnose and provide outpatient treatment to those Reserve Force warriors no longer eligible for military medical treatment.

The Department of Defense Task Force on Mental Health final report (2007) found that:

“Among the most pervasive and potentially disabling consequences ... is the threat to the psychological health of our nation’s fighting forces, their families, and their survivors. Our involvement in the Global War on Terrorism has created unforeseen demands not only on individual military service members and their families, but also on the Department of Defense itself, which must expand its capabilities to support the psychological health of its service members and their families.”

And that:

“The system of care for psychological health that has evolved over recent decades is insufficient to meet the needs of today’s forces ... and will not be sufficient to meet their needs in the future.”

Complications in the Program

The Program design appears to be implemented as a meaningful operation rather than what is all too often the typical bureaucratic application of a Congressional “mandate.” There is no research nor are there individual reports that speak to such failings. Rather, articles and reports that speak to consistent implementation across the services. An example of this trend is one from the U.S. Navy, where Vice Admiral Adam Robinson, Jr., U.S. Navy Surgeon General, in speaking of the Program (NMCSO, 2007) stated that:

“Navy Medicine is already in the process of making the changes recommended by the Mental Health Task Force ... We are moving forward to enhance our current culture to ensure it continues to more fully develop and support a state of robust psychological health throughout the Navy and the Marine Corps, and that is consistent across the Services.”

Yet, the reality is that the Program is in jeopardy of not obtaining its goals. The reason was stated in the DOD Task Force report, “the system ... is insufficient to meet the needs of today’s forces ... and will not be sufficient to meet their needs in the future” (Department of Defense Task Force on Mental Health, 2007). The Program needs physicians, nurses, psychologists, health service personnel and chaplains. Yet today and into the future there are critical shortages in all those categories within the military: physicians, psychologists, dentists (Philpott, 2006); nurses (Cooper & Parsons, 2002); chaplains (Hershkowitz, 2007; Hershkowitz and Tenenbaum, 2008). The Canadian military reports much the same problems (Staff reporter, 2008).

The Pentagon has reported that “... the military’s cadre of mental-health workers is ‘woefully inadequate’” ... “National Guard and reserve members ... face ‘particularly constrained’ access to clinical care as well as to the military chaplains and family support networks ...” (Tyson, 2007). “Colonel Peter Duffy, with the National Guard Association of the United States, said reservists returning from deployments do not have the same access as active-duty members.

M. Audrey Burnam, et al., (2009) observed in *Health Affairs*, “Despite recent efforts to increase access to appropriate mental health care for veterans returning from conflicts in Iraq and Afghanistan, many challenges remain. These include veterans’ reluctance to seek care, insufficient mental health workforce capacity and competency in evidence-based practice, and inadequate systems support for improving care.

A significant research effort recently released by the RAND Corporation explores the need in great detail and concludes that this meaningful program is in jeopardy due to lack of resources, inability to ensure quality of care and a sense that the availability of rehabilitative facilities may not be prepared to treat the problem (Tanielian & Jacox, 2008; Tanielian, et al., 2008):

“... identified gaps in organizational tools and incentives that would support the delivery of high-quality mental health care to the active duty population, and to retired military who use TRICARE ... In the absence of such organizational supports, it is not possible to provide oversight to ensure high quality of care ... OEF/OIF (Operation Enduring Freedom/Operation Iraqi Freedom) veterans report feeling uncomfortable or out of place in VA (Veterans Affairs) facilities (some of which are dated and most of which treat patients who are older and chronically ill) ...”

In addition to diagnosing and treating military suffering from PTSD-TBI, DOD has established an organization, the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE), that, among other missions, is addressing the issue of stigma,

“Stigma presents a significant barrier to seeking out mental health care, particularly in the military, where many service members have concerns about the impact of documented mental disorders or mental health care on their careers.” (Defense Center of Excellence, 2008):

“DCoE Mission: ... assesses, validates, oversees and facilitates prevention, resilience, identification, treatment, outreach, rehabilitation, and reintegration programs for psychological health (PH) and traumatic brain injury (TBI) to ensure the Department of Defense meets the needs of the nation’s military communities, warriors and families.”

The Washington Post reported that “... The military is also battling a crisis in mental-health care. Licensed psychologists are leaving at a far faster rate than they are being replaced. Their ranks have dwindled from 450 to 350 in recent years. Many said they left because they could not handle the stress of facing such pained soldiers. Inexperienced counselors muddle through, using therapies better suited for alcoholics or marriage counseling ...” (Priest and Hull, 2007).

Colonel Richard Thomas, the director of health services at Fort Campbell, has roughly doubled his authorized staff of psychologists and behavioral specialists to 55 and is trying to hire a few more. “I think we have enough staff to meet the demands of the soldiers here, but I could use more, and I’ll hire more if I can.” (Baldor, 2008).

A recent Time, Inc., news release reported that “... It’s not easy for soldiers to admit the problems that they’re having over there for a variety of reasons, ... If they do admit it, then the only solution given is pills ... (from the Army’s fifth Mental Health Advisory Team report) ... about 12% of combat troops in Iraq and 17% of those in Afghanistan are taking prescription antidepressants or sleeping pills to help them cope ... (quoting Colonel Charles Hoge the top Army psychiatrist) ... Nearly 30% of troops on their third deployment suffer from serious mental-health problems ... “ (Thompson, 2008).

The Reality

Recognizing the need, yet unable to resolve it, the active duty and reserve forces struggle to conduct the elements of the Program. Personnel from the Department of Veterans Affairs are used to augment the DOD staffs (Department of Veterans Affairs, 2006) and contracts for civilian personnel are let as well. The Uniformed Corps of the Public Health Service has pledged its medical and health personnel in support of the PDHRA Program (U.S. Public Health Service, 2008). Still, there are insufficient personnel to fully staff the needs of the Program.

Representative Bob Filner, the head of the House Veterans Affairs Committee, in speaking of General Shinseki’s appointment to head the Department of Veterans Affairs (DVA), quoted a RAND report (Leopold, 2008):

"There is a major health crisis facing those men and women who have served our nation in Iraq and Afghanistan ... Unless they receive appropriate and effective care for these mental health conditions, there will be long-term consequences for them and for the nation. Unfortunately, we found there are

many barriers preventing them from getting the high-quality treatment they need."

As mentioned above some, The State Defense Force (SDF)⁶ are trying to help fill the gap, and so are many more civilian partners. These efforts show some promise, but are unlikely to even begin to realistically meet the need. They, are not widespread nor quickly proliferating.

Anecdotal Support for the Reality

A series of news media interviews provide some insight into the scope of the problem and into some of the reasons that the currently designed PDHRA Program cannot fully succeed without additional support:

- "... More than 80 percent of people serving there have witnessed or been a part of a traumatic event ... Minor family arguments, disagreements, detachment from their family members, all the way to the divorce rate ..." (Felder, 2007).
- "... A few years into the war, Laural had a mental breakdown and a short hospital stay. That's when Brian decided to retire. He left the Army at the end of last year. The Millers would like to be able to say the problems ended there. But the emotional and financial cost of their war were high" (Baer, 2008).
- "... Families are often the next to fall victim. Psychologist Harriet Zeiner says nearly two-thirds of the severely wounded will wind up divorced in less than a year ... And, for those who don't get the treatment they need, who don't reach out for help, it can be life-threatening ..." (Cooper, 2007).
- "... The mental-health unit didn't open for an hour. In her suicidal state ... was told to wait ... told her story to five different psychologists. None ... offered therapy or relief ... medical students wanted to "present her" to the staff as an interesting case ... a military and VA surgeon, was shocked ... to see a staff so unfamiliar with post-traumatic stress disorder, given the hospital's proximity to several military posts ... (Priest and Hull, 2007).
- "... According to a recent American Psychiatric Association report ... More attention has been paid to the mental health of American troops in Iraq and Afghanistan than in any previous war. Yet shame remains a significant barrier to military personnel and their families getting the psychiatric treatment they need ... service members often find it easier to seek therapy outside the military setting than within it ... (and for the) mental health of military spouses ... about 70% ... said they worried that their loved ones would be harmed or killed in battle. But nearly two-thirds also reported that handling domestic issues alone or being a single parent was a major source of stress ..." (Kingsbury, 2008).

⁶ The State Defense Force is a USC Title 32 (32 U.S.C., § 109, 1955) authorized volunteer military organization reporting to the Governor through the State Adjutant General, often with missions to support the National Guard and through it homeland security.

- "... During the first week of the war in Iraq, a Military Times photographer captured the arresting image of Army Spc. Joseph Patrick Dwyer as he raced through a battle zone clutching a tiny Iraqi boy named Ali ... rather than going on to enjoy the public affection for his act of heroism, he was consumed by the demons of combat stress he could not exorcize ... the battle for his own health proved too much to bear ... (o)n June 28, Dwyer, 31, died ... of an accidental overdose..." (Kennedy, 2008).

ELEMENTS OF A PROPOSED PTSD TREATMENT PROGRAM

It remains clear that the DOD PTSD Program is well designed, was implemented with the intent to succeed and to be a meaningful health assessment and treatment effort. Unfortunately, it is becoming equally clear that the Program is in jeopardy of failing due the lack of trained resources and the lack of a variety of supportive elements that would facilitate the soldier and the soldier's family to enter into the Program and receive its full benefits. If the program for active duty military is in jeopardy, the diagnosis and treatment for the NG and Reserve military might be considered to be fractured (Burnam, 2009; Maze, 2008; Hoge, et al., 2008).

The most needed elements are: more professional staff; better trained staff; complete mental health treatment facilities; elimination of stigma associated with problem identification and treatment; convenient access; convenient location of the mental health treatment facility to the family's home area; possible assistance for the soldier's family to obtain needed employment and/or schooling. Although some of these elements may be difficult to arrange, the more that can be put in place will ensure the likelihood of the soldier to recuperate and the soldier's family to weather this awful storm.

The RAND Report identifies four areas that need to be addressed in order to improve the program and enhance care (Tanielian & Jacox, 2008):

- "1. Increase the cadre of providers who are trained and certified to deliver proven (evidence-based) care, so that capacity is adequate for current and future needs ...
- "2. Change policies to encourage active duty personnel and veterans to seek needed care ...⁷
- "3. Deliver proven evidence-based care to service members and veterans whenever and wherever services are provided ...⁸
- "4. Invest in research to close information gaps and plan effectively ..."

All soldiers, sailors, airmen and marines may be subject to the problems brought on by PTSD; however, those on active duty and retired have DOD medical facilities available to them. National Guard and Reserve forces lose routine DOD treatment for PTSD 180 days following discharge or release from active duty (GAO Report to Congressional Committees,

⁷ The National Guard and Reserve forces should be included (author).

⁸ The National Guard and Reserve forces no longer on active duty should also be included (author).

2006). A contact representative for the VA Health Resource Center (personal communication, October 21, 2012),⁹ explained that National Guard and Reserve personnel suffering conditions that are clearly combat related, may pursue enhanced eligibility as a “combat veteran” beyond the 180 days (Department of Defense, 2011a). Although speculative, much anecdotal evidence suggests that this continued support may be difficult to obtain, at best,¹⁰ and the proposed augmentation services explored herein is looking to fill this service gap should it exist.

A further complication is caused by Traumatic Brain Injury (TBI) caused by a “... mild blow to the head that causes just enough of a physical injury that normal brain functions of memory, attention, mental organization and logical thinking can be compromised ...” while “... PTSD is an emotional injury in response to a traumatic event ...” “... Both can have similar symptoms, so at times, it can make distinguishing between the two very difficult ...” (Terri, 2007). The program proposed herein would treat all National Guard and Reserve troops displaying these symptoms until it is determined that the individual is suffering from TBI instead of PTSD, in which case the treatment staff would recommend the individual to an appropriate facility for further treatment.

It is most important to understand that the augmentation program explored herein does not intend to create a new non-military bureaucratic entity in opposition to the DOD-DVA PTSD Program. Rather, the concept is designed to: identify communities where NG and Reserve military suffering from PTSD cannot or will not use available DVA mental health resources; identify, examine, diagnose and treat as outpatients those NG and Reserve military living in or near those communities who have been exposed to conditions that may cause PTSD; provide the additional needed mental health resources to ensure proper diagnosis and treatment. These communities will have medical delivery systems that can accommodate additional work loads and provide the needed mental health diagnosis and treatment in that locale, which considerations are vital to the overall design.

The elements of this proposed PTSD augmented civilian effort are:

Professional Staff

Although the military’s reducing staff of competent professionals is being augmented by the Uniformed Public Health Service, the Department of Veterans Affairs and contract physicians and other specialists, and in some states, as discussed above, SDF volunteers, the problem is growing at a more rapid rate. What is needed is a single source of knowledgeable professionals in a local area.

Such a source would be a locale where there are several respected teaching hospitals and a distribution of local mental health treatment centers and/or psychiatric hospitals.

⁹ Rosemary Artzen.

¹⁰ The Compensation Benefits Handbook (Department of Defense, 2011a) lists seven general rules for assignment to a priority group for medical support beyond the 180-day threshold (p. 52). Four of the rules require a VA rated disability and the remaining three have a financial requirement with one of those having an additional requirement for exposure to ionizing radiation.

Through a suitable funding mechanism, these hospitals could increase their principal staff and attract many more students all in support of this program.

Training

Training is plentiful and available from military sources. Once appropriate professionals have been identified and brought on board, classroom and on-the-job training will be provided and within a short time the staff can begin functioning as needed, particularly: in the use and analysis of the DOD Form 2900 for measuring Post-Deployment Health Reassessment; in the use and analysis of the psychological and physical tools suitable for diagnosing PTSD; and in the use of psychological, physical and psycho-social methods for treating PTSD.

Mental Health Treatment Facilities

There are three possibilities for locating a mental health treatment center under this proposed concept: (1) utilize, convert or donate a portion of a wing of a teaching hospital; (2) establish a working relationship with existing mental health treatment centers and psychiatric hospitals in the region; or (3) build or rent an existing building dedicated to medical and health services to create a program-owned distinct mental health treatment facility in the region. In this manner the proposal will assist the DOD PTSD Program; however, the third option is unlikely due to cost, time delays and increased staffing.

The proposed program plans to assist the soldier's family by providing outpatient therapy for the spouse and children to assist in coping with the situation.

It is important to note that the intent of this proposed effort is to serve those soldiers not covered by DOD facilities and that it is oriented toward outpatient services. Those individuals determined by the treatment staff to need inpatient services will be transferred to a nearby Veterans Affairs Hospital or suitable psychiatric hospital or ward as appropriate and desirable.

Facility Location

Convenient access to the facility is important for both the soldier receiving treatment as well as the soldier's family. The concept discussed herein proposes to establish mental health treatment facilities located in major cities such as New York, Chicago, Los Angeles and in large multi-city regions such as Washington-Baltimore. From these major city locations the proposal plans to reach out into outlying cities within convenient commuting for the mental health treatment facility; thus, providing convenient PTSD support to a broader population of soldiers needing this medical support.

The rapid recovery of the soldier is closely intertwined with the proximity of the treatment facility to the home of the patient, which has an impact on the health of both the soldier and the soldier's immediate family. It becomes incumbent upon this proposal to establish suitable mental health treatment centers in convenient locations in order to encourage a complete and rapid recovery.

To demonstrate the potential of this approach a demonstration model or test-bed in the Baltimore-Washington corridor is strongly suggested.

Elimination of Stigma

The fact that the military has not been able to remove the stigma attached to receiving mental or psychological help presents a most complex issue, virtually impossible to achieve under normal conditions. This proposal believes that by removing the soldier from the military cocoon during the outpatient treatment process conducted in the home region, thus surrounding the soldier with immediate family, the stigma associated with suffering from a mental disorder would be greatly reduced. This would be more clear to the soldier and the Command if the soldier and the unit know that the soldier would be restored to his or her unit when the treatment is complete. Likewise, the soldier's promotion potential should not be adversely impacted.

Assistance in Obtaining Education for the Family

The soldier's rehabilitation depends on being assured that the family unit is well and living as normal a life as possible. By ensuring that family members needing or wanting employment and/or schooling are accommodated, the rehabilitative process has one less problem to interfere with the soldier's recovery. Accordingly, this concept proposes to assist the family in seeking and obtaining employment, educational opportunities and/or learning assistance while their family member is in treatment.

ANOTHER AVENUE TO TREATMENT: THE VETERANS COURT

For two decades, rehabilitative sentencing alternatives for criminal defendants, such as drug and domestic violence courts, have made positive inroads in reducing recidivism and costs associated with incarceration. According to a 2005 U.S. Government Accountability Office (GAO) Study, "problem solving" drug court rehabilitative programs, which permit treatment of addiction in lieu of incarceration, significantly reduced recidivism (U.S. Government Accountability Office, 2005).

The stressful experiences of combat duty in the wars in Iraq and Afghanistan do not necessarily end for veterans returning home. Many return with post-traumatic stress syndrome, other mental health concerns, or with drug or alcohol abuse issues, which have been exacerbated by military service. Sometimes a physical injury further compounds the stressors. Returning veterans are faced with family and employment issues that may stem from physical and mental impairments from their service. These physical and mental health conditions are associated with violent or non-violent felonies as well as misdemeanor crimes. Often, the veterans are in need of treatment and rehabilitative services which are available through the Department of Veterans Affairs (VA). The United States Bureau of Justice Statistics reported that in 2011 over 1.1 million veterans were arrested and as many as 10% were incarcerated (Noonan & Mumola, 2007).

Utilizing the therapeutic or treatment approach of problem solving courts as modeled on the first Veterans Court in Buffalo New York (Veterans Service Agency, n.d.), Delaware has established the very first statewide veterans court in the country that is both a diversion and probation court. No other court with this expansive capability exists in the United States. This court was established on February 18th, 2011 and meets twice a month with a current docket

of 38 participants (Administrative Office of the Courts, 2011). There have been two graduates at this stage and no failures.

The Veterans Court of Delaware has the authority to operate as a unique, problem solving court pursuant to Article IV, Section 7 of the Delaware Constitution (Delaware Code-a, n.d.) and under Title 10 of the Delaware Code (Delaware Code-b, n.d.). The court partners with the VA under Title 38 of the United States Code (38 U.S.C. § 6306, n.d.). The court will allow one who has been in the military, regardless of time frame, who has committed a violent crime such as assault or theft or other non-violent crimes to enter the program if approved by the Delaware Attorney General's Office. The case may be transferred from other counties to Kent County where the Court sits. The veteran is evaluated and may be recommenced for treatment at a VA or State facility depending on whether the serviceman is eligible for VA benefits. The program can be from six months to one year, and must meet in court each month to evaluated progress. If the veteran completes the program(s) required, he or she will graduate and the charges which are held in abatement are dismissed; if he or she is on probation before entry, that probation may be discharged.

A key aspect of the program is the mentorship component. To support the veteran through the court process, volunteer mentors are assigned. They are veterans themselves and assist the veteran to make appointments and be a person to call on when in need. The volunteer mentors are a crucial part of the process because they understand the stresses of military life and can offer necessary understanding, assistance and support through the difficult process of recovery.

The Court has achieved success due to the cooperation of the Delaware Attorney General's Office, the Office of the Public Defender, the VA and the resource agencies of the State of Delaware.

CONCLUDING THOUGHTS

Posttraumatic Stress Disorder (PTSD), the "invisible wound," is and will be for the foreseeable future a major concern for military medicine and Veterans Affairs as it is for police and firefighters and other occupations where the incumbent faces dangerous events. Consider the following:

- Notification of deployment begins a painful process within the family, particularly for the Reserve Force warrior's family who do not have the familial support of the Active Force warrior's family.
- The Reserve Force warrior deploys amongst troops he barely knows reducing the level of expected support from comrades.
- An horrendous event will occur.
- The painful process continues and perhaps compounds following return from deployment.

- DOD has developed a series of tests, discussed above, to measure the mental/behavioral health of returning warriors and augmented it in selected cases with the Minnesota Multiphasic Personality Inventory, Assessing Personality and Psychopathology (MMPI-2) (Ford, 2009).
- Questions have been raised about the use and accuracy of the PDHRA.
- Many NG commands do not have the expertise or funds to conduct the PDHRA testing effort.
- Some states have a Title 32 authorized volunteer military unit, the State Defense Force, and very few of those have the expertise.
- Identification, diagnosis and treatment of PTSD is considered to be a broken system; lack of trained mental/behavioral health professionals, disagreement among them on treatment methods, disagreement on length of treatment.
- Fear of stigma from being identified as a mental patient.
- Difficulty in accepting and/or receiving treatment from the VA.
- The need for a stigma-free complete program to identify, examine, diagnose and provide outpatient treatment for Reserve Force veterans who would otherwise not receive treatment.
- The Veterans Court is an interesting concept in assisting veterans displaying symptoms of PTSD who have committed a violent crime such as assault or theft or other non-violent crimes by sentencing them to appropriate treatment.

In summary: Who performs the mental health treatment, who restores the Reserve Force veteran to useful service is much less meaningful than the restored health of the armed force. By establishing a non-profit corporation that will seek private as well as public funds to perform its mission, the proposed corporation will face less constraints to implement the six (6) elements discussed in the text above. To convert a possible criminal conviction and incarceration into a mandatory treatment regimen through the Veterans Court program is a plus.

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Appendix A

SEC. 582. YELLOW RIBBON REINTEGRATION PROGRAM

The Secretary of Defense shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program ...

The Yellow Ribbon Reintegration Program shall consist of informational events and activities for members of the RCs of the Armed Forces, their families, and community members to facilitate access to services supporting their health and well-being through the four phases of the deployment cycle: (1) Predeployment, (2) Deployment, (3) Demobilization, (4) Postdeployment-Reconstitution ... The Secretary shall designate the Under Secretary of Defense for Personnel and Readiness as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program ...

The Under Secretary of Defense for Personnel and Readiness shall establish the Office for Reintegration Programs within the Office of the Secretary of Defense. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve may appoint liaison officers to coordinate with the permanent office staff.

The office may also enter into partnerships with other public entities, including the Department of Health and Human Services, Substance Abuse and the Mental Health Services Administration, for access to necessary substance abuse and mental health treatment services from local State-licensed service providers.
(HR 4986, 120-121).

EMERGENCY PREPAREDNESS EDUCATION USING FULL SCALE EXERCISES

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Abstract

Disaster response is a complex activity that requires the talents of professionals from across many disciplines, and from multiple organizations from many jurisdictions, primarily civil, but often military. Emerging partners in this “whole community” approach to disaster mitigation are the Nation’s State Defense Forces. These military organizations have unique capabilities that, as history shows, can be activated for disaster response. They have partnered with other key organizations in the community including academic institutions that provide land, physical infrastructure, and personnel who are also likely to be involved with local disasters that are either on campus, in the community, or both. Particularly suited to this civil-state military partnerships are academic institutions that offer health related programs of study. The purpose of this article is to describe the partnership that included a state defense force and an academic institution to develop full scale disaster exercises. The exercises included multiple state and local partners, faculty, and students, National Guard personnel, and community agencies.

STATE DEFENSE FORCE AND ACADEMIC PARTNERSHIP FOR DISASTER EDUCATION

Disaster response is a complex activity that requires the talents of professionals from across many disciplines, and from multiple organizations from many jurisdictions, primarily civil, but often military. A well-coordinated response requires education and planning for all team members (Department of Homeland Security, 2008). Ideally, education and training sessions will also include members of the community with whom the disaster response team is likely to serve during a disaster. Operations that include civilian and military groups combine professionals with unique language systems, radio systems, methods of communication, and general perceptions on the care and treatment of ill or injured persons (Grant & Secreti, 2007).

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The Maryland Defense Force's (MDDF) 10th Medical Regiment (10MEDRGT) has been actively engaged with Towson University's (TU) College of Health Profession (CHP) to develop a disaster simulation called Operation STAT. Operation STAT includes multiple units of the MDDF, faculty, students, and staff from TU, the Maryland Institute for Emergency Medical Services Systems, Maryland Army National Guard, the Maryland State Funeral Directors' Disaster Response Team, the Maryland Department of Health and Mental Hygiene, the Maryland State Police, the Baltimore County Emergency Management Taskforce, and multiple community partners. Operation STAT² tests the ability of TU and the MDDF to open and command a mass casualty medical surge treatment center on the campus of the University during a major mass casualty incident (MCI). The purpose of this paper is to discuss the benefit of Operation STAT in testing and improving the MDDF's and 10th MEDRGT's skills in disaster planning, acute disaster phase inter-group coordination, internal command and control capabilities, and potential response readiness. Operation STAT also highlights the benefits of volunteer state defense forces (SDF) in developing viable partnerships with civil and other military authorities to enhance the community's homeland defense and disaster preparedness infrastructure.

MDDF BACKGROUND

The MDDF is an active SDF with over 400 members who serve in a variety of units including the 10MEDRGT, Finance Corps, Chaplain Corps, Band, 121st Engineer Regiment, Information Technology and Communications Directorate, Judge Advocate Corps, and the Military Support Command (Maryland Defense Force, n.d.).

The MDDF is tasked with providing "competent supplemental professional and technical support to the Maryland Military Department (MIDMILDEP) and the Maryland Army and Air National Guard (MDNG/MDANG) as required" (MDDF, 2009, para. 1). As indicated, most members are professionals in their civilian careers, although there is a small cadre of enlisted personnel who perform various support roles. The 10th MEDRGT's routine MDNG/MDANG support activities include performing Periodic Health Assessments, Post Deployment Health Reassessments, Combat Life Support recertification training, and 24-7 medical coverage to the Officer Candidate School Annual Training program, among many other routine and special missions (Allely, 2006).

Since the September 11 attacks and Hurricane Katrina, the Air and Army National Guard as well some of the 23 active SDFs have greatly enhanced their homeland disaster response capabilities for natural or manmade disasters (Hershkowitz & Nelson, 2008; Nelson, Barish, Smalkin, Doyle, & Hershkowitz, 2007; Nelson & Arday, 2007). In Maryland, for example, two successive Adjutants General, who command all state military forces (as well as the Maryland Emergency Management Agency) have called upon the MDDF to train for, and perform as, an organized force multiplier to augment the MDMILDEP and civil authorities during a crisis. The 10th MEDRGT served in the Katrina disaster response (upon request of the Governor of Louisiana), and, more recently, was deployed to Maryland's Eastern Shore during Hurricane Irene. Illustrative of their many military support missions was their provision

² STAT is from the Latin term *statim*, meaning something intended to be done immediately (Dictionary.com, 2011). STAT also refers to "Save the Tiger at Towson," referring to the Towson Tiger (the campus mascot).

of round the clock field medical support to military personnel involved in the MDNG sponsored Operation Vigilant Guard 2010, a “full-scale regional disaster response and consequence management exercise” (Kastner, 2010, p. 2). The current 10th MEDRGT Commander has worked closely with the MDDF Commanding General to strengthen the 10th MEDRGT’s emergency preparedness role and readiness, as well as to expand non-emergency civil support functions and to develop humanitarian missions (Stanley Minken, Personal Communication, November 6, 2010).

MDDF MILITARY AND LEGAL STATUS

All volunteer SDFs, are neither civilian nor paramilitary organizations, but have a lawful military status. The status is authorized by Title 32 of U.S. Code Sec.109 which allows the states to maintain “other troops.” Despite the other troop designation, state laws invariably classify SDFs as third components of the organized militia, the other two being the Army and Air National Guard in their non-Federal status. SDFs are under the command of the state adjutant general who acts on behalf of the governor who, as commander-in-chief, bestows commissions on SDF officers. SDFs have a “state only” military status and have no federal active or reserve role, and cannot be “federalized except, *in extremis*, should the president exercise his constitutional and statutory emergency powers to federalize all state militias” (Nelson et al., 2007, p. 42).

Most routine MDDF community support roles, such as providing medical support at public events, or supporting emergency response or civil homeland defense agencies falls under the category of providing defense support to civil authorities (Kastner, 2010). For the 10th MEDRGT to participate in any function to assist civil authorities, a civilian entity must formally request MDDF assistance through Maryland Military Department channels. No MDDF unit can self-activate. If the activity is approved by the MDDF chain of command, the requesting entity must then file Department of Defense Form 2563, “Request for Armed Forces Participation in Public Events.” The form details the reason and expectations for employing the MDDF and is sent to the Military Department for approval by a panel of MDARNG officers. They notify the MDDF higher command who informs the 10MEDRGT commanding officer, who then appoints an Officer in Charge (OIC) for the requested event which kicks off the planning process (Bruno Conticello, personal communication, September 25, 2009). The process is the legal basis for the MDDF’s participation with academic institutions, including TU and Operation STAT, and also for the MDDF’s involvement in five mass vaccination clinics held at TU in 2009 and 2010.

Interestingly, the MDDF is the only SDF to be involved in supporting a NG unit to have participated in a Department of Defense civil/military peace promoting humanitarian activity. Members of the MDDF served in Bosnia in 2006 where they assisted Air National Guard personnel in treating over 2000 medically underserved patients.

The 10thMEDRT is also designated as a medical reserve corps (MRC) through the Office of the US Surgeon General (USSG). The MRC is co-sponsored by the MDDF, Towson University, and the Baltimore County Health Department (BCHD) (USSG, 2010). The 10thMEDRGT is a multidisciplinary unit composed of physicians, registered and licensed practical nurses, physician’s assistants, nurse practitioners, emergency medical personnel, behavioral health specialists, a pharmacist, dentist, and medical service officers, and

veterinarians. Partnership and education for disaster preparedness are key functions of MRCs and are priorities for public health (USSG, 2009).

The MRC certification does not subject the MDDF to any operational control by USSG. However, it has provided portals for funding, training materials and opportunities to partner with other MRCs. Such partnership occurred in Operation Road Rescue, 2006, a Maryland Department of Education exercise, in which the MDDF was involved and used Towson as a treatment site, but had only one or two "moulage" patients, the rest were paper. This was a precursor event to Operation STAT.

Operation STAT which was supported by MRC personnel from Maryland's Department of Human Resources, including the aforementioned mortician team.

TOWSON UNIVERSITY BACKGROUND

TU is situated in Baltimore County is a large metropolitan university with over 21,000 students (TU, 2010). TU's 328 acre main campus is located on York Road between Baltimore City and the Baltimore Beltway (I-695). TU is in close proximity to St. Joseph Medical Center to the south, Sheppard Pratt Health System (a psychiatric facility), and the Greater Baltimore Medical Center to the west. Burdick Hall (BH) houses the Departments of Nursing and Health Science, Campus Recreation Services, and three contiguous gymnasiums in the center of the building. BH also serves as a designated medical surge treatment center.

This large-scale multi-agency disaster exercise involved two surge field treatment facilities, including BH. Victims were either triaged and treated, or sent to participating area hospitals for definitive care. Other than the use of BH, Towson University was not involved in the exercise. The BH site was staffed by 32 MDDF personnel. The planning goal was to test the group's ability to set up the field treatment operation, exercise internal command-and-control proficiencies, and to hone unit skills in Simple Triage and Rapid Treatment (START) processes. Unfortunately, a major drawback of this exercise was the lack of moulage and live victims. Only 19 victims were treated. The remaining victims were on paper only.

This weakness led the MDDF planning officer-in-charge, who was also a TU professor, to see the potential for involving Towson faculty students and other community partners in an even larger, more realistic exercise. He approached Associate Dean for the CHP with the idea outlining the bare bone concepts that would soon evolve into Operation STAT. Later, several members of the TU All-Hazards Committee, who were also MDDF officers, and with continued leadership provided by the CHP, investigated the opportunity to develop a drill that would exercise the 10thMEDRGT's capability to staff BH as a treatment facility while providing students of the CHP with an opportunity to experience triage and patient care in a mass casualty setting. The Associate Dean of the CHP formed a committee to begin the process of developing a full scale disaster exercise named Operation STAT. Operation STAT has been conducted in the spring of 2008, 2009, and 2010. Operation STAT has involved an increasingly complex group of partners, undergraduate nursing students, graduate nursing students completing projects with community agencies, as well as faculty and staff from across the University. Operation STAT 2010 included pediatric and geriatric patients from the community for the first time.

OPERATION STAT 2010

The Exercise Situation

TU and the Towson area were struck by a violent tornado at 0400. The path of the tornado extended ¼ mile wide on York Road from the Baltimore Beltway, I-695, to the Baltimore City line, a distance of several miles. Major damage has occurred to businesses, community agencies, private dwellings, and TU. TU classrooms and dormitories along York Road sustained damage while students were sleeping. Damage to other buildings, including the Science Building, was extensive and had not been evaluated. The University's Health Center was overwhelmed with student casualties. The St. Joseph Medical Center sustained damage to some buildings. The Greater Baltimore Medical Center and The Shepherd Pratt Health System were undamaged.

Disaster Declaration (Exercise Only)

The Baltimore County Fire and Police Departments requested mutual aid from surrounding jurisdictions and were not able to respond to all emergencies. MEMA was notified of the disaster. MEMA, in turn, notified the Governor of Maryland who declared the area a disaster. The Governor notified the President of the United States with a request for a federal disaster declaration. The disaster declaration is essential to enable the Federal Emergency Management Agency (FEMA) to respond under the federal law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act enables FEMA to designate a coordinating officer who will coordinate the FEMA response to the disaster (FEMA, 2007; Varlese, 2010). The MDDF was ordered to respond to TU in order to establish a medical surge treatment center.

MDDF Objectives

The MDDF has utilized Operation STAT to address multiple areas of operational readiness. Operation STAT 2010 included ground and air operations in conjunction with the MDARNG and the Maryland State Police. The incident command structure was formed using civilian and military personnel.

Ground operation mission objectives. The 10th MEDRGT developed four training objectives based upon after action reports (AARs) from Operation STAT 2009:

- Institute a patient tracking system for use in the absence of electronic bar coding.
- Provide care for pediatric patients ages 6-18 who were simultaneously receiving basic disaster training.
- Provide care for older adults, who as "moulage actors" were well versed on disaster exercises.
- Provide instruction to nursing students on patient loading and transfer to ambulance crews.

Air operation mission objectives. Operation STAT 2009 included a fly-by of the MDARNG to test the MDDF's ability to utilize the Maryland State Police for ground to air radio

communications. Operation STAT 2010 included the landing of a MDARNG UH-60 on a field at TU. MDDF personnel exercised the following objectives:

- Provide LZ security and safety.
- Conduct effective ground to ground and air to ground com using the Homeland Security recommended 800 mhz frequency.
- Demonstrate successful communication for the landing of a UH 60.
- Demonstrate a successful emergent transfer of a patient to military air ambulance.

Environmental Conditions

BH was not damaged in the tornado. Preliminary weather was expected to be sunny with temperatures around 70 degrees. The gymnasiums of BH were not air conditioned and were quite warm and humid during periods of activity. The treatment areas were also warm and humid, posing potential adverse effects on personnel and patients.

Troop Considerations

The MDDF provided troops from multiple units for Operation STAT. Planning needed to include the logistics of troop transport, safety, administration, finance, human traffic control, communication, landing zone operations, patient transport, and the control of two sites. All MDDF personnel were responsible for their personal safety and other requirements during Operation STAT. Troops were required to bring, at minimum, the following items:

- Paper copy of military orders and MDDF identification.
- Personal water supply equivalent to 2 canteens.
- First aid kit.
- Flashlight.
- Knife.
- Food and personal medicine supply for 24-hours.
- Sun protection.

Troop transport. Operation STAT utilized nearby MDARNG Armory for a mustering location. The MDARNG provided a troop transport bus between the Ruhl Armory and TU. The process simulated the need for MDDF troops to assemble in one location and be transported to a disaster site without the need for private vehicle parking at the disaster site.

MISSION EVENTS

Advanced Planning

Planning for Operation STAT began in the fall, 2009. A large multi-agency group assembled on a monthly basis at Towson University. Planning was coordinated by the CHP Associate Dean. Each agency developed planning groups for teams, objectives, etc. All teams reported at monthly meetings. A new feature for the 2010 exercise would be the addition of children and elderly victims to be drawn from a local school and civic group. These groups would add realism to Operation STAT because even a university based field treatment

site would draw diverse victims from the surrounding community. Concerns about involving children related to the potential of harming them psychologically due to the disaster scenario's bloody and maimed moulage victims, large numbers of police and military personnel, the high levels of noise, and the situation's sense of urgency and chaos.

Planners assigned TU graduate nursing students to organize these two special needs groups. Worries about scaring children would be eliminated through pre-exercise training and by actually involving the students in the planning process. To this end, a small team of MDDF officers was deployed in February to assist with the disaster preparedness class at Our Lady of Grace Church where children from the Church's theater group were receiving educational classes on disaster preparedness. The visiting MDDF officers spoke with the children and parents about the role of the MDDF at Operation STAT and the general chaotic milieu that they could expect. Once the families "bought in," the children were given roles to play during Operation STAT. An MDDF registered nurse was assigned to the pediatric group to ensure its safety during the exercise.

The older adults were recruited from a local senior center where they were also receiving instruction on disaster preparedness through the Baltimore County Citizens' Corp. Four senior citizens signed up for Operation STAT.

Planning air operations. The MDDF nurse OIC for OS, met with representatives from the MDARNG, MDDF, and TU Police Department met prior to Operation STAT to assess the LZ and access to the site. Potential issues with parking and vehicular access were identified. The MDDF support detachment, Delta, was designated to provide LZ security. The Liberty Road Volunteer Fire Company provided an engine company to staff the LZ. Best Ambulance provided a medic unit for simulated patient transport and to handle real-time emergencies that required evacuation.

Delta Military Support Detachment, and four members of the 10MEDRG T assisted TU Campus Recreation staff and fraternity students with setting up the 100 cots for the exercise. The MDDF members billeted in the gymnasium overnight.

Exercise

MDDF troops mustered at 0600 from an Armory that was approximately three miles from TU, and were transported via MDARNG bus to TU's Burdick Hall (BH) which would be transformed into a large field treatment site. Once assembled at BH, troops held formation and were briefed. The MDDF established an incident command post in a BH conference room where the communication company set up an on-site communications center and MDDF radios were assigned to key civilian and military personnel. Support troops were then sent to man their stations to perform light unarmed security duty, crowd flow control and to prepare any necessary equipment. TU faculty and staff were provided a briefing shortly thereafter. Individual units and command staff gathered for unit specific briefings as appropriate.

The most remote of the three BH gymnasiums was designated for personnel intake and administration, safety briefings, and would be where "Greek" student volunteers and first semester nursing students would receive their written patient assignments describing the injury

they would role play. This gym was also where patients would be made up with fake injuries, or “moulaged.” “Rolling” victim debriefings would also take place here once the TU student and special needs volunteers completed their circulation through the triage and treatment process.

Two other large BH gymnasiums served as patient care areas after victims had been triaged in the large atrium just inside BH’s front entrance which is the gateway to the adjacent treatment gyms. Here, victims were assessed and assigned a color code red for patients who required immediate lifesaving care, yellow for patients who needed care but who could be delayed, green for minor care, and black for patients with injuries who were not expected to survive. Patients who died were sent to the morgue. Patients who required reunification or other discharge services were sent to the American Red Cross Assistance Center. Each area included an MDDF officer and TU Nursing faculty member who were jointly in charge of the area.

The LZ and ambulance areas were set up at the designated areas. Radio communications were established and checked. One gymnasium was designated for administration, safety briefings, patient assignment, moulage of patients, and debriefing of all participants. Patient assignments were provided with written cards and envelopes that described the injury or illness of the patient.

Patient Tracking

Patients were general members of the TU community of students and first semester nursing students. The patients were organized into groups who were to arrive at designated times so as not to overwhelm the system. Fraternity members were recruited to provide administrative assistance when registering participants and manual tracking of all patients throughout the care process. Patients were tracked using triage tag numbers to simulate a real-time emergency where the MDDF would not have the ability to use an electronic tracking system. Each patient care area reported to the ICP every 15 minutes with the number of patients who were in each location. The system worked well because we had multiple people at each area who were designated only for patient tracking and reporting.

Pediatric Care

The incident command post and the medical operations officer were notified as soon as the children arrived on campus. Radio communications were established with the MDDF RN assigned to the group. The nursing students and faculty met the student bus as it arrived at BH. Each child was escorted through the entire exercise by the nursing student. A few parents came with the children. There were no adverse effects, injuries, or other negative issues associated with the children’s participation. In fact, they clearly enjoyed the event and many expressed the desire to be moulaged.

Older Adults

Of the four older adults from the local senior center, two had previous experience with other disaster drills in Baltimore County. One was a retired registered nurse. The adults

arrived on campus in a Baltimore County "CountyRide" bus. They were met by their graduate student and escorted to the registration area. There were no adverse issues associated with the older adults.

Ambulance Loading and Patient Transfer

Operation STAT 2010 included education and events to increase the safety and educational aspects of patient loading and transfer. An MDDF unit was designated to provide instruction and coordinate the effort. A MDARNG HMMWV ambulance and the Best Ambulance medic unit were staged outside Burdick Hall. Radio communications were established between the LZ, ICP, and the ambulances. The MDDF transportation officer and his team coordinated the transfer of patients. Medics discussed patient transport with MDDF soldiers and student nurses. Multiple patients were transported to the LZ.

Air Operations

The MDARNG UH-60 landed as scheduled. The MDDF Chief Medical Officer for Operation STAT, and the MDARNG medic crew provided a field class on air medical operations and patient care. Specific objectives were met without incident. Multiple patient transfers were successfully accomplished.

EVALUATION

Operation STAT included more than 1000 people in a disaster preparedness and response exercise. The MDDF had specific ground and air operations objectives which were all met. Operation STAT also afforded the MDDF valuable experience in 14 of the 20 areas on the MRC Federal Deployment Target Capabilities list (MRC, n.d.). These capabilities include communications, cultural awareness, deployment expectations, ethics, health and safety awareness, National Incident Management System/Incident Command System, personal and family preparedness, post-deployment health issues, public information, security, mental health, mortuary services, and social services.

There were multiple evaluators from multiple agencies at Operation STAT. A member of the TU Department of Nursing led the evaluation process. Evaluators circulated in all areas of the exercise. Although students were given the opportunity to complete evaluations after their debriefing, these data will be reported elsewhere. Faculty, MDDF soldiers, and other participants were given the opportunity to provide a written evaluation at the hot wash, immediately after the conclusion of the exercise. These data are reported here.

Exercise Self-Evaluation Data

There were 51 respondents (male = 66%) to the Operation STAT evaluation questionnaire. Ages ranged from 21-70 years. Of the respondents, 40 held military ranks ranging from corporal to Colonel and 11 held no military rank. The professional and military participants consisted of non-medical MDDF (30%), 10MEDRGT, DHMH, DHMH MRC, MSFDA-DRT (10%), and Nursing Faculty at Towson University. Of the respondents, 65%

were clinical personnel and 33% were non-clinical personnel. Ninety-eight percent of the respondents held post-high school degrees and 82% held bachelor's or advanced degrees.

The clinical personnel were asked questions relating specifically to their perceptions of the experience from a clinical perspective. The clinical respondents (n=33) answered the stems on a 1-5 rating scale where; 1 = poor and 5 = excellent. The results can be seen in Table 1.

Table 1: Clinical Personnel Evaluation Analyses

Evaluation Item	Mean
Readiness of TU nursing students to assume provider roles in the drill	3.09
Value of the training experience for TU nursing students	3.76
Readiness of TU nursing faculty in assuming a clinical evaluator role	3.67
How well non-TU providers understood and promoted the nursing student training role	3.34

All personnel (n = 51) were asked to complete other questions regarding multiple aspects of Operation STAT. The questions were rated on a 1-5 rating scale where; 1 = poor and 5 = excellent. The results can be seen in Table 2.

Table 2: All Provider Evaluation Analyses

Evaluation Item	Mean
Quality of planning in regard to logistics	3.8
Quality of planning in regard to the site	4.37
Quality of planning in regard to set-up	3.92
Overall planning of the drill.	3.86
TU staff integration with the non-TU (civilian and military) command and control staff	3.67
Coordination of the staging and victim orientation	3.00
Coordination of the triage and treatment flow	3.02
Coordination of the debriefing	2.92
Actual unit training value of the drill for the Medical Reserve Corps	3.92
Value of the annual disaster exercise at TU	4.29

DISCUSSION

Operation STAT 2010 has been a complex, full scale exercise. Hundreds of nursing students have received an exposure to the various aspects of an MCI. TU Faculty and staff have gained expertise with disaster planning as well as the execution of a drill that required the successful partnership with many agencies and professionals. Operation STAT 2010 also involved community agencies who provided smart victims for the event.

Among the limitations of this rudimentary self-evaluation instrument was the fact that non-nursing faculty were asked to assess the nursing students readiness to meaningfully participate in this exercise without realizing that these students had not received any preparatory instruction. This dearth of nursing “disaster education” is consistent with one study’s findings suggesting that up to half of all U. S. nursing students may receive no disaster education and of those that do only receive a few hours of undergraduate training (Weiner, Irwin, Trangenstein, & Gordon, 2005). Planning for Operation STAT 2012 will include the provision TU nursing students receive several hours of pre-exercise classroom instruction on START Triage along with the overview of key disaster response concepts including a review of the incident command system and roles of lead agencies and crucial resources.

Another limitation was the self-evaluation instrument itself which collected only minimally useful information. Future OP STAT planners will identify faculty and other personnel to design self-assessment tools targeted at the different involved groups to better assess if the FTX is meeting its educational goals for the nursing students as well as the degree to which other partner objectives are met.

All events of this nature come with valuable lessons to be learned. The planning process for an event of this magnitude requires a dedicated planning committee and sufficient time to accomplish the task. The Operation STAT planning committee generally met once a month during the entire academic year. Everyone at the planning table represented at least one group, or organization. For example, there were TU faculty members who were also MDDF officers. Operation STAT relied on an ICS model that included both civilian and military personnel.

There were a myriad of objectives from different organizations. In retrospect, our evaluation process was a bit complex and asked personnel about items for which they may not have had the expertise to answer. For example, we asked about the perceptions of clinical providers on TU nursing student and faculty preparedness. Clinical providers other than TU faculty were not briefed on the particular level of nursing student, nor do they have any exposure to the TU nursing curriculum. First semester students served a very different role than fourth semester students. Some students came to the exercise with their clinical faculty and had specific tasks to accomplish. We asked people to comment on logistics, set-up, and the site. Personnel who were responding may not have had any knowledge of the processes need to accomplish those tasks.

The ICS process and the collaboration between the MDDF and TU at Operation STAT have proved to be exceptionally valuable during real-time missions on campus. During the fall of 2009 and 2010, TU has requested the support of the MDDF for mass flu immunizations. The MDDF and TU are able to work seamlessly together during the clinics. TU Nursing faculty and students worked side by side with MDDF clinical and non-clinical personnel to set-up the clinic, provide immunizations, medical clearance, and prompt attention to any issues that may develop.

FUTURE EXERCISES

Future planners and leadership for Operation STAT will need to align the planning and evaluation more closely with the Homeland Security Exercise Evaluation Program (HSEEP).

Planners might look for opportunities for smaller and less complicated exercises throughout the year that can provide a more educational building block approach to disaster simulation that can augment the full scale exercise throughout the year. Finally, more opportunities to conduct evaluation and research around disaster simulation are needed.

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MENTAL HEALTH SCREENING AT TEMPORARY MILITARY HEALTH CLINICS IN LOW INCOME HISPANIC COMMUNITIES WITHIN THE RIO GRANDE VALLEY OF TEXAS¹

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Lieutenant Colonel J. Ray Hays, TXSG⁴

ABSTRACT

Behavioral and mental health problems are not always considered in temporary medical clinics nor are instruments readily available to provide medical practitioners in these settings with information relevant to mental health conditions. This study provided preliminary data on the utility of the Mini Mental Screen in temporary military medical clinics in the Texas Rio Grande Valley. This instrument was administered to individuals who may have behavioral or mental health problems. In a sample of mostly Hispanic patients (N = 75) seen at a temporary medical clinic, 12% were at significant risk of mental health problems, with an additional 9% at moderate risk using published cut-off scores for the risk of such problems. The results for each patient were provided to a medical practitioner who further evaluated the risk, treated the problem, or made a referral. When asked, three of four medical practitioners found that screening data was helpful in their work with patients. One practitioner was concerned that the screening instrument might have too high a false positive rate to be useful. Cultural issues of openness about mental health and behavioral problems need to be considered in such settings.

Key words: *disaster assessment; mental health screening; behavioral health management; multicultural psychology*

INTRODUCTION

For two weeks each year in the Texas Rio Grande Valley, Texas Military Forces provide free medical clinics and other health related services on a walk-in basis in eight locations for

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all who arrive. The annual disaster training exercise is designated as Operation Lone Star (OLS). Texas Military Forces provide these services in conjunction with the Texas Department of State Health Services and local county health services. OLS is also a training mission for Texas Military Forces, as it provides training in the organization and operation of medical clinics after disaster situations such as hurricanes. This is one of the primary mandates for the Texas State Guard, which is one of the three branches of the Texas Military Forces.

Operation Lone Star medical clinics have not always provided behavioral health or mental health services and the actual need for such services in these clinics is not well understood. Before 2010, mental health services were sometimes available at OLS on a referral basis from clinic physicians and were occasionally used. At OLS in 2008, statistics were collected that suggested that mental health services were warranted and should be regularly provided as part of the general medical services offered at Operation Lone Star. At OLS in 2010, a convenience sample of clinic patients was screened using the Modified Mini Screen (MMS) developed by the New York State Office of Alcoholism and Substance Abuse Services (2001). This was a follow up to the work done in 2008, with the aim of improving the quality of health services at OLS by providing mental health information to the medical provider. Also, it was done to determine whether or not mental health screening and mental health services should be provided at OLS as a regular part of these clinics.

METHOD

Subjects

All adults who arrived one afternoon and those arriving the following morning were selected and were asked to answer the MMS⁵ items while they waited to see a physician or nurse practitioner regarding their presenting medical problems. All patients were told the results of the screen would be provided to the medical practitioner so the patient could then be provided with the best medical care during their visit. All but two persons completed the questionnaires and returned them to the examiner ($N = 75$). Sixty-eight of the 75 patients decided to complete the Spanish version of the MMS, supporting the conclusion that most patients were Hispanic. The screens were scored and the results were placed with the patient's medical chart generated at the clinic.

Materials

The MMS is a 22-item pencil and paper instrument that takes about 15 minutes to answer and which screens for mental health problems in three areas: mood disorders, anxiety disorders, and psychotic disorders. The MMS is brief and is available in two languages, English and Spanish. The items are based in a straightforward manner on DSM-IV-TR diagnoses.

⁵The Modified Mini Screen (MMS) is a 22-item scale designed to identify persons in need of an assessment in the domains of Mood Disorders, Anxiety Disorders and Psychotic Disorders (American Psychiatric Association, 2000). The questions are based on gateway questions and threshold criteria found in the Diagnostic and Statistical Manual IV1 (DSM-IV), the Structured Clinical Interview for Diagnosis (SCID)2 (First et al., 1996) and the Mini International Neuropsychiatric Interview (M.I.N.I.) (Sheehan, et al., 1998).

Many patients at OLS clinics speak little or no English, and having an instrument that was available in both languages was an advantage of the MMS.

The MMS was originally validated using 383 adults in 17 different inpatient and outpatient settings by the Nathankline Institute Center for the Study of Public Mental Health (in Spotts, 2008, p.31). Spotts compared the MMS to the Brief Symptom Inventory (Deragotis, 1992) and found modest concurrent validity between the two instruments using 130 Iowa prisoners. She found a 47% sensitivity of the MMS for males and a sensitivity of 88% for females. Specificity for the two groups was 96% and 100%, respectively. Other researchers (Alexander, Haugland, Lin, Bertollo, and McCorry, 2008) administered the MMS to 476 subjects in substance abuse, correctional, and social service settings and found that, with cut off scores of 6-9, the MMS's sensitivity ranged from 0.63 to 0.82 with a specificity of 0.61 to 0.83, yielding an overall accuracy of classification between 70 and 75 percent when compared against the Structured Clinical Interview for DSM-IV (American Psychiatric Association, 2000). The MMS was useful for both Caucasians and African-Americans, according to their study.

The MMS was scored according to the guidelines in the manual. The manual recommends that persons receiving 6 to 9 points be considered as having a moderate likelihood of having a mental illness and that persons receiving a score of 10 points or higher be considered as having a high likelihood of having a mental illness. Item 4 was inspected since it indicates the possibility of suicide. Items 14 and 15 were inspected together for the presence of posttraumatic stress disorder. Since the wording of many items is based straightforwardly on the Diagnostic and Statistical Manual of Mental Disorders Fourth Edition, Text Revision (DSM-IV-TR) diagnostic criteria, the examiner occasionally suggested additional diagnoses to the medical clinician on a rule out basis.

There were four physicians or nurse practitioners who saw patients in the clinic after screenings were performed for various physical medical conditions. Results of the MMS were provided to these medical practitioners as part of the patient's chart.

RESULTS

Patients returned 77 MMS forms. Two were discarded when the patients declined to complete them. Of the remaining 75 completed forms, 9 (12% of the total) had scores of 10 or greater, suggesting the patient was at high risk for a mental illness. Seven had scores between 6 and 9 (9.3% of the total), suggesting a moderate risk that the patient suffered from a mental illness. Of the 59 protocols in the low risk category, one scored positive on suicide risk, and five more appeared worthy of follow up assessment because of item endorsement. This was because these items suggested the presence of mood disorders, panic attacks, or psychotic features for these patients. On 10 (13.3%) of the protocols, patients endorsed item 4 (In the past month, did you ever think that you would be better off dead, or wish that you were dead?), suggesting a possible suicide risk. Altogether, 22 protocols were identified as either elevated or risky, suggesting that 29.3% of the total should receive a further mental health assessment.

DISCUSSION

Just prior to the patient's visit to the medical clinician, the results of the each patient's MMS protocol were provided for inclusion in the diagnostic interview. The screener provided an English translation of the protocol along with mental health diagnoses for the medical clinician to consider and rule out.

At the conclusion of the study, the four medical practitioners in the clinic were interviewed regarding the utility of the MMS as a screening instrument for use during OLS. One clinician found the hypotheses generated very useful and firmly endorsed its use. Two others were positive about its usefulness. Further, one of these clinicians approached the screener during the study and asked that an adolescent be given the instrument, despite the lack of normative data for adolescents, thus showing further confidence in this type of screening. The remaining clinician stated that the instrument generated many false positives and that patients routinely denied items that they had just previously endorsed.

Given the opinion of the screening held by this last clinician, the screener later discovered this clinician was seeing more than twice as many patients per treatment day as other clinicians, and thus may have not built the rapport necessary for full disclosure of mental health issues. A Hispanic health provider who was on site provided additional insight, indicating that Hispanics, especially men, are often unwilling to discuss mental health issues with health providers. This suggested the need for greater patience and cultural sensitivity by clinicians when interviewing for mental health problems in this population.

Results of the MMS screening procedure were shared with Brian R. Smith, M.D., M.P.H., who was both the Incident Commander of OLS and the local Public Health Authority. Based on the procedure used and the results obtained, Dr. Smith expressed a clear desire that mental health screening be continued as part of Operation Lone Star in future years, either using the MMS or similar mental health instrument. Further, he stated that mental health personnel should be provided for follow-up interviews to the screenings as an adjunct to medical clinicians (Morecook, Greenstone, & Smith, personal communication, July 29, 2010).

CONCLUSION

The MMS was a useful instrument in screening for mental health problems in this temporary community military medical clinic. The MMS or similar instrument should be used for screenings, and mental health professionals should be provided to perform follow-up mental health assessment and referral. Mental health evaluators should take time and care to create a positive rapport as part of the clinical interview in order to increase the likelihood of full disclosure of mental health issues.

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TACTICAL COMBAT CASUALTY CARE TRAINING FOR STATE DEFENSE FORCES MEDICAL UNITS^{1, 2, 3}

Colonel James L. Greenstone, Ed.D., J.D., DABECI, TXSG-MRC⁴

Abstract

“The fate of the wounded rests in the hands of the one who applies the first dressing” (Nicholas Senn, M.D., 1844-1908, Founder of the Association of Military Surgeons of the United States in 1891).

Training conducted by military units is not an unusual occurrence. The same training including multiple military services, while not unusual in today’s world, traditionally has been a little harder to facilitate due to differences in how training is perceived and organized within the various services. Training by multiple military services that also includes civilian personnel has been almost unheard of until recent times. This paper will describe a 9-11 joint services and civilian mass casualty medical training conducted with the joint involvement of the military and diverse groups of civilian first responders. This will include the current and potential involvement of State Defense Forces Personnel. The threat of terrorism and its consequences dictate that when this eventuality occurs, both military and civilian personnel will be working side by side. To think otherwise is unrealistic. The involvement of the Texas State Guard Medical Brigade (Medical Reserve Corps) and all State Defense Forces , and additional recommendations to maximize the benefits of this training will be discussed.

INTRODUCTION

On 10 and 11 September 2011, a joint services mass casualty medical exercise was held in North Texas. What made it so unusual was that, according to the military organizers, it was the first joint exercise of its kind that included such a wide range of civilian first responders. They worked side-by-side in an austere field environment with their military counterparts. Federal military units participated alongside Medical Reserve Corps basic and advanced medical personnel. Multiple other civilian and quasi military units and cadets also participated as they might do during an actual mass casualty incident. Previous attempts at related types of exercises were made utilizing civilian nurses, or SDF physicians and with some Army National Guard involvement. These were done in the State of Maryland (M. Hershkowitz, Personal communications, 25 September 2011).

¹ The views expressed in this paper are those of the author and not necessarily those of the Texas State Guard, the Adjutant General of Texas or any other Texas State agency.

² **Key Words:** Tactical Medical Care; Combat Care; Casualty Care; Field Medical; State Defense Forces; Medical Reserve Corps, Behavioral Health, Expert Field Medical.

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⁴ The author acknowledges SGM William Campbell (TXSG) for his assistance in putting this article together. Many thanks.

Although the Texas State Guard and its Medical Brigade (Medical Reserve Corps) were represented only to a minimal degree, the importance of Brigade participation in future such exercises seems absolutely unavoidable. If the Medical Brigade is to be prepared and trained to step up during real-world mass casualty events, as has been seen, both on our own soil and elsewhere in the world, serious tactical casualty medical care must be learned, practiced and then practiced again. While State Defense Forces often present that they are trained and ready to respond, their ability to respond and their involvement with federal units who will actually respond can assure their utilization. Regardless of civilian medical orientation, the tactical combat casualty care approach to mass casualty situations must be understood. Once understood, skill sets may need to be adjusted for appropriate response to what will actually be faced. Just as military units must learn to work in a synchronized way, so must State Defense Forces Medical personnel and other civilian responders synchronize their skills to the military mass casualty response model.

TACTICAL COMBAT CASUALTY CARE TRAINING

Tactical Combat Casualty Care and mass casualty response was perfected in Kandahar among other hot spots around the world. The approach is necessarily different than what may be used to in day-to-day first responder medical care (Tan, 2011). It brings with it some necessities that both military and civilian counterparts must know and practice. It is a combination of procedures that focuses only on the need to quickly save lives under the direst and even most dangerous of circumstances. It focuses on what State Defense Forces, Federal Military and civilian first responders need to know to work together effectively, aggressively, safely and with life saving speed. Nothing else is acceptable and once involved, the reasons become crystal clear. In no way does this type of training suggest a combat role for State Defense Forces personnel. It merely informs the type of medical care that will be required for all to work together effectively in a mass casualty scenario.

These areas and tasks will include, but are not limited to:

- Perform a Tactical Combat Casualty Care patient assessment
- Triage casualties
- Control bleeding using a tourniquet, hemostatic device, and dressings
- Initiate a saline lock and intravenous procedure.
- Initiate treatment for hypovolemic shock & prevent hypothermia
- Insert nasopharyngeal airway
- Treat a penetrating chest wound
- Perform needle chest decompression
- Treat an open abdominal wound
- Treat a casualty with an open head injury
- Immobilize a suspected fracture of the arm
- Treat eye lacerations/contusions/extrusions
- Crisis intervention and behavioral health care. (Greenstone and Leviton, 2011)

Medical and Casualty Evacuation Tasks

- Evacuate a casualty using a SKED® litter and litter carries. (SKED® is a brand name).
- Evacuate casualties using one- or two-person carries or drags

- Extricate a casualty from a vehicle
- Establish a helicopter landing point
- Load casualties onto a helicopter, ground evacuation platform, and two nonstandard vehicles

Communications Tasks (5 Tasks)

- Assemble and operate SINCGARS (Single Channel Ground and Airborne Radio System) or SINCGARS (ASIP) (Advanced System Improvement Program) w/o ANCD (Automated Net Control Device).
- Load FH/COMSEC (Frequency Hopping / Communications Security) data and conduct radio check using SINCGARS / SINCGARS (ASIP).
- Prepare and Transmit a MEDEVAC (Medial Evacuation) request (All 9 lines of request) (No longer a Mandatory requirement).
- Submit an NBC(Nuclear, Biological, Chemical) 1 Report.
- Submit an Explosive Hazard Spot Report.

These are the major standards and State Defense Forces personnel must train to them if we are to function alongside other mass casualty first responders in a seamless fashion with equal effectiveness. (NAEMT, 2011)

EXERCISE PARTICIPATION

The concept of the joint training exercise is probably not a new idea. Generally, each service trains within its own ranks and to its established standards. As the years have passed since 11 September 2001, new concepts have arisen for patient care in mass casualty situations. These concepts grew from the developing body of knowledge in the various theaters of war, the importance of saving lives in these situations and the necessity to function under adverse conditions. It would be easy to jump to the conclusion that such wartime knowledge is not applicable to what we face back home. To make such a jump would be to ignore the threats that we face and have faced since 9-11; perhaps even before.

The next step is to adapt training to the threat and to the circumstances in which we may find ourselves. Mass casualty situations will occur; the question is not if, but when. The ability to respond effectively requires more than just an individual military service. It requires more than several services. The reality will be that federal services will actually be working alongside each other and alongside other resources including civilian providers, state defense forces medical personnel, service auxiliaries and medical reserve corps. To be effective together, training must be together. Herein is the joint casualty care exercise. Prior to 9-11, this type of exercise would have received only cursory attention. Now it is taking center stage. To this writer's knowledge, on 10 and 11 September 2011, the first joint casualty care exercise of its kind, as described above, was held in North Texas (Operation Order 11-179, 2011). This full scale exercise included:

1. Tactical combat casualty care training.
2. An exercise in a field environment.
3. Rapid medical triage of multiple patients by joint teams of responders.
4. Immediate evacuation to clearing points for additional emergency care.
5. Evacuation by military ambulances.
6. Evacuation by Blackhawk helicopters to medical treatment facilities.
7. Reception at medical treatment facilities.
8. Definitive medical care.
9. Litter obstacle course.
10. Land navigation.
11. Slip-line patient evacuation.
12. Search and rescue. (AAR, 12 SEP 11)

BEHAVIORAL HEALTH COMPONENT

A must in any first responder repertoire are the capabilities to render behavioral health care during all stages of response. From triage to evacuation to definitive care, the importance of attending to these specific crisis and mental health needs should not be underestimated. The nature of a mass casualty event will undoubtedly include those who need assistance at various levels from mental health personnel. These personnel may be technicians or professionals in the field. They can be present at all levels of care and must be. Emotional First Aid (Rosenbluh, 1986) is an important component of what must be given to those who are injured regardless of where you find them. Treatment may be needed at a later time. Sometimes the need for additional treatment later is related to how well the Emotional First Aid is delivered up front. Often more lip-service than action is given to the mental health component in many settings. This should not be the case here. The need is real and the provision of response should be real and effective also. To paraphrase Dr. Senn's reminder at the beginning of this paper, "The fate of those emotionally wounded rests in the hands of the one who does the initial crisis intervention" (Greenstone and Leviton, 2011).

STATE DEFENSE FORCES EXPERT FIELD MEDICAL BADGE

An expression of confidence in the response capabilities of State Defense Forces Medical Responders and as a direct way to insure adequate preparation, the development of a State Defense Forces Expert Field Medical Badge Qualification is recommended. Such a qualification would be based on the current Army Expert Field Medical Badge Qualifications and on the best of what we know about tactical combat casualty care. Those areas recommended for inclusion in the requirements for earning this badge are listed above. Although non-exhaustive, the list may have to be modified with additional areas being added or subtracted. The entire qualification course used by the Army would not be entirely appropriate for State Defense Forces personnel and could be modified accordingly. Those qualifying for this badge would demonstrate a common set of capabilities equal to or exceeding their federal counterparts. Utilization of joint services casualty training, such as the exercise mentioned above, could be utilized as part of the overall state defense qualification course. The expected expense would be minimal (AMEDDCS PAM 350-10) (Army Regulation 672-10, 1974).

CONCLUSION

Training for the sake of training may be useful. However, training with the knowledge that what Texas State Guard and all SDF personnel have been trained to do will actually be utilized alongside federal and local military and civilian personnel elevates the importance of that training. Morale may be affected as well. Training to perform, and then never being called upon to respond, is a morale-buster of the worst kind. State Defense Forces personnel give very freely of their time; and for free. They must know that there is a real purpose behind it all. They must know that they have a defined mission and understand the essential tasks of that mission. Joint services mass casualty medical care has become the new standard. The bar is raised and we must be a part of it.

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**The Value of State Defense Forces:
Why More States Should Establish SDFs¹**

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ABSTRACT

Twenty-two states currently have volunteer state guard units. These units, formally known as state defense forces (SDFs), are today's state militias. Authorized by the Constitution and built on a strong U.S. militia tradition, today's SDFs offer a vital, low-cost force multiplier and homeland security resource. In July 2011, Arizona's Senate Bill 1495 went into effect, authorizing Arizona's governor to establish an SDF. Historically, state defense forces were often organized as light infantry and military police forces. This model is largely a relic of past security and defense needs. While SDFs are not necessarily required in states with low risk of natural disasters or terror attacks, several states that are at high risk for catastrophes have yet to create a modern state defense force. Such states can no longer afford to place establishment of an SDF on the sidelines. Four national security analysts, including two retired SDF officers, explain how SDFs work, and why they are invaluable to so many states—and to the country.

On July 27, 2011, Arizona's Senate Bill 1495 (S.B. 1495) went into effect, authorizing Arizona's governor to establish a state guard unit.² These units, formally known as state defense forces (SDFs), are today's modern state militias. Authorized under the Constitution and by state and federal law, and built on a strong U.S. militia tradition, today's volunteer state defense forces offer a vital, low-cost force multiplier and homeland security resource.³

The impetus now stands with Arizona's governor to establish the force. If established, Arizona's state defense force would become the 24th active SDF of the United States (22 in other states, one in the Commonwealth of Puerto Rico). Obtaining statutory authorization to

¹ Published with permission from The Heritage Foundation, Douglas and Sarah Allison Center for Foreign Policy Studies, <http://reporthttp://www.heritage.org/research/reports/2012/02/why-more-states-should-establish-state-defense-forces-heritage.org/bg2474> . Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

² State of Arizona, Senate, "Arizona State Guard; Establishment," S.B. 1495, 2011, at <http://www.azleg.gov/legtext/50leg/1r/bills/sb1495p.pdf> (February 7, 2012) .

³ 32 U.S. Code § 109, "National Guard, Maintenance of Other Troops," August 11, 1955, as amended. Congressional statutory approval of state defense forces is mandated by U.S. Constitution, Art. I, sec. 10, cl. 3.

stand up the force, however, is only the first step. Arizona's state leaders must now organize and train their newly authorized SDF and assign to it those missions most critical to the state.

Historically, state defense forces were organized along traditional unit lines, usually as light infantry and military police forces.⁴ This model, however, is largely a relic of past homeland security and homeland defense needs. Today's threats require a different mission. Modern SDFs now serve as auxiliaries to the National Guard units of their states, as well as force multipliers for state homeland security missions in disaster preparation, response, and recovery. This mission portfolio requires a different model than has been seen in the past, one that centers on building professional units capable of contributing substantial value added to the states and augmenting the National Guard's capabilities.

Once Arizona's governor formally authorizes the establishment of the state defense force, determining how to design and build the force will be the next challenge. In building a professional SDF, Arizona could learn from the experiences of other SDFs, and, in turn, serve as a model for other states. SDFs are not necessarily required in states with low risk of natural disasters or terror attacks. But several states that *are* at high risk for catastrophes have yet to create a modern state defense force, despite the SDFs' role as cost-effective force multipliers and resources, especially when a state's National Guard units are depleted by combat deployment, peacekeeping, or homeland defense missions. Such states can no longer afford to place the valuable national security asset that an SDF embodies on the sidelines.

State Defense Force: The Modern State Militia

State militias have been seen as an essential component of the defense of America since the time of its founding. Building on English and Colonial experience, and reflecting their concerns about maintaining a large standing federal army, the Founding Fathers proscribed their belief that a well-regulated militia was "the ultimate guardian of liberty" within the Constitution, proclaiming among the enumerated powers of Congress the following:

The Congress shall have the power...to provide for calling forth the Militia to execute the Law of the Union, suppress Insurrections and repeal Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the states respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.⁵

⁴ Col. Martin Hershkowitz (Ret.), Col. Robert Paterson (Ret.), and Maj. Gen. James McCoskey (Ret.), "A Proposed Structure for Today's State Defense Force," *State Defense Force Monograph Series*, Fall 2009, at <http://www.sdfpubcntr.net/MissionSDFColdwarV42009.pdf> (September 22, 2011).

⁵ U.S. Constitution, Art. 1, § 8.

With this language, the Constitution granted the federal government the power to call forth the militia of the United States, but left the states the freedom to man and train their militias as they saw fit.

Five years after the Constitution was ratified, state militia powers were more fully addressed by the Militia Act of 1792, which provided that the adjutant general (TAG) of each state would command the militia and that state militias would receive no federal funding.⁶ By 1820, the Supreme Court would further solidify the powers of the states in commanding militia units. In *Houston v. Moore*, the court ruled that states maintained concurrent authority with the President to mobilize the militia in the event of a natural disaster, civil unrest, insurrection, or invasion.⁷ This decision helped to set the basis for the modern state-apportioned militia.

Today, 22 states and one territory have a state defense force, with the force strength of these units totaling around 14,000 members in 2005.⁸ Authorized by Congress in Title 32 of the U.S. Code, SDFs are entirely under state control—unlike the National Guard, which can serve the state under Title 32 or the federal government under Title 10⁹—both in peacetime and otherwise¹⁰ (National Guard troops serve both in their state's militia and concurrently as reserve personnel of the Army or the Air Force, the Navy and the Marine Corps having no National Guard components). Hence, while the National Guard is a dually appointed force that can be called to federal service under Title 10, or remain a state force under Title 32, SDFs serve solely as Title 32 forces.

This status gives SDFs two important advantages. First, SDFs are continually resident within their respective states and can be called up quickly and easily in times of need. Also, SDFs are exempt from the restrictions of the Posse Comitatus Act,¹¹ which prohibits troops in federal service under Title 10 from engaging in domestic law enforcement activities.¹² While the Posse Comitatus Act has never proved to be a major obstacle to deploying federal forces for domestic emergency response, and does not apply to the Army National Guard or Air

⁶ Michael D. Doubler, *Civilian in Peace, Soldier in War: The Army National Guard, 1636–2000* (Lawrence, Kan.: University Press of Kansas, 2003), p. 68, at <http://www.kansaspress.ku.edu/douciv.html> (February 7, 2012).

⁷ *Houston v. Moore*, 18 U.S. 1 (1820).

⁸ U.S. Department of Defense, “Homeland Defense Forces for Homeland Defense and Homeland Security Missions,” No. 3898, November 2005, at <http://www.gasdf.net/documents/DoDReportonSDFNov.20051.pdf> (February 7, 2012).

⁹ 10 U.S. Code § 13.

¹⁰ 32 U.S. Code § 109; and 10 U.S. Code § 13.

¹¹ 18 U.S. Code, § 1385, Posse Comitatus Act; and J. R. Brinkerhoff, “Understanding the Posse Comitatus Act and the Insurrection Act,” *State Defense Force Journal*, Vol. 3, No. 1 (Fall 2007), at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA494995&Location=U2&doc=GetTRDoc.pdf> (February 7, 2012).

¹² James Jay Carafano, “Assessing Plans to Deploy U.S. Military on the Homeland Security Front,” Heritage Foundation *WebMemo* No. 2156, December 5, 2008, at <http://www.heritage.org/Research/Reports/2008/12/Assessing-Plans-to-Deploy-US-Military-on-the-Homeland-Security-Front>.

National Guard while serving solely in state status under Title 32, SDFs may enforce civilian criminal law uninhibited by legal obstacles, if given that power under state law.¹³

Typically, SDFs are under the control of the state's governor, in his or her role as militia commander-in-chief; operational control and the chain-of-command typically run from the state's adjutant general, through the state's military department, to the commanding general of the SDF.¹⁴ That is, the adjutant general, who is the state's senior military commander and typically a member of the governor's cabinet, commands the SDF on behalf of the governor. As the commander of the State Military Department, TAG is responsible for all training, equipment allocation, and decisions regarding the SDF's strength, activity, and mission. The adjutant general is also the commander of the state's National Guard and often directs state emergency response.¹⁵ Through TAG and the state's joint staff, the SDF can easily coordinate with other key components of the state emergency response.

In recent years, SDFs have proved their value as vital force providers to homeland security and emergency responses. After 9/11, for instance, the New York State Guard, the New York Naval Militia, and the New Jersey Naval Militia were activated to assist in response, recovery, and critical infrastructure security.¹⁶ An estimated 2,274 SDF personnel participated in recovery efforts after Hurricane Katrina. SDF personnel were activated in at least eight states, including Texas, Maryland, Virginia, and Tennessee.¹⁷ They assisted directly with recovery efforts or stayed in their states to fill the roles of the state National Guard units that

¹³ James Jay Carafano, "Critics of the Hurricane Response Miss the Mark in Focusing on Posse Comitatus," Heritage Foundation *Executive Memorandum* No. 983, October 3, 2005, at <http://www.heritage.org/research/reports/2005/10/critics-of-the-hurricane-response-miss-the-mark-in-focusing-on-posse-comitatus>.

¹⁴ Col. H. Wayne Nelson, Col. Robert Barish, Brigadier Gen. Frederic Smalkin, Lt. Col. James Doyle, and Col. Martin Hershkowitz, "Developing Vibrant State Defense Forces: A Successful Medical and Health Service Model," *State Defense Force Monograph Series*, Winter 2006, at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA494466> (February 7, 2012).

¹⁵ Arthur N. Tulak, Robert W. Kraft, and Don Silbaugh, "State Defense Forces and Homeland Security," *Parameters*, Vol. 33 (Winter 2003–2004), pp. 132–146, at <http://www.carlisle.army.mil/usawc/Parameters/Articles/03winter/tulak.htm> (February 7, 2012).

¹⁶ W. E. Girardet, "The New Jersey Naval Militia," *State Defense Force Journal*, Vol. 3, No. 1, at <http://www.sdfpubcntr.net/docs/sdfjvol4.pdf> (Spring 2007), and *ibid.*

¹⁷ Col. James L. Greenstone, "The Texas Medical Rangers in the Military Response of the Uniformed Medical Reserve Corps to Hurricane Katrina and Hurricane Rita 2005: The New and Tested Role of the Medical Reserve Corps in the United States," *State Defense Force Monograph Series*, Winter 2006, at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA494466> (February 7, 2012), and

Lt. Col. Richard Colgan, Maj. Kisha Davis, and Col. Robert A. Barish, "Operation Lifeline: Health Care Professionals from Maryland Respond to Hurricane Katrina," *State Defense Force Journal*, Vol. 2, No. 1 (Spring 2006), at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA496627> (February 10, 2012).

were deployed to assist in the recovery.¹⁸ SDFs have also offered critical infrastructure protection. In Operation Noble Eagle, a homeland defense and civil support operation after 9/11, the Alaskan SDF helped protect the Alaska oil pipeline.¹⁹

The Case of Arizona

In May 2007, Arizona's state legislature passed S.B. 1132. The bill sought to create a "homeland security force" such that "after consideration of federal deployment of the national guard, if the governor determines that an emergency exists or that it is necessary to protect lives or property..."²⁰ While not outwardly stated, this "homeland security force" was widely accepted to mean an Arizona SDF. Passed in the Arizona Senate by a vote of 18 to 11, and in the House of Representatives by 34 to 21, the creation of this special volunteer homeland security force received clear support from the Arizona legislature and public. S.B. 1132, however, never became law, as it was vetoed by then-Governor Janet Napolitano.

In 2011, the Arizona legislature tried again, proposing and passing S.B. 1495. The bill, sponsored by Arizona Senator Sylvia Allen (R–Fifth District) and Representative Jack Harper (R–Fourth District), was signed by Governor Jan Brewer on April 28, 2011, and became law 90 days later. With the passage of this legislation, broader in scope of authorization than its failed predecessor, Arizona's governor is now authorized to stand up a unit of the Arizona state guard, a state defense force, "if the national guard of Arizona or a major portion thereof is called into active federal service...or for any other reason the governor considers to be necessary...for the safety and protection of the lives and property of the state..."²¹ In the case of border states, border security might very well be one of those reasons. As long as any SDF border-security contingents respect the three main tenants of volunteer activity—liability, accountability, and sustainability—states should be allowed to decide which missions their SDFs will fulfill.

Taking advantage of this newly granted statutory authority and creating an SDF in Arizona would add significant value to the state, particularly in terms of disaster preparedness. In 2010 alone, Arizona experienced six major natural disasters, ranging from severe storms and flooding to wildfires and winter storms.²² In 2011, Arizona had the largest wildfire in state history as three major blazes burned simultaneously. The Wallow Fire alone scorched an

¹⁸ Col. Martin Hershkowitz (Ret.), "Summary of Available State Defense Force After Action Reports from Hurricanes Katrina and Rita Deployments," *State Defense Force Journal*, Vol. 2, No. 1 (Spring 2006), at

<http://www.23bn-vdf.com/s3/AARs%20of%20SDFs%20in%20Katrina.pdf> (February 7, 2012).

¹⁹ Tulak, Kraft, and Silbaugh, "State Defense Forces and Homeland Security," *State Defense Force Monograph Series*, Winter 2005, at <http://www.sdfpubcntr.net/dcos/sdfmvol1.pdf>.

²⁰ Homeland Security Force, S.B. 1132.

²¹ Establishing Arizona State Guard, S.B. 1495.

²² FEMA, "Arizona Disaster History: 2010," at http://www.fema.gov/news/disasters_state.fema?id=4 (February 7, 2012).

estimated 835 square miles, forced the evacuation of roughly 10,000 people, and destroyed 32 homes.²³

While the first tier of response to natural disasters is typically composed of state and local fire and police first responders, many of them volunteers, these resources and capabilities may quickly become stressed in the event of large-scale, catastrophic disasters. In such cases, National Guard troops may be expected to be called out for Title 32 service to aid response and recovery efforts. However, National Guard troops may be unavailable to respond in sufficient numbers, due to the Guard's increasing commitments to active duty deployments. Additionally, because the Guard is typically organized along the needs of combat, sufficient expertise in particular fields (such as medical expertise and engineering) may not be available in its ranks to satisfy emergency requirements. Likewise, while direct federal support may be appropriate in the event of catastrophic disasters, such as Hurricane Katrina, federal assistance can take up to 72 hours to mobilize and arrive at the scene of the disaster.²⁴ SDFs, on the other hand, can be mobilized quickly to respond to disasters in their own states. SDFs are also likely to have significant "local knowledge"—intimate familiarity with the area and resources at hand—making SDFs vital for effective disaster response.

In the aftermath of Hurricane Katrina, at least eight states activated their SDFs to aid in the recovery efforts and to fill in for National Guard members deployed to Louisiana and Mississippi. State defense force personnel were involved in the operation and management of shelters, distribution centers, and warehouses; housing and transportation of victims; unarmed police assistance; and religious services. There was even an unprecedented swearing-in of over 100 emergency medical personnel on an Air Guard base tarmac to allow them to practice in the disaster areas, as allowed by multi-state Emergency Management Assistance Compacts.²⁵

As another example, when flooding from Hurricane Alex in 2010 forced 850 south Texas residents to evacuate their homes, more than 750 Texas SDF members were mobilized to staff shelters.²⁶ An Arizona SDF could aid its state in disaster response in much the same way, quickly supplying boots on the ground to aid victims and help begin local recovery work.

Arizona could further benefit from a SDF after a terrorist attack. While none of the 43 publically known thwarted terrorist plots against the U.S. since 9/11 has been aimed at Arizona, Phoenix has consistently been rated by the federal government as an urban area with one of the highest risks of a terror attack. This rating stems from the Urban Area Security

²³ "Cousins Charged in Ariz. Wildfire Appear in Court," *USA Today*, September 19, 2011, at <http://www.usatoday.com/weather/wildfires/story/2011-09-19/arizona-wildfire-charges/50470372/1?csp=34news> (February 7, 2012).

²⁴ James Jay Carafano, "Homeland Security in the Next Administration," Heritage Foundation *Lecture* No. 1085, April 9, 2008, at <http://www.heritage.org/Research/Lecture/Homeland-Security-in-the-Next-Administration>.

²⁵ Hershkowitz, "Summary of Available State Defense Force After Action Reports." *State Defense Force Journal*, Vol. 2, No. 1 (Spring 2006), at <http://www.sdfpubcntr.net/docs/sdfjvol2.pdf>.

²⁶ Capt. Morgan Montalvo, "Authorities Brace for Threat of Renewed Flooding as Hurricane Alex Moves Inland, Texas State Guard Wraps up Hurricane Shelter Duties," Texas State Guard, July 1, 2010, at <http://www.txsg.state.tx.us/news/article.aspx?id=20100701> (February 7, 2012).

Initiative (UASI) program, which is intended to provide funding to high-risk, high-density urban areas in order to help them build the capacity “to prevent, protect against, respond to, and recover from acts of terrorism.”²⁷ Phoenix has received a UASI grant every year since the program began in 2003, even after the program was scaled back from 63 to 31 cities in 2011.

The Need for the SDF

Today’s modern militia, the state defense force, has a long history in the United States, although its scope and design have changed over time, as the threats to the United States and each state have evolved. Throughout World War II, the Korean War, and the Cold War, the modern state defense force was organized to serve in traditional military roles, such as light infantry or military police. The initial SDF mission was largely to support the National Guard by protecting armories whenever the assigned state National Guard unit was not in attendance (when the Guard was mobilized *en masse*, as happened in World Wars I and II), to perform burial honors, to support local events as Color Guards in parades, to provide ushers and parking monitors for local events, and, when available, to provide first aid at local events. These were tasks, albeit of value, that obviously required minimal training and qualifications.

With the Cold War over, the nation and the states face different threats. Rather than preparing to fight Communism, the United States is now faced with an entirely different threat, that of radical Islamists who use terror as a weapon. This threat, coupled with the ever-present risk of natural disasters, has created an increased need among the states to strengthen and augment their homeland security capabilities. With the recent high mobilization rates among the nation’s National Guard forces, both as units and as individuals, due to the wars in Iraq and Afghanistan, forward-thinking governors and TAGs have begun looking to their SDFs as force multipliers, providing key elements of all-hazards homeland security for their states.

Force Design. Meeting this redefined mission set has required a new model. This model should rest on creating professional units within an SDF, units which add to existing capabilities and create a force that adds greater value to the TAG, National Guard, and state as a whole. Likewise, force design largely depends on the type and level of the missions and the extent to which the TAG is willing to integrate the SDF with the National Guard. In implementing force design, states should consider the risks posed by the following threat scenarios:

- Natural disasters and their aftermaths;
- Terrorist attacks against population, infrastructure, or facilities; and
- Other hazards to public health and safety, such as outbreaks of contagious diseases.

Typically, a modern SDF is organized as a brigade, with a brigadier general in command, structured as follows:

²⁷ Federal Emergency Management Agency, “FY 2011 Homeland Security Grant Program (HSGP),” August 23, 2011, at <http://www.fema.gov/government/grant/hsgp/#2> (February 7, 2012).

- Commanding general (the brigadier general)
- Deputy commander
- Chief of staff
- Between two and five battalions
- Specialized professional components (directorates)
 - Medical regiment
 - Engineer regiment
 - Judge advocate general (JAG)
 - Chaplaincy
 - Band
 - Cavalry
 - Constabulary training.

Under the chief of staff are up to nine specialized staff functions providing organizational or operational input, bearing the letter and number designations commonly used for general staff elements of Army units:

- G1 – personnel and administration
- G2 – intelligence and security
- G3 – operations
- G4 – logistics
- G5 – plans
- G6 – signal, communications, information technology
- G7 – training
- G8 – finance, contracts, resource management
- G9 – civil–military co-operation (CIMC), civil affairs

In the modern SDF, attention must be paid to the special professional components that will best meet the needs of the state. There are no field manuals or other set publications that

describe “best practices” for an SDF. Nonetheless, interchanges among SDF personnel do occur, and an analysis of existing literature illustrates some specific “professional components” that form part of vibrant SDFs throughout the United States. These include:

- **Medical units.** SDFs throughout the nation draw on the professional experience and qualifications of many medically trained personnel, who are organized into specialized medical units. In terms of disaster response, SDF medical units have been used to provide care for trauma victims, mental health support, and sanitary and other public health assistance, adding to states’ medical surge capacity.²⁸ Outside of disaster situations, SDF medical units have provided health care services to SDF and National Guard personnel, as well as to local residents. The Medical Brigade of the Texas State Guard (TXSG), for instance, runs free medical clinics as part of its training operation: Each year, Operation Lone Star provides medical care consisting of basic dental care, medical exams, blood pressure and diabetes screening, and child immunizations to roughly 12,000 patients.²⁹

The Maryland State Defense Force (MDDF) 10th Medical Regiment made a significant impact after Hurricane Katrina, and serves as an example to other states of the benefit of SDF medical units. Professionals from the Maryland Department of Health and Mental Hygiene, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Emergency Management Agency were ready and willing to serve, but Maryland was without an effective means for transporting them to, and supporting them in, the disaster area. The solution was to induct each individual into the MDDF on the tarmac, which facilitated transportation and deployment under relevant legal authority.³⁰ The MDDF Medical regiment then arrived at an abandoned hospital, in which it set up headquarters. The mission, Operation Lifeline, with only 250 MDDF volunteers lasted for 18 days and aided 6,300 patients.³¹ More than a hundred of these personnel remained in the MDDF after returning home, and form the core of its strong medical regiment. Among the many current missions of the MDDF’s medical regiment is the conduct of post-deployment health assessments of National Guard

²⁸ Nelson et al., “Developing Vibrant State Defense Forces,” and Col. Martin Hershkowitz and Col. H. Wayne Nelson, “Maryland Defense Force 10th Medical Regiment: Past, Present and Future,” *State Defense Force Journal*, Vol. 3, No. 1 (Fall 2007), at <http://www.sdfpubcntr.net/docs/sdfjvol4.pdf> (February 7, 2012).

²⁹ Sgt. First Class Brenda Benner, “The Texas Medical Rangers and Thousands of Patients,” *State Defense Force Monograph Series*, Winter 2006, at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA497328> (February 7, 2011), and Col. Robert Morecook, “Medical Brigade Reaches Across Texas Providing Care for Citizens and Guard,” *Guidon*, Vol. 1, No. 2 (Spring 2011), p. 16, at <http://www.txsg.state.tx.us/guidon/docs/2011AprGuidon.pdf> (November 17, 2011).

³⁰ Lt. Col Richard Colgan, Maj. Kisha Davis, and Col. Robert A. Barish, “Operation Lifeline: Health Care Professionals from Maryland Respond to Hurricane Katrina,” *State Defense Force Monograph Series*, Winter 2006, at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA496627> (February 7, 2012).

³¹ *Ibid.*

personnel returning from overseas, in an attempt to make sure that latent physical or psychological needs from their deployments do not go unmet.

- **Engineering units.** In terms of engineering, the Maryland Defense Force has once again found itself a leader among the nation's SDFs. Established in 2006, the MDDF engineer directorate, the 121st Engineer Regiment, has grown exponentially in size. By 2009, the regiment was executing 100 percent of all inspections of state military facilities across Maryland for the Maryland Army National Guard (MDARNG). Similarly, other SDFs could aid their states' military department and emergency management agency through the creation of engineering units, not only through inspection of facilities, but also through critical infrastructure and disaster assessments.³² These units can draw on the professional experience of members with graduate-level studies or professional engineering experience, as well as seek to recruit members to meet this need. All personnel are screened to make sure they have the level of state licensure and experience commensurate with their SDF billets, and like other professional personnel must maintain proper licensure.

- **JAG units.** Another key area of specialization is found in the legal profession. Whether working quietly in advising the commanding general and his staff, or representing and advising individuals, JAG units are today considered indispensable by commanders. Brigadier General Roland Candee provides insight into the legal status of the militia and how the militia fits into the total force, but does not detail the role of SDF lawyers.³³ Because SDF lawyers and allied professional personnel (such as paralegals) are licensed to practice in their SDF's state, they can represent members of the National Guard and their families *pro bono* in civil matters that are not able to be addressed by active duty JAGs. These matters have included, for the MDDF, helping deployed personnel with child custody issues, home foreclosures, and a myriad of other legal matters about which a deployed National Guard member and his or her family should not have to worry. Also, the complexity of the constitutional and statutory framework within which SDFs operate, as noted earlier in this paper, requires that commanders have access to expert legal advice, which can be furnished only by lawyers who have a firm grasp of both lawyering and soldiering.

- **Communications units.** After Hurricane Katrina, the communications infrastructure was one of the most heavily hit critical infrastructures. Some 2,000 cell towers were destroyed, land mobile radio communications were crippled, and 911 emergency phone access was debilitated. While the severity of the damage was great, at landfall Hurricane Katrina was only measured as a category 3 storm. Although the catastrophe was exacerbated by the strong surge, levee breach, and flooding in the

³² Col. Brian R. Kelm and Col. Martin Hershkowitz, "Maryland Defense Force Establishes an Engineer Capability," *State Defense Force Journal*, Vol. 3, No. 1 (Fall 2007), at <http://www.sdfpubcntr.net/docs/sdfjvol4.pdf> (February 7, 2012), and Col. Martin Hershkowitz and Col. Brian Kelm, "On Planning a Damage Assessment," *State Defense Force Monograph Series*, Fall 2009, at <http://www.sdfpubcntr.net/docs/MissionSDFColdwarV42009.pdf> (February 7, 2012).

³³ Brigadier Gen. Roland L. Candee, "Forward to the Past: The Legal Status of the Militia and How the Militia Fits Into the Total Force," *State Defense Force Monograph Series* (forthcoming in 2012).

wake of the storm, it is likely the area will experience another storm of the same, or greater, magnitude.³⁴

SDFs can help prepare state communications systems for future disasters by building mobile communications systems to add to state capabilities during response and recovery work. The South Carolina State Guard (SCSG), for instance, contains a Division Communications Section. This section consists of two mobile communications trailers, containing radios capable of high frequency, VHF/UHF, and general mobile radio service (GMRS) transmission, in addition to air-to-ground radio capabilities, repeater systems, and an assigned Federal Communications Commission (FCC) frequency. The SCSG has reached out to amateur-radio clubs to coordinate communication and to recruit club members for State Guard membership, even establishing its own South Carolina State Guard Amateur Radio Club and applying for an FCC club license.³⁵ Maryland is also developing a signals unit along these lines.

- **Chaplaincy units.** Another way that SDFs can add significant value to the states and their National Guard units is through the provision of chaplains. Military chaplains not only conduct services, they also provide counseling services and cultural and religious education.³⁶

The U.S. Army Reserve and National Guard employ approximately 1,200 chaplains, yet as of July 2011, the Reserve Components of the Army were still short roughly 300 chaplains. While the Army estimates that the Chaplain Corps' billets will be completely filled by 2014, SDFs can help the National Guard fill this gap.³⁷ Chaplains at SDFs do not only serve the spiritual needs at their own SDFs, but aid the National Guard by providing temporary additional duty (TAD) chaplains to National Guard units that either lack a chaplain or whose chaplain has been transferred to a deploying unit.³⁸ In emergencies, chaplains can also provide nondenominational counseling to affected responders and citizens.

Recruitment. Of course, force structure means nothing without the effective recruitment of members. Typically, SDF recruiting is a collection of approaches put together by the G1 staff element responsible for personnel matters, based on input from its own staff and others on the general staff. Any recruiting plan becomes unique to the SDF unit itself. It

³⁴ Robert Miller, "Hurricane Katrina: Communications and Infrastructure Impacts," *State Defense Force Monograph Series*, Winter 2006, at <http://www.carlisle.army.mil/DIME/documents/Hurricane%20Katrina%20Communications%20&%20Infrastructure%20Impacts.pdf> (February 7, 2012).

³⁵ Kenneth Price, "Communication Systems for Emergency Operations," *State Defense Force Monograph Series*, Winter 2006, at <http://www.dtic.mil/docs/citations/ADA497640> (February 7, 2012).

³⁶ Col. Martin Hershkowitz and Chesky Tenenbaum, "The Critical Shortage of Military Chaplains: One Possible Solution," *State Defense Force Journal*, Vol. 4, No. 1, Fall 2008 <http://www.sdfpubcntr.net/docs/SDFJVOL4FALL2008.pdf>.

³⁷ Gary Sheftick, "Chaplain Corps Turns 236 with New Strength," Army.mil, July 28, 2011, at <http://www.army.mil/article/62568/> (February 10, 2012).

³⁸ Hershkowitz and Tenenbaum, "The Critical Shortage of Military Chaplains."

cannot be overemphasized, however, that the key to building a strong professional force is to recruit a “key” person as its commander. This person may be a leader in his or her professional field and in the community, such as a prominent physician, a judge or well-known lawyer, or a leading cleric or engineer. These people are connected with the network needed to effectively communicate the SDF story to their peers and have access to the channels and language essential to reach out broadly to potential recruits.

A SDF recruiting plan is typically aimed at:

- Retired military—looking for a way to continue serving their country and communities, and retain a sense of military camaraderie;
- Military personnel electing not to serve further in the active or reserve forces, but wanting to retain that sense of camaraderie;
- Those who choose not to serve in the active or reserve forces, but want to provide some form of service for their state and community;
- Veterans’ associations, such as the American Ex-Prisoners of War, the American Legion, AMVETS, Catholic War Veterans, Disabled American Veterans, Jewish War Veterans of the USA, Military Officers Association of America, Non-Commissioned Officers Association, Retired Enlisted Association, and Veterans of Foreign Wars (VFW);
- Recruiting advertisements and brief civilian style “after action” articles on completed missions in support of the state or local community in community newspapers;
- Recruiting by means of visits to professional organizations (such as those for lawyers, engineers, medical personnel, or chaplains) whose members—especially those with former military service—are often very willing to join an SDF;
- States may also offer state tax exemptions or state tuition reimbursement as an added incentive for service in the SDF,³⁹ and
- A strong and inviting website, with easy-to-access links, including a link for use by potential recruits to obtain more information, talk with a recruiter, or to obtain an application. The website should clearly spell out qualifications for membership and the opportunities in the SDF.

Age and physical health requirements for joining an SDF differ from those required for federal service, whether active duty or not. Strict, active-duty standards are not necessary,

³⁹ The South Carolina State Guard offered a \$3,000 state-tax exemption, provided a guardsman has completed at least 192 hours of service. Texas provides tuition reimbursement for up to 12 credit hours per semester for members of the Texas State Guard and the Texas National Guard. Maryland provides state passes to permit free travel on toll roads and bridges for mission purposes and, starting in 2012, will allow state-income-tax relief of up to \$3,500 for MDDF service.

as SDF members are not expected to be able to perform the full range of military duties in a combat environment. Appropriate weight and grooming standards are typically set by regulation, while state law may establish age requirements in the SDF-enabling legislation. When setting age and physical health requirements, it is important to take into account that SDFs are composed largely of retired military personnel and other seasoned professionals who tend to be older than deployable National Guard troops, and, hence, cannot be expected to meet the same physical (today, essentially “active duty”) standards. Nonetheless, their years of professional and military experience can be absolutely invaluable and must not be discounted. “In many cases it is not uncommon in a group of four or five SDF officers to find 100 plus years of military experience.”⁴⁰ Thus, allowances are typically made to customary military standards of weight and fitness, but members who wish to wear military uniforms are customarily required to meet physical and grooming standards that assure their military appearance in uniform. Some SDFs (such as Maryland’s) may allow members who do not conform to their military uniform-wearing criteria to wear a “non-military uniform,” such as khaki slacks and a logo polo shirt, or logo “scrubs” for medical personnel.

Background Screening. Due to the nature of the state defense force in terms of its representation of the governor and TAG (and the fact that members of some SDFs may be armed while on duty) it is usually required that, at a minimum, a criminal background check be performed prior to induction. Thus, states should consider a requirement that both federal and local criminal record checks be conducted, as well as a local background check in the localities surrounding the individual’s home and work locations. It is essential to obtain the recruit’s consent to this screening beforehand.

Finance. The SDF is a volunteer military organization. There is no general requirement for a budget to cover such costs as salaries, facilities, equipment, training, travel, and general and administrative expenses. Each state legislature determines precisely what will be covered, at what cost, and for how long. For example, some SDFs:

- Offer payment for activated troops according to their grade, some pay them a fixed amount for all grades, some do not pay their troops anything unless they have been activated for a specific event;
- Cover transportation costs (although most do not); some also arrange for passes to permit free use of state-owned toll highways, bridges, and tunnels;
- Use federal surplus warehouses for uniforms and equipment (many do not); some also accept state surplus enlisted uniforms and office equipment; and
- Use National Guard armories as their drill sites.⁴¹

⁴⁰ Nelson et al., “Developing Vibrant State Defense Forces.”

⁴¹ Author conversations with different SDFs.

While states are not required to budget for SDFs, there are ways in which SDFs can obtain support funds or equipment:

- Establish a chapter supporting the State Guard Association of the United States. Approximately one-half of the SDFs have such a chapter. Since these chapters are IRS 501(c)(3)-certified, they can seek donations and grants to provide a variety of support for their SDFs. Maryland has such a chapter, as well as its own dedicated 501(c)(3) foundation, which has proved immensely useful.
- Petition their National Guard for access to surplus equipment, training material, and training facilities.
- Prepare grant requests for special purposes, such as medical supplies and equipment, training material and audio-visual equipment, communication equipment, or a trailer to house a disaster mobile communication center.
- Establish a working relationship with selected state agencies requiring technical support that the SDF can provide. Under these conditions the SDF can use the agency's material and equipment for itself for the duration of their working relationship.
- Associate with a local Medical Reserve Corps, receiving visibility, recognition, and temporary additional medical staff and needed medical resources.

Training. The backbone of any professional military force is training, both general military training and job-specific training. A well-run SDF is no exception. Therefore, there must be an established schedule of training for all personnel who want to be active members of their assigned units. Each member should undergo basic SDF coaching before starting duty. This will include general education in military customs and courtesies, as well as in SDF roles and responsibilities. Specialized professional directorates, such as chaplaincy, JAG, and medical regiment, have memberships that are already accustomed to continuing professional education, and they should be required to participate in continuing professional education unique to SDFs, as well. It is also vital that *all* SDF personnel be trained in the National Incident Management System's (NIMS) Incident Command System (ICS) for command and control of emergency situations, which is readily available through FEMA or a state's emergency management agency. This will allow SDF personnel to fit seamlessly into a larger strategy for handling a domestic emergency.

Enhancing the Strength of the Nation's SDFs

Despite the tremendous advances in the role and stature of SDFs in recent years, forward thinking shows that more can be done to solidify and strengthen SDFs. Suggested future actions for states and Congress include:

- **States should promote the creation of SDFs in high-risk states.** Presently, 28 states have chosen not to authorize a SDF, including several states at high risk of natural disasters or terror attacks. The hesitation of many states to create a SDF makes little sense, given that SDFs offer near-zero-cost force multipliers for homeland security efforts. There are, as outlined herein, a number of vibrant SDFs that can serve as models for new ones throughout the states, and whose command and staff elements could act as valuable advisors in the start-up process.
- **States and federal policymakers should integrate SDF units into state and federal emergency management planning.** States, the Department of Defense, and the Department of Homeland Security should seek to integrate SDFs into existing and future emergency management plans to ensure that all players in state emergency response are aware of the resources provided by their state's SDF. Further, emergency management plans and exercises will provide the SDF with greater guidance on its role in state response in the event of a disaster. It is essential that all SDF personnel be drilled in NIMS-ICS protocols, both upon entry into service and on a continuing basis.
- **Congress should amend Title 32 of the U.S. Code to provide unmistakable permission for joint training between the National Guard and the SDF.** In November 2011, the National Guard Bureau (NGB) revised its principal regulation covering SDFs, NGB Reg. 10–4, to eliminate many antiquated provisions. Contained in the revised version was a provision recognizing that “state [National Guard] may train or conduct exercises and maneuvers in conjunction with SDFs,” provided that no federal funds or equipment are used.⁴² While this is a good first step in facilitating joint training between National Guard and SDF units, more can be done. Specifically, Congress should amend Title 32 to provide unmistakable authority for joint training between National Guard and SDF units. Specifically the law should be amended to allow the National Guard to provide assistance to all auxiliary forces, including the SDF, the Civil Air Patrol, and Coast Guard Auxiliary.⁴³ Such an amendment would not only allow the National Guard to provide assistance in the form of technical training, administrative support, and equipment, but also allow the National Guard and the SDF to better share best practices for emergency management and state homeland defense.
- **State and federal policymakers should enhance state resource allocation and federal in-kind support.** One of the many merits of the SDF is its nature as a near-zero-cost homeland security resource for its state. With states not required to fund their state defense forces, SDFs themselves often seek funds and support through such activities as the creation of 501(c)(3) foundations. Yet, adequate state

⁴² National Guard Regulation 10–4, “Organization and Functions: National Guard Interaction with State Defense Forces,” November 2, 2011, at http://www.vdf.virginia.gov/images/Regulations/ngr10_4.pdf (February 7, 2012).

⁴³ 32 U.S. Code § 508. Section 508 lists the Boy and Girl Scouts of America, the Young Men's and Women's Christian Association, the Police Athletic League, and the Civil Air Patrol, but not the Coast Guard Auxiliary or the State Defense Force, among the organizations authorized to use National Guard facilities and equipment, as well as receive technical training and administrative support.

support and resources would increase the quality and capability of the SDF. Additionally, while SDFs, by their nature as state military forces, should remain primarily funded by the states, these forces would greatly benefit from receiving federal in-kind support, such as excess federal equipment and supplies, from the Department of Defense.

- **States should develop the State Defense Force Intelligence Mission.** The intelligence function, falling within the G2 staff area, is often overlooked by a SDF, with the exception of its own security needs. Strictly military intelligence (in the sense of ascertaining national defense information) is obviously an exclusively federal function. There are, however, intelligence-related missions that would benefit the command of the SDF. Most SDFs have at least one activity that provides excellent support to their National Guard or their governor in critical-infrastructure risk assessment, disaster mitigation, emergency management, use of technology, and knowledge of where to obtain additional resources, both human and materiel. These activities provide essential information to commanders in emergency situations, which is the kind of “local knowledge” operational intelligence that can be a huge boost making emergency missions successful.

A related, emerging area for SDF utilization is their potential as resource-providers for combating cyber warfare, an increasingly grave threat that would not only affect the defense and defense-related industrial assets of the nation, but also ordinary citizens and businesses, whose activities could become paralyzed. SDFs have the potential to attract computer experts who could, at a minimum, assist in recovery operations in their states after a cyber attack.

Arizona: The Chance to be an Example

With the passage of S.B. 1495, Arizona stands ready to authorize and establish a state defense force unit. Once authorized, Arizona’s state leaders will be faced with determining how best to organize and train their newly authorized SDF. By building on best practices throughout the nation and seeking to establish a force focused on creating professional units, Arizona can establish a state defense force that meets the needs of its population—and serves as an example and an inspiration to states across the country.

Talking Points

- In July 2011, Arizona's Senate Bill 1495 went into effect, authorizing Arizona's governor to establish a state guard unit. These volunteer units, formally known as state defense forces (SDFs), are today's modern state militias. They are authorized under the Constitution and by state and federal law.
- Historically, SDFs were organized along traditional unit lines, usually as light infantry and military police forces. Today's threats require a different mission. Modern SDFs serve as auxiliaries to the National Guard units of their states, as well as low-cost force multipliers for state homeland security missions in disaster preparation, response, and recovery.
- SDFs continually reside in their respective states and can be called up quickly and easily in times of need.
- By building on best practices throughout the nation, Arizona can establish a SDF that meets the needs of its population—and serves as an example for other states.

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Homeland Security → State and Local Response

Homeland Security → State and Local Response → First Responders

Homeland Security → State and Local Response → Law Enforcement Cooperation

Homeland Security → State and Local Response → Threat Assessment

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THE 21ST-CENTURY MILITIA: STATE DEFENSE FORCES AND HOMELAND SECURITY¹

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ABSTRACT

State militias have helped to defend the United States since the Revolutionary War. Today, 23 states and territories have organized militias, most commonly known as State Defense Forces (SDFs). SDFs provide governors with a cost-effective, vital force multiplier and resource, especially if state National Guard units are deployed out of state. However, in general, SDFs are underfunded and undersupported. Some states at high risk for a natural or man-made disaster have not even created SDFs. The U.S. and its states can no longer afford to sideline these national security assets.

Since the founding of the United States of America, local militias have played an important role in its defense and security. Bolstered by the Founding Father's concerns about maintaining a large standing army and preserved within the Constitution, the concept of the citizen soldier has since become ingrained in American culture and government.

Currently, 23 states and territories have modern militias. As of 2005, these militias had a force strength of approximately 14,000 individuals nationwide.² Most commonly known as State Defense Forces (SDFs) or state militias, these forces are unique from the Reserves and the National Guard in that they serve no federal function. In times of both war and peace, SDFs remain solely under the control of their governors, allowing the governors to deploy them easily and readily in the event of a natural or man-made disaster.

Building on a strong U.S. militia tradition, today's State Defense Forces offer a vital force multiplier and homeland security resource for governors throughout the nation. SDFs can greatly fortify homeland security efforts in the states by serving as emergency response and recovery forces. Consequently, state leaders should make strengthening existing SDFs a priority, while encouraging their creation in states that do not yet have SDFs, especially in states at high risk of a natural or man-made disaster.

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² This count includes 22 states and Puerto Rico. State Guard Association of the United States, "Active State Forces," at <http://www.sgaus.org/states/active-state-forces.html> (August 9, 2010), and U.S. Department of Defense, "Homeland Defense Forces for Homeland Defense and Homeland Security Missions," November 2005, at <http://www.gasdf.net/documents/DoDReportonSDFNov.20051.pdf> (August 19, 2010).

This paper is the result of a first attempt by any organization to conduct a comprehensive survey of the nation's SDFs. The Heritage Foundation sent surveys to the leaders of all 23 of the nation's SDFs, and 13 responded. This paper analyzes their responses, looks at the history of the SDFs and the issues and challenges that they face, and makes recommendations on expanding the SDF role in homeland security.

From the Founding Through Today

Informed by British history and colonialism, many of the Founding Fathers believed that a large standing army could easily become an instrument of tyranny.³ Nevertheless, the onset of the Revolutionary War clearly demonstrated the undeniable need to field a unified, professional national defense force to defeat the British. Thus, in 1775, despite the colonies' long reliance on militias to defend their territories, the Continental Congress created the Continental Army, the nation's first standing military force.⁴

However, creation of the Continental Army did little to thwart the continued existence of militias throughout the nation. While militias were decidedly less effective during the Revolutionary War than the Continental Army, they nevertheless contributed to the war effort. In the early battles and later as auxiliary support to the Continental Army, the militia helped to win the war, securing their continued role in the nation.⁵

Ultimately, despite misgivings about the effectiveness of militias, the Founding Fathers incorporated their belief that a well-regulated militia was "the ultimate guardian of liberty" into the Constitution.⁶ Article 1, Section 8 of the U.S. Constitution states:

The Congress shall have the power...to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress."⁷

The language of the Constitution granted the federal government the power to call forth the militia of the United States, but left the states the ability to appoint officers and to train their militias.

Five years after the Constitution was ratified, state militia powers were more firmly defined by the Militia Act of 1792, which required all free men ages 18 to 45 to serve in the

³ Edwin Meese III, Matthew Spalding, and David Forte, eds., *The Heritage Guide to the Constitution* (Washington, D.C.: Regnery Publishing, 2005), pp. 141 and 319.

⁴ Michael D. Doubler, *The National Guard and Reserve: A Reference Handbook* (Westport, Conn.: Praeger Security International, 2008), p. 47.

⁵ *Ibid.*, p. 20.

⁶ Meese *et al.*, *The Heritage Guide to the Constitution*, p. 141.

⁷ U.S. Constitution, Art. 1, § 8.

enrolled militia. Further, laying the basis for principles that guide today's State Defense Forces, the act dictated that the Adjutant General (TAG) of each state would command the militia and that state militias would receive no federal funds. At the same time, however, the Calling Forth Act of 1792 gave the President power to mobilize any and all state militia forces when the nation was under threat of invasion or in times of "insurrections in any State."⁸

However, the Militia Act and Calling Forth Act did not end the contest between state governors and the federal government for control over militia forces. Within a few decades, this debate reached the Supreme Court. In 1827, the Court ruled in *Martin v. Mott* that the President had the exclusive right to determine if conditions warranted mobilization of militia forces. However, in 1820, the Court held in *Houston v. Moore* that states maintained concurrent authority with the President to mobilize the militia in the event of a natural disaster, civil unrest, insurrection, or invasion. This decision helped to set the basis for the modern state-apportioned militias.⁹

By the end of the War of 1812, the militias enrolled under the Militia Act of 1792 had largely declined as population growth made their size unwieldy and ineffective.¹⁰ As states increasingly abolished mandatory militia service, volunteer militias became more prevalent. During the Civil War, the combined force of enrolled and volunteer militias proved more useful than in any previous war. Northern militias acted both independently and in conjunction with the U.S. Army to guard prisoners, man forts, and protect the coast, freeing up federal troops for duty elsewhere.¹¹

Despite their utility during the Civil War, volunteer militia forces remained largely disparate and disorganized bodies until the 20th century. In 1903, the latest Militia Act (the Dick Act) transformed all state militia forces into units of the National Guard.¹² While this measure helped to professionalize and organize the U.S. militia, World War I created unforeseen challenge for state governors.

Within months of the U.S. entrance into WWI, the entire National Guard Force of more than 300,000 guardsmen was mobilized for active duty.¹³ Deprived of their National Guard units and concerned about sabotage and espionage attempts on the mainland, governors began to call for the creation of home defense forces or organized state militias. The Home Defense Act of 1917 permitted the states to raise home defense forces in cases where the National Guard had been federalized.¹⁴ By December 1917, eight months after the U.S.

⁸ Michael D. Doubler, *Civilian in Peace, Soldier in War: The Army National Guard, 1636–2000* (Lawrence, Kans.: University Press of Kansas, 2003), p. 68.

⁹ *Houston v. Moore*, 18 U.S. 1 (1820).

¹⁰ Doubler, *Civilian in Peace, Soldier in War*, pp. 87–88.

¹¹ *Ibid.*, p. 108.

¹² The Militia Act of 1903, Public Law 57–196.

¹³ National Guard Bureau, "About the National Guard: 1918," at <http://www.ng.mil/About/default.aspx> (July 28, 2010).

¹⁴ "No state shall, without the consent of Congress...keep troops, or ships of war in time of peace." U.S. Constitution, Art. 1, § 10, and Kent G. Sieg, "America's State Defense Forces: An Historical Component of National Defense," *State Defense Force Journal*, Vol. 1, No. 1 (Fall 2005), p. 5, at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA497658> (July 30, 2010).

entered the war, 42 states had formed home guards or State Defense Forces with a total force strength of approximately 100,000 men.¹⁵ After World War I, most SDF units were disbanded, but they were revived again during World War II,¹⁶ growing to 150,000 members in 46 states and Puerto Rico.¹⁷

After World War II, militias again declined, and circumstances did not prompt creation of large State Defense Forces until late in the Cold War. In the 1950s, Congress again passed legislation supporting the formation of state militias.¹⁸ However, the creation and expansion of SDFs throughout the United States remained slow until U.S.–Soviet relations worsened and détente collapsed in the late 1970s.¹⁹

At the same time that the Cold War was driving the expansion of State Defense Forces, the unpopularity of the Vietnam War led to a drive to end conscription. In 1969, President Richard Nixon established a commission to determine how best to abolish the draft. The Gates Commission concluded that the best alternative to conscription would be an all-volunteer force. However, creating and maintaining this all-volunteer force would rely heavily on the Total Force Concept, which called for complete integration of all Active and Reserve components. Further, the Total Force Concept's heavy reliance on Reserve forces increased the likelihood that states would be left without their National Guard troops if they were deployed overseas.²⁰ This realization led many states to revive their SDFs in the 1980s. Ultimately, in 1983, Congress amended the National Defense Act to authorize all states to maintain permanent State Defense Forces.²¹

The Modern Militia: State Defense Forces

At present, 23 states and territories have SDFs, and their estimated force strength totaled 14,000 members as of 2005.²² Authorized under federal statute Title 32 of the U.S. Code, SDFs are entirely under state control—unlike the National Guard—both in peace and

¹⁵ John R. Brinkerhoff, "Restore the Militia for Homeland Security," *Journal of Homeland Security*, November 1, 2001, at http://www.homelandsecurity.org/journal/articles/brinkerhoff_nov01.htm (July 29, 2010).

¹⁶ SDFs were also later revived during the Korean War in a more limited capacity. This was largely because state leaders generally did not see North Korea as a threat to the homeland. Attention turned instead toward the potential threat from the Soviet Union throughout the Cold War. Barry M. Stentiford, *The American Home Guard: The State Militia in the Twentieth Century* (College Station, Tex.: Texas A&M University Press, 2002), p. 205.

¹⁷ Brinkerhoff, "Restore the Militia for Homeland Security."

¹⁸ Public Law 84–364, and the State Defense Forces Act of the United States of 1958.

¹⁹ H. Wayne Nelson, Robert Barish, Frederic Smalkin, James Doyle, and Martin Hershkowitz, "Developing Vibrant State Defense Forces: A Successful Medical and Health Service Model," *State Defense Force Monograph Series*, Winter 2006, at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA494466> (August 17, 2010).

²⁰ James Jay Carafano, "The Army Reserves and the Abrams Doctrine: Unfulfilled Promise, Uncertain Future," Heritage Foundation *Lecture No. 869*, December 6, 2004, at <http://www.heritage.org/research/lecture/the-army-reserves-and-the-abrams-doctrine-unfulfilled-promise-uncertain-future>.

²¹ Colonel Andre N. Coulombe, "The State Guard Experience and Homeland Defense," *State Defense Force Monograph Series*, Winter 2005, at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA499045&Location=U2&doc=GetTRDoc.pdf> (July 29, 2010).

²² U.S. Department of Defense, "Homeland Defense Forces."

otherwise.²³ Hence, while the National Guard is a dual-apportioned force that can be called to federal service under Title 10 or remain a state force under Title 32, State Defense Forces serve solely as Title 32 forces.

This status gives SDFs two important advantages. First, SDFs are continually stationed within their respective states and can be called up quickly and easily in times of need. Such a capability is particularly important when catastrophic disasters overwhelm local first responders and federal forces can take up to 72 hours to respond.²⁴ Second, SDFs are exempt from the restrictions of the Posse Comitatus Act, which prohibits federal military forces from engaging in domestic law enforcement activities within the United States.²⁵ While the Posse Comitatus Act has never proven a major obstacle to deploying federal forces for domestic emergency response, SDFs permit a state military response uninhibited by legal obstacles.²⁶

Each SDF is under the control of its respective governor through the state's military department.²⁷ The Adjutant General, the state's senior military commander and a member of the governor's cabinet, commands the SDF on behalf of the governor. As SDF commander, TAG is responsible for all training, equipment allocation, and decisions regarding the SDF's strength, activity, and mission. The Adjutant General is also the commander of the state's National Guard units and often directs state emergency response.²⁸ Through the TAG, SDFs can easily coordinate with other key components of the state emergency response.

Despite its recognition in federal statute, creation of a State Defense Force remains at the discretion of each state governor, and 28 states have chosen not to create such forces. Creation of SDFs has met resistance from TAGs and the National Guard Bureau due to concerns over turf, costs, and even arming SDF members.²⁹ However, such objections make little sense given that SDFs are entirely volunteer organizations and offer the states a vital, low-cost force multiplier. Members are not paid for training, only some states compensate them for active duty, and SDFs generally have little equipment³⁰ For example, in 2002 alone,

²³ 32 U.S. Code § 109.

²⁴ James Carafano, "Homeland Security in the Next Administration," Heritage Foundation *Lecture* No. 1085, April 9, 2008, at <http://www.heritage.org/Research/Lecture/Homeland-Security-in-the-Next-Administration>.

²⁵ James Carafano, "Assessing Plans to Deploy U.S. Military on the Homeland Security Front," Heritage Foundation *WebMemo* No. 2156, December 5, 2008, at <http://www.heritage.org/Research/Reports/2008/12/Assessing-Plans-to-Deploy-US-Military-on-the-Homeland-Security-Front>.

²⁶ James Carafano, "Critics of the Hurricane Response Miss the Mark in Focusing on Posse Comitatus," Heritage Foundation *Executive Memorandum* No. 983, October 3, 2005, at <http://www.heritage.org/Research/Reports/2005/10/Critics-of-the-Hurricane-Response-Miss-the-Mark-in-Focusing-on-Posse-Comitatus>.

²⁷ Nelson *et al.*, "Developing Vibrant State Defense Forces."

²⁸ Arthur N. Tulak, Robert W. Kraft, and Don Silbaugh, "State Defense Forces and Homeland Security," *Parameters*, Vol. 33 (Winter 2003–2004), pp. 132–146, at <http://www.carlisle.army.mil/usawc/Parameters/Articles/03winter/tulak.htm> (July 30, 2010).

²⁹ Chip Dever, "The Role of the National Guard in Homeland Security," U.S. Army War College, April 7, 2003, at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA415394&Location=U2&doc=GetTRDoc.pdf> (July 30, 2010).

³⁰ Colonel John R. Brinkerhoff, "The Role of State Defense Forces in Homeland Security," *State Defense Force Journal*, Vol. 1, No. 1 (Fall 2005), at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA497665> (July 30, 2010).

the Georgia State Guard reportedly saved the state of Georgia \$1.5 million by providing 1,797 days of operational service to the state.³¹ In all, the state-apportioned status, organizational structure, and low-cost burden of SDFs make them a vital and practical resource for the states.

State Defense Forces Post-9/11

Only months before 9/11, the U.S. Commission on National Security/21st Century (the Hart–Rudman Commission) suggested making homeland security the primary mission of the National Guard.³² However, after September 11, 2001, National Guard deployments reached their highest level since the Korean War.³³ This was understandably troubling to many state leaders given that “[g]overnors have the greatest responsibility for managing consequences of attacks,” but “[t]hey have the fewest resources with which to do it...only the state police and the National Guard to provide for law and order.”³⁴ In recent years, the high levels of National Guard deployment largely removed this resource from numerous states. Even in the states where National Guard forces remain present, the Guard is maintaining only about 62 percent of its equipment on hand for the states because of oversea deployments.³⁵ This has left some governors with just state police units to help to maintain security and facilitate emergency response. In addition, an emergency, particularly a catastrophic disaster, could quickly overwhelm state police and other first responders. If National Guard forces are unavailable because they are deployed elsewhere, then the state could rely on its SDF, if it has one, to reinforce police and first responders. While largely underdeveloped and underresourced, SDFs can fill this gap in state homeland security capabilities, giving governors a valuable force multiplier.

In recent years, State Defense Forces have proven vital to homeland security and emergency response efforts. For example, after 9/11, the New York Guard, New York Naval Militia, and New Jersey Naval Militia were activated to assist in response measures, recovery efforts, and critical infrastructure security.³⁶ An estimated 2,274 SDF personnel participated in support recovery efforts after Hurricane Katrina. SDF personnel were activated in at least eight states, including Texas, Maryland, Virginia, and Tennessee. They assisted directly with recovery efforts or stayed in their states to fill the roles of the state National Guard units that were deployed to assist in the recovery.³⁷ SDFs have also offered critical infrastructure

³¹ Brent C. Bankus, “Volunteer Military Organizations: An Overlooked Asset,” *State Defense Force Journal*, Vol. 2, No. 2 (Fall 2006), at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA497877&Location=U2&doc=GetTRDoc.pdf> (July 29, 2010).

³² U.S. Commission on National Security/21st Century, “Road Map for National Security: Imperative for Change,” February 15, 2001, at <http://www.fas.org/man/docs/nwc/phaseiii.pdf> (July 29, 2010).

³³ Associated Press, “National Guard Deployment Highest Since Korea,” *The Washington Times*, April 2, 2003, at <http://www.washingtontimes.com/news/2003/apr/2/20030402-090519-7043r/print/> (July 29, 2010).

³⁴ John Brinkerhoff, “Who Will Help the Emergency Responders?” Heritage Foundation *Lecture* No. 882, June 2, 2005, at <http://www.heritage.org/Research/Lecture/Who-Will-Help-the-Emergency-Responders>.

³⁵ U.S. Department of Defense, *National Guard and Reserve Equipment Report for Fiscal Year 2011*, February 2010, at <http://ra.defense.gov/documents/NGRER%20FY11.pdf> (September 9, 2010).

³⁶ Tulak *et al.*, “State Defense Forces and Homeland Security.”

³⁷ Martin Hershkowitz, “Summary of Available State Defense Force After Action Reports from Hurricanes Katrina and Rita Deployments,” *State Defense Force Journal*, Vol. 2, No. 1 (Spring 2006), at <http://www.23bn-vdf.com/s3/AARs%20of%20SDFs%20in%20Katrina.pdf> (July 30, 2010).

protection. In Operation Noble Eagle, the homeland defense and civil support operation after 9/11, the Alaskan SDF aided in the efforts to protect the Alaska oil pipeline.³⁸

History suggests that State Defense Forces may be most valuable in assisting the states in emergency response. In the event of a natural or man-made disaster, the first tier of response is state and local first responders. However, Hurricane Katrina exposed a vital difference between a “normal” disaster and a catastrophic disaster.³⁹ A catastrophic disaster quickly stresses the resources and capabilities of state and local responders. In such cases, the Title 32 National Guard troops can serve as the second tier of response. Yet given the National Guard’s high operational tempo over the past decade, the state Guard units may be unavailable. Likewise, the third tier, federal support in the form of reserve troops or FEMA assistance, may take up to 72 hours to mobilize and arrive at the scene of the disaster.⁴⁰ In contrast, State Defense Forces are by their nature located nearby. They also know the area and the resources at hand, giving them the potential to be a key element of emergency response for the states.

Besides being readily available and continually stationed within states, SDFs can carry out state homeland security missions without any major reorganization, which would be required if Congress were to implement the Hart–Rudman Commission’s recommendation to task the National Guard with this role. Furthermore, by assuming greater homeland security responsibility, SDFs would allow the National Guard to focus more on their Title 10 mission in the global war on terrorism. Moreover, unlike the dual-apportioned National Guard, State Defense Forces could focus more completely on homeland security than the National Guard.

Challenges Faced

State Defense Forces offer an important homeland security asset to many states, but several challenges have prevented these forces from reaching their full potential. Existing SDFs are often underfunded and undersupported, and some vulnerable states have not yet formed SDFs.

One of the greatest challenges to the creation and maintenance of State Defense Forces across the nation is ignorance among state and national security leaders. Many of these leaders are fundamentally unaware of the existence and capabilities of SDFs. This is largely a public relations nightmare for the SDFs because this general ignorance greatly impedes SDF leaders’ efforts to make their cause and merits known.

However, lack of awareness is not the SDFs’ only major public relations challenge. Often those who are aware of SDFs confuse them with private militia forces associated with radical organizations. State Defense Forces are the modern state militias. These forces are government-authorized, organized, professional militias, in sharp contrast to their radical “counterparts.”

³⁸ Tulak *et al.*, “State Defense Forces and Homeland Security.”

³⁹ James Carafano and John Brinkerhoff, “Katrina’s Forgotten Responders: State Defense Forces Play a Vital Role,” Heritage Foundation *Executive Memorandum* No. 984, October 5, 2005, at <http://www.heritage.org/Research/Reports/2005/10/Katrinas-Forgotten-Responders-State-Defense-Forces-Play-a-Vital-Role>.

⁴⁰ Carafano, “Homeland Security in the Next Administration.”

SDFs are also limited by the restriction forbidding them from receiving in-kind support from the U.S. Department of Defense (DOD). While SDFs should remain funded solely by the states, in-kind support in the form of equipment and facilities would enhance SDF training and capabilities. However, because the DOD does not directly support SDFs, they cannot use federal resources, even surplus federal equipment and supplies. This is particularly challenging given that many SDFs work closely with their state National Guards. Nevertheless, SDFs are not permitted to use Guard facilities, trucks, or equipment, even when state National Guard troops are deployed elsewhere and SDFs are filling in during their absence.

The Current State of SDFs

The State Defense Forces offer the states a much needed force multiplier for homeland security operations and provide critical support as an auxiliary to the National Guard. While the potential roles of SDFs received heightened attention immediately after 9/11, that attention has faded in recent years.

To assess current SDF resources and capabilities, The Heritage Foundation sent a survey to the leaders of the 23 existing SDFs. Thirteen states—Alabama, Georgia, Indiana, Maryland, Michigan, Mississippi, New Mexico, Ohio, Oregon, Tennessee, Texas, Vermont, and Virginia—responded, providing a sampling of SDFs from across the United States. While the data received are limited and cannot draw a national picture of State Defense Forces, much can still be learned from the information gathered.

Mission. First, 11 of the 13 respondents indicated that their State Defense Forces have a defined mission under state law, but the identified missions varied greatly from state to state. Some forces focused more on a National Guard auxiliary mission. Other SDFs emphasize homeland security and civil support. The SDFs of Alabama, Georgia, Maryland, New Mexico, Oregon, Tennessee, Vermont, and Virginia identified their mission as acting largely to support the state National Guard. Other states defined their mission as providing communication backup and support, serving as a direct resource of the governor, operating search and rescue efforts, assisting in disaster response, and/or supporting emergency operating agencies and law enforcement as key components.

In emergency response, 10 of the 13 SDFs play a designated role in their state or local emergency operation centers. Several of the SDFs participate in planning disaster mitigation tactics, either at the direction of the state National Guard, the governor, and/or the Adjutant General, rather than following a predetermined plan for disaster mitigation. Others simply encourage greater training and education among their members. Virginia and Georgia have gone so far as to incorporate their SDFs into their state all-hazards or disaster mitigation plans.

Funding. Survey results also support the notion that State Defense Forces provide a cost-effective solution to the problem of maintaining sufficient homeland security manpower at the state level. Only four of the 13 responding SDFs indicated that they pay their members when on active duty. The rest rely solely on volunteer service. Nevertheless, while SDFs are considered a low-cost asset, they still require adequate state funding to ensure that they have the resources necessary to carry out their assigned missions. In this regard, only nine of the

13 SDFs indicated that they receive state-appropriated funds. Yet despite inadequate funding, 10 of the 13 respondents plan to expand their SDFs, clearly reflecting the importance of these forces.

Force Strength. In force strength and composition, 10 of the 13 SDFs had active force strengths above 100 personnel as of January 2010. Vermont, Maryland, Virginia, Tennessee, Indiana, Georgia, and Alabama reported forces of more than 200 members each, and Texas indicated an active force strength of 1,750—the largest of the SDFs.

Yet many high-risk states do not have SDFs. Judging from more than 50 years of actuarial data on natural disasters, certain states face a predictable, high risk of experiencing a natural disaster.⁴¹ Further, an analysis of funding of cities through the Department of Homeland Security’s Urban Areas Security Initiative (UASI) program has identified the 37 “highest risk” jurisdictions as indicated by the federal government. Of these high-risk states, Arizona, Florida, Hawaii, Illinois, Missouri, North Carolina, and Pennsylvania lack SDFs.

Additionally, SDF personnel tend to be retired military personnel and other professionals. In all but one of the 13 SDFs, the average age of SDF personnel is 42 years or older. While some point to the higher age of SDF members as a disadvantage, in fact this is a great strength because it often reflects the members’ extensive experience. “In many cases it is not uncommon in a group of four or five SDF officers to find 100 plus years of military experience.”⁴² According to survey results, responding SDFs primarily draw on such experience and professional backgrounds in offering medical, financial, and legal aid within the SDF and to the National Guard.

Only Texas, Virginia, and Indiana reported having an SDF naval or marine arm. The Texas, Virginia, and Vermont SDFs have air arms.

Seven of the 13 SDFs reported that they trained and served side-by-side with the state National Guard on a regular basis. All 13 respondents responded that they conducted regular assessments of their SDFs.

In all, the survey data show that too many SDFs receive insufficient recognition and support. Because they are predominantly volunteer organizations, their capabilities tend to be overlooked. Yet the states with SDFs should seek to expand the size, scope, and utility of their SDFs to provide themselves with a dynamic resource at a low cost. High-risk states without SDFs should seriously consider forming them. In addition to receiving greater federal recognition and in-kind support as well as state resources, SDFs should be given the opportunity to train side by side with their National Guard counterparts. SDFs will be a significantly greater asset to their states if they are more professionally trained and equipped.

Expanding the Role of SDFs in Homeland Security

⁴¹ Matt Mayer, David C. John, and James Carafano, “Principles for Reform of Catastrophic Natural Disaster Insurance,” Heritage Foundation *Backgrounder* No. 2256, April 8, 2009, at <http://www.heritage.org/research/reports/2009/04/principles-for-reform-of-catastrophic-natural-disaster-insurance>.

⁴² Nelson *et al.*, “Developing Vibrant State Defense Forces.”

In 2009, the State Defense Force Improvement Act (H.R. 206) was introduced into the U.S. House of Representatives. The bill would have amended Title 32 of the U.S. Code to enhance the nation's SDFs.⁴³ The bill sought to clarify federal regulation of SDFs and to improve standardization and coordination with the DOD and the U.S. Department of Homeland Security (DHS). However, since its introduction, H.R. 206 has been on hold.

Expansion and enhancement of SDFs remains vital to homeland security. To further such efforts, state leaders, Congress, the DOD, and the DHS should:

- Promote the creation of SDFs in high-risk states. Only 23 states and territories have SDFs. The hesitation of many governors makes little sense given that SDFs offer a low-cost force multiplier for homeland security efforts. In particular, the high-risk states without SDFs would greatly benefit from creating SDF forces for disaster recovery and response efforts.
- Create state standards and clarify federal regulation. Clarifying federal regulation would provide a clearer picture on SDFs' powers and mission. At the same time, creating state standards for tactics, techniques, and organization based on the needs of each individual state would strengthen and enhance SDF performance. State standards should be communicated to the Council of Governors and the State Guard Association of the United States to facilitate sharing of best practices among the states.
- Incorporate SDFs into state and national emergency management plans. Expanding SDFs while clarifying regulation and setting standards is only the first step. The states, the DOD, and the DHS should ensure that SDFs are incorporated into existing and future emergency management plans and exercises. Including SDFs will help to ensure that all state and national actors in emergency response know their respective roles. Further, emergency management plans and exercises will provide SDFs with greater guidance on what is expected of them in the event of a man-made or natural disaster.
- Permit SDFs to train side by side with the National Guard. While SDFs and the National Guard differ in their overall missions, they share emergency management responsibilities in their respective states. In each state, they also have a common commander, the state's Adjutant General. Having the SDFs train alongside the state National Guards would be an effective use of resources and provide the specialized training needed to strengthen the SDFs. State Defense Forces will be a significantly greater asset to their states if they are more professionally trained and equipped. Accordingly, Congress should amend the law⁴⁴ to allow the National Guard to provide assistance to all auxiliary forces, including SDFs and Coast Guard Auxiliaries. This assistance could include technical training, administrative support, and use of National Guard facilities and equipment.

⁴³ State Defense Force Improvement Act, H.R. 206, 111th Congress, 1st Session.

⁴⁴ 32 U.S. Code § 508. Section 508 lists the Boys and Girls Scouts of America, the Young Men's and Women's Christian Association, the Police Athletic League, and the Civil Air Patrol, but not the Coast Guard Auxiliary or the State Defense Forces, among the organizations authorized to use National Guard facilities and equipment, as well as receive assistance in the form of technical training and administrative support.

- Encourage greater state support and resource allocation, and federal in-kind support. Four of the 13 SDFs do not receive state funding. While SDFs are a low-cost resource, the size and scope of their functionality is hindered by insufficient support and resources. To increase the quality and capability of SDFs, states need to provide adequate support and resources. Additionally, while SDFs should remain solely funded by the states, these forces would greatly benefit from receiving federal in-kind support from the Department of Defense. Allowing SDF members to train at military facilities and to receive excess federal equipment and supplies would greatly benefit the SDFs with minimal burden on the DOD.

The Future of the Modern Militia

There are clear historical, legal, and practical justifications for strengthening the State Defense Forces. Since the founding of this country, militias have played a vital role in fulfilling the constitutional duty of providing for the common defense. Today, as strictly state forces, SDFs continue to provide critical manpower at minimal cost.

Despite the undeniable benefits from having an effective SDF, many SDFs lack the resources and the operational standards needed to make them more effective. Some states at high risk of natural or man-made disasters have not even formed SDFs. The U.S. and its states can no longer afford to sideline these national security assets.

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Appendix A

HOMELAND SECURITY AND THE STATE DEFENSE FORCE SURVEY

Please write the name of your state:

Do you have a statutory or other official mission? If so, please explain:

- Yes, explanation: _____
 No

If your mission is multi-faceted or open-ended, what do you consider your three primary missions in order of importance?

1. _____
 2. _____
 3. _____

Are you funded at all by state-appropriated funds?

- Yes No

Are you authorized to be deployed out of state? If so, under whose request?

- Yes, under the request of: _____
 No

How many dedicated full-time members are part of your Defense Force?

- 1 – 5 6 – 10 11 – 20 21 – 30 31 or more

What is your total active strength as of January 2010?

- 20-40 40-60 60-80 100-200 200+

What is the average age of your State Defense personnel?

- 18-25 26-33 34-41 42-49 50+

Please indicate strength in the following grades:

GO _____, Field Grade _____, Co. Grade _____, WO _____,
 Snr. NCO (E-7 through 9) _____, Other (Please explain)
 _____.

Please indicate number of personnel in directorates/units as follows:

Chaplains _____, Medical _____, Legal _____, Engineer _____,
 Finance _____, MPs _____.

Are Defense Force members paid? If so, how much and do they generally draw this pay or simply volunteer?

- Yes, amount: _____
 Draw
 Do not draw/Volunteer
 No

Do your personnel wear current U.S Army, Air Force, or Navy combat uniforms with distinguishing insignia? Or State Defense Force uniforms?

- US Army/Air Force/ Navy Uniforms
 State Defense Force Uniforms

HOMELAND SECURITY AND THE STATE DEFENSE FORCE SURVEY

Are these uniforms issued or are uniform allowances given?

- Issued
- Allowances Given

Do you have a naval/marine arm? If so, please describe its duties.

- Yes, explanation: _____
- No

Do you have an air arm? If so, please describe its duties.

- Yes, explanation: _____
- No

Do you train/serve side-by-side with the State National Guard on a regular basis?

- Yes
- No

Does your Defense Force have a designated place in the State/Local Emergency Operation Centers (EOCs)? If so, please explain.

- Yes, explanation: _____
- No

Are there any personnel training or certification requirements (e.g., NIMS/ICS training)? If so, what are they?

- Yes, explanation: _____
- No

Please describe your disaster mitigation tactics:

Please describe how your Defense Force is organized (e.g., by region, by directorate, by traditional military TOE units, or some combination):

Are you planning to expand the use of your State Defense Force?

- Yes
- No

Do you conduct a regular assessment of your State Defense Force? If so how often?

- Yes, explanation: _____
- No

Please feel free to attach any additional information.

Thank you for your time

Appendix B

Survey Responses

Do you have a statutory or other official mission?

Alabama	No	
Georgia	Yes	
Indiana	Yes	
Maryland	Yes	Provide technical and professional assistance to the Maryland National Guard and the Emergency Management Agency.
Michigan	Yes	
Mississippi	Yes	
New Mexico	Yes	Military service for the state in time of need as determined by governor or Adjutant General.
Ohio	No	
Oregon	Yes	
Tennessee	Yes	The Tennessee SDF mission is approved by the Adjutant General (TAG). "The purpose of the Tennessee State Guard is to provide a professional complement of personnel to support the State mission of the Tennessee National Guard, by assisting the Tennessee Army National Guard as a force multiplier, and at the direction of the Adjutant General, to assist civil authorities with disaster relief, humanitarian causes, ceremonial service, religious and medical support for the well being and safety of the citizenry of Tennessee."
Texas	Yes	
Vermont	Yes	
Virginia	Yes	The SDF performs as directed by the Virginia Department of the Military Affairs. It is not a stand-alone state agency, but serves as an element of the department, as do the Virginia National Guard, Army, and Air.

If your mission is multifaceted or open-ended, what do you consider your three primary missions in order of importance?

Alabama	1. Assist the Alabama National Guard (ALNG) Joint Operating Center, 2. Joint Forces with ALNG, and 3. Assist the Emergency Management Agency through the Department of the Military's assignment.
Georgia	1. Support the National Guard (Army and Air), 2. Defense support to civil authority, and 3. Search and rescue.
Indiana	1. Develop a pool of National Incident Management System qualified soldiers who can augment district and county Emergency Operations Centers, 2. Form three property damage assessment teams of 10 to 12 persons each,

	<ol style="list-style-type: none"> 3. Develop three non-dog search and rescue teams (10 to 12 persons each) to support the incident commander within eight hours of alert, 4. Develop a command and control (C2) plan for Radio Amateur Civilian Emergency Services (RACES) and establish communications within four hours of alert, 5. Develop a C2 plan for Medical Reserve Corps and mobile emergency surgical hospital assets, and 6. Develop a security force package like that used to protect the Columbus Regional Hospital during the 500-year flood event of June 2008.
Maryland	<ol style="list-style-type: none"> 1. To provide pro bono professional services (legal, medical, finance, engineer, chaplain, and others) to the soldiers and families of the Maryland National Guard, 2. To act as a force multiplier to the Maryland National Guard, and 3. To serve the citizens of Maryland during times of declared emergency.
Michigan	No response
Mississippi	<ol style="list-style-type: none"> 1. "Disaster [response] augmentation," 2. Security of emergency operation center, and 3. Missions assigned by governor through Adjutant General.
New Mexico	<ol style="list-style-type: none"> 1. Medical support, 2. Radio communications, and 3. Facilities and logistics support to the Army National Guard.
Ohio	<ol style="list-style-type: none"> 1. Support law enforcement or other appropriate agency, 2. Maintain training to a specified level of readiness, and 3. Protect members and their families in times of crisis.
Oregon	<ol style="list-style-type: none"> 1. Augment the Oregon National Guard with staff and administrative soldiers for federal and state readiness, 2. Provide liaison officers at county emergency operation center when activated, and 3. Provide back-up communications during state emergencies.
Tennessee	<ol style="list-style-type: none"> 1. Augment the Tennessee Army National Guard forces as directed, 2. Support disaster operations, 3. Establish and maintain point-of-distribution sites, 4. Conduct community support operations, and 5. Perform military funeral honors (Arlington standard).
Texas	<ol style="list-style-type: none"> 1. Shelter Management, 2. Special needs tracking system, and 3. Communication support to Texas military forces.
Vermont	<ol style="list-style-type: none"> 1. Support to the Vermont National Guard and its families, 2. State resource for the governor, and 3. Emergency and natural disaster response.
Virginia	<ol style="list-style-type: none"> 1. Support and augment the Virginia National Guard as directed by the Department of Military Affairs, including communications support, medical triage, and less-than-lethal security operations; 2. Respond at the call of the governor in the event of disasters and other emergencies; and 3. Other missions as directed and/or approved by the department.

Are you funded at all by state-appropriated funds?

Alabama	Yes	
Georgia	Yes	
Indiana	Yes	Indiana funds one full-time administrative assistant through appropriated funds. All other funding is provided through non-appropriated funds administered by the State Armory Board.
Maryland	No	In-kind support is provided annually (headquarters, supplies, and vehicles).
Michigan	Yes	
Mississippi	Yes	
New Mexico	Yes	
Ohio	No	
Oregon	No	
Tennessee	Yes	
Texas	Yes	
Vermont	No	
Virginia	Yes	

Are you authorized to be deployed out of state? If so, under whose request?

Alabama	No	
Georgia	Yes	At the direction and approval of the governor.
Indiana	Yes	At the request of the executive director of the Indiana Department of Homeland Security.
Maryland	Yes	At the request of the governor with the consent of the Adjutant General.
Michigan	No	
Mississippi	Yes	At the request of the governor.
New Mexico	Yes	At the request of the governor.
Ohio	No	
Oregon	Yes	At the request of the governor in coordination with the Adjutant General.
Tennessee	No	
Texas	Yes	At the request of both the governor and Adjutant General.
Vermont	No	
Virginia	Yes	Only if directed by the governor under an Emergency Management Assistance Compact request.

How many dedicated full-time members are part of your defense force?

Alabama	1-5
Georgia	0
Indiana	1-5
Maryland	31+
Michigan	0
Mississippi	1-5
New Mexico	31+
Ohio	1-5
Oregon	No Response
Tennessee	0
Texas	6-10
Vermont	0
Virginia	1-5

What is your total active strength as of January 2010?

Alabama	200+
Georgia	800
Indiana	200+
Maryland	200+
Michigan	100-200
Mississippi	200+
New Mexico	60-80
Ohio	101-200
Oregon	100-200
Tennessee	489
Texas	1,750
Vermont	200+
Virginia	1,050

What is the average age of your State Defense personnel?

Alabama	50+
Georgia	50+
Indiana	42-49
Maryland	42-49
Michigan	42-49
Mississippi	42-49
New Mexico	42-49
Ohio	34-41
Oregon	50+
Tennessee	42-49
Texas	50+
Vermont	50+
Virginia	42-49

Please indicate strength in the following grades:

	General Officers	Field Grade Officers	Company Grade Officers	Warrant Officers	Senior Non-commissioned Officers	Other
Alabama	3	100	200	50	150	497
Georgia	1	27	80	22	135	
Indiana	0	40	56	14	32	Maj. Gen.: 1 Brig. Gen.: 1 Enlisted: 126
Maryland	2	172	162	12	431	49
Michigan	no response	no response	no response	no response	no response	
Mississippi	1	35	40	0	50	70
New Mexico	1	14	20	1	6	
Ohio	15	50	25	0	10	
Oregon	1	26	9	11	21	46
Tennessee	no response	no response	no response	no response	no response	
Texas	6	235	275	61	172	987
Vermont	3	60	60	0	150	
Virginia	3	114	119	30	76	714 ^a

^a This number includes junior enlisted, officer candidates in the SDF Basic Officer Qualification Course program, members of the Virginia Defense Force Auxiliary, and 107 members of the “ready reserve.”

Please indicate number of personnel in Directorates/Units as follows:

	Chaplains	Medical	Legal	Engineer	Finance	Military Police
Alabama	20	20	20	20	10	40
Georgia	8	40	10	5	1	0
Indiana ^b	15	13 ^c	4	6	6	48
Maryland	18	124	48	32	6	0
Michigan	No Response	No Response	No Response	No Response	No Response	No Response
Mississippi	3	4	2	1	1	6
New Mexico	10	1	3	0	0	0
Ohio	5	20	1	0	1	
Oregon	1	0	0	0	0	0

Tennessee	21	26	11	9	0	0
Texas	10	200	17	9	0	0
Vermont	5	12	1	2	3	0
Virginia	10	37 ^d	9	0	1	42

^b Indiana's responses were taken from the Indiana SDF civilian skills inventory, which uses U.S. Army taxonomy.

^c This number includes two medical doctors.

^d This number includes the total medical personnel in the headquarters detachment. Additional medical personnel are in the field at brigade and battalion levels.

Are Defense Force members paid? If so, how much and do they generally draw this pay or simply volunteer?

Alabama	No
Georgia	No
Indiana	No. The Indiana Code authorizes pay for drills, but no funds have been appropriated.
Maryland	No
Michigan	No
Mississippi	Yes: \$75 per day for state active duty
New Mexico	No
Ohio	No
Oregon	Yes, if the governor declares a state of emergency and if SDF members are called to state active duty. Otherwise, training and other service is non-paid, volunteer status.
Tennessee	No
Texas	Yes, \$121 per day for state activity duty, plus \$36 per day expense.
Vermont	No
Virginia	Yes, if placed on state active duty by order of the governor.

Do your personnel wear current U.S. Army, Air Force, or Navy combat uniforms with distinguishing insignia? Or State Defense Force uniforms?

Alabama	State Defense Force uniforms
Georgia	U.S. Army combat uniforms with red flash on the black beret.
Indiana	U.S. Army, Air Force, or Navy uniforms with State of Indiana insignia and name tapes.
Maryland	U.S. Army, Navy, or Air Force uniforms
Michigan	State Defense Force uniforms
Mississippi	State Defense Force uniforms
New Mexico	State Defense Force uniforms
Ohio	State Defense Force uniforms
Oregon	U.S. Army, Navy, or Air Force uniforms
Tennessee	State Defense Force uniforms (old army battle dress uniforms)
Texas	Modified U.S. Army, Air Force, or Navy uniforms
Vermont	State Defense Force uniforms

Virginia	Woodland camouflage battle dress uniforms formerly worn by the U.S. Army with distinguishing SDF insignia.
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Are these uniforms issued or are uniform allowances given?

Alabama	Issued.
Georgia	No allowance, paid for by member.
Indiana	Personal expense of the soldier.
Maryland	Neither, individually purchased.
Michigan	No
Mississippi	Allowances given.
New Mexico	Soldiers buy their own, but sometimes receive free surplus items.
Ohio	No response.
Oregon	Issued.
Tennessee	Soldiers purchase their own uniforms.
Texas	Not issued, self purchased.
Vermont	Not issued, no allowance.
Virginia	Issued to only new recruits. Otherwise purchased at individual's expense. Uniform allowances are not given.

Do you have a naval/marine arm? If so please describe its duties.

Alabama	No
Georgia	No
Indiana	Yes, Indiana Code authorizes a naval force and a Marine Corps battalion, but both are dormant.
Maryland	No
Michigan	No
Mississippi	No
New Mexico	No
Ohio	No
Oregon	No
Tennessee	No
Texas	Yes, a maritime regiment with three battalions. Provides defense support of civil authorities and assists Parks and Wildlife.
Vermont	No
Virginia	Yes, a riverine detachment for search and rescue and other tasks as directed by the Department of Military Affairs.

Do you have an air arm? If so, please describe its duties.

Alabama	No
Georgia	No
Indiana	No, Indiana code recognizes the Indiana Wing of the Civil Air Patrol as part of Indiana’s organized militia.
Maryland	No
Michigan	No
Mississippi	No
New Mexico	No
Ohio	No
Oregon	No
Tennessee	No
Texas	Yes, provides defense support of civil authorities and supplements Air National Guard.
Vermont	Yes, Army Aviation/Air Wing. Provide support to the Air National Guard.
Virginia	Yes , 13 privately owned planes, which comprise the aviation battalion. Provides support to the Virginia National Guard and other tasks as directed by the Department of Military Affairs.

Do you train or serve side-by-side with the State National Guard on a regular basis?

Alabama	Yes
Georgia	No
Indiana	Yes
Maryland	Yes
Michigan	No
Mississippi	No
New Mexico	No
Ohio	No
Oregon	Yes, the Oregon SDF participates in emergency operations and in training exercises and conducts liaison officer training for the Oregon National Guard and Oregon SDF personnel.
Tennessee	Yes, the last major exercise was the regional disaster exercise Vigilant Guard.
Texas	Yes
Vermont	No
Virginia	No, other than the Medical Detachment, which drills with the Virginia National Guard Medical Command.

Does your Defense Force have a designated place in the State/Local Emergency Operation Centers (EOCs)? If so, please explain.

Alabama	Yes, through National Guard department of Military Operations.
Georgia	Yes, the Georgia SDF has technicians that work with both the Joint Operations Center and Georgia Emergency Management Agency (GEMA) State Operations Center. The SDF maintains liaison officers

	with both the State Department of Defense Joint Operations Center and GEMA state operations. The SDF is also involved in the State Joint Planning Meetings.
Indiana	Yes, the Indiana Guard Reserve has a full-time liaison officer, sponsored by Joint Force Headquarter (JFHQ)-Indiana, as a military planner for Indiana Department of Homeland Security. There is also a seat for the SDF in the JFHQ Joint Operating Center.
Maryland	Yes, the commander or his designee has a seat on the EOC.
Michigan	No
Mississippi	Yes, as assigned by TAG.
New Mexico	No
Ohio	No
Oregon	Yes, members are assigned to each county.
Tennessee	Yes, The Tennessee SDF is working with the Tennessee Army National Guard to include one of our officers in the state EOC to be part of the disaster response team.
Texas	Yes, 19 Texas State Guard personnel are designated resource managers in the state EOC.
Vermont	Yes, through the Vermont National Guard.
Virginia	The Virginia SDF provides administrative, communications, and mission analysis support at the state EOC and is developing Incident Management Teams to be deployed to the various local EOCs as directed by the Department of Military Affairs.

Are there any personnel training or certification requirements (e.g., National Incident Management System (NIMS) or Incident Command System (ICS) training)? If so, what are they?

Alabama	Yes, training command.
Georgia	Yes, NIMS and ICS basic FEMA courses are required of all members. Higher level training is provided as appropriate.
Indiana	Yes, the Indiana SDF utilizes the State Guard Association of the United States curriculum and Military Emergency Management Specialist (MEMS) skill badges.
Maryland	Yes, Maryland Defense Force basic training is required. Other training (e.g., NIMS or ICS) is required for certain positions.
Michigan	Yes
Mississippi	Yes, NIMS, ICS, and military police training.
New Mexico	Yes, MEMS and NIMS.
Ohio	No
Oregon	Yes, ICS 100, 200, 300, and 700; liaison officer training. HAM radio license certification for radio telephone operators.
Tennessee	Yes, to advance professionally within the Tennessee State Guard, one must complete seven of the EMI/FEMA courses: <ul style="list-style-type: none"> a. IS100 Introduction to Incident Command System b. IS200 Single Resources and Initial Action Incidents c. IS775 EOC Management and Operations

	<p>d. IS292 Disaster Basics e. IS700 National Incident Management System f. IS800 National Response Framework g. Q534 Emergency Response to Terrorism.</p>
Texas	Yes
Vermont	No
Virginia	<p>Yes, FEMA ISC 100, 200, 700, and 800 are required of all personnel. New members without prior service must participate in the Basic Entry Level Training program. Additional FEMA and non-FEMA courses (e.g., Terrorism Awareness, Virginia Defense Force, Company Leaders Course, Operations Staff Command, Control and Communications Course, and FEMA 300 and 400) are required for advancement to certain field grades. Special skills courses are required for some personnel, e.g., Signal Battalion personnel and military police.</p>

Please describe your disaster mitigation tactics.

Alabama	No response
Georgia	<p>Respond to and are included in the state plan. The Georgia SDF basic Mission Essential Task List supports primarily disaster response and search and rescue. It also provides support with individuals and units where needed with component units of the Georgia Department of Defense and Defense Support to Civil Authorities.</p>
Indiana	<p>When the governor mobilizes the National Guard in response to a domestic emergency, the Indiana Guard Reserve (SDF) automatically mobilizes to their nearest armory and augments or embeds with the National Guard to assist in their mobilization procedures. The SDF reports unit strength through military channels and then can be given a mission as a division or task organized with other Title 32 forces.</p>
Maryland	<p>The Maryland SDF serves directly under the operational directions and intent of the Adjutant General of Maryland.</p>
Michigan	No response
Mississippi	No response
New Mexico	Follow directions from the Army National Guard.
Ohio	Assists either the Incident Command Systems liaison officer or the sheriff.
Oregon	<p>Encourage SDF members to have their families prepared for disasters and emergencies. Take part in emergency operations training exercises with counties, state, and National Guard. Have members become knowledgeable about country procedures, equipment, communication links, and personnel as well as with what the National Guard can do in emergencies.</p>
Tennessee	<p>Training: 87 percent are certified in first aid (CPR/AED); 41 percent are FEMA Points of Distribution trained; 16 percent are HAM radio operators; and 10 percent are Community Emergency Response Teams trained. The Tennessee SDF also has 21 trained chaplains that can</p>

	respond and assist victims of disasters.
Texas	The Texas State Guard is one of four components of the Texas Military Forces. All missions and tasks come from either the Governor of Texas or the Texas Adjutant General.
Vermont	The Vermont SDF has 200 medical corps personnel, which are the focus of a disaster relief scenario. Other units would likely support medical.
Virginia	The Virginia SDF is a part of the Commonwealth's response to disasters and emergencies under the All Hazards Plan, which has been developed by the Virginia National Guard, the Virginia Department of Emergency Management, and other state agencies.

Please describe how your Defense Force is organized (e.g., by region, by directorate, by traditional military Table of Equipment (TOE) units, or some combination):

Alabama	Military tables of distribution allowances.
Georgia	A combination of region, General Staff Directorate, and TOE. Currently there are three line brigades, a medical battalion, and a support unit.
Indiana	The Indiana Guard Reserve has four numbered brigades, a support brigade, a search and rescue detachment, a training academy, and a Headquarters and Headquarters Detachment.
Maryland	Combination of headquarters of general staff and directorates for mission-oriented commands.
Michigan	Brigade with seven battalions.
Mississippi	Traditional military TOE.
New Mexico	Regional detachments.
Ohio	Battalions organized by region.
Oregon	Three regimental groups and support staff.
Tennessee	Directorate with tables of distribution allowances.
Texas	Joint Headquarters, six Army Civil Affairs regiments, medical brigades, Air Division with two wings, and Maritime Regiment.
Vermont	TOE
Virginia	Division headquarters with a general staff, special staff, and personal staff; three line brigades; a division troop command, which has administrative and other oversight over the aviation battalion, military police battalion, signal battalion, and medical detachment.

Are you planning to expand the use of your State Defense Force?

Alabama	Yes
Georgia	Yes
Indiana	Yes
Maryland	No

Michigan	Yes
Mississippi	Yes
New Mexico	Yes
Ohio	No
Oregon	No
Tennessee	Yes, as approved by the State Adjutant General.
Texas	Yes
Vermont	Yes
Virginia	Yes, the Virginia SDF expects to reach 1,200 members by December 31, 2010. Its missions are being expanded by the Department of Military Affairs.

Do you conduct a regular assessment of your State Defense Force? If so, how often?

Alabama	Yes, once or twice monthly.
Georgia	Yes, ongoing.
Indiana	Yes, an assessment occurs each year at annual training.
Maryland	Yes, annually.
Michigan	Yes
Mississippi	Yes, quarterly review.
New Mexico	Yes, annually.
Ohio	Yes, annually.
Oregon	Yes, the Oregon SDF annually reviews its mission and organization to make sure the organization can respond effectively. Currently, the organization is undergoing a personnel review.
Tennessee	Yes, annually. The mission essential task list is reviewed and approved by the State Adjutant General.
Texas	Yes, a transformation assessment is performed annually.
Vermont	Yes
Virginia	Yes, the Virginia SDF assesses strength, training, and readiness every month and during the spring and fall field training exercises.

Talking Points

- In the U.S., 23 states and territories have State Defense Forces (SDFs), which had a total force strength of 14,000 members as of 2005.
- SDFs are a proven force in homeland security and emergency response efforts. After 9/11, New York Guard, New York Naval Militia, and New Jersey Naval Militia were activated. After Hurricane Katrina, SDF forces from at least eight states responded to support recovery efforts.
- SDFs' state-apportioned status, organizational structure, and low-cost burden make these modern militias a vital and practical resource for the states.
- Despite their value, State Defense Forces in many states are underfunded and undersupported. Many states have not even created SDFs.
- The states, Congress, the U.S. Department of Defense, and the U.S. Department of Homeland Security can take some basic steps to enhance and expand the capabilities of the nation's SDFs.

Taxonomy

META KEYWORDS: militias, modern militia, State Defense Forces, state militias, SDF, Continental Army, Founding Fathers, Militia Act, homeland security, national defense

TAXONOMY AND SEARCH INFO - Related Issues: Homeland Security

FORMAL TOPICS:

Homeland Security → Disaster Response

Homeland Security → State and Local Response

Homeland Security → State and Local Response → Threat Assessment

Homeland Security → State and Local Response → First Responders

Homeland Security → State and Local Response → Law Enforcement Cooperation

National Security and Defense

National Security and Defense → Armed Forces

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Author(s)	Photograph
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CANDEE, BG Roland, JP, CG/CASMR


Roland Candee is a Superior Court Judge in California and is currently the Commanding General of the California State Military Reserve, holding a California State rank of Brigadier General in the active militia of California. He has served as a federally recognized commissioned officer from 1975 to 2008, in the U.S. Army Reserve (on active duty between 1978 and 1986) and in the National Guard between 1986 and 2008. Brigadier General Candee graduated from the U.S. Army War College in 1999 and served as the Staff Judge Advocate for the California Army National Guard between 1999 and 2008. General Candee's civilian appointments include Partner/Shareholder in the Litigation Department of Kronick, Moskovitz, Tiedemann and Girard where he was responsible for all aspects of state and federal court civil litigation; Municipal Court Judge; Superior Court Judge presiding over civil and criminal trials of all types, including several homicide cases and multiple complex civil matters; Presiding Judge; Coordination Trial Judge. General Candee has published several articles in the California Center for Judicial Education and Research (CJER), including Benchguide 31/Landlord-Tenant Litigation, Benchguide 20/Civil Harassment and Workplace Violence, and California Manual for Courts-Martial. He has also served as a Board member and Chairman of the Board of the Sacramento Volunteer Center, 1997-2002, and as a member and Chairman of the Salvation Army Adult Rehabilitation Center Advisory Board, 2006-present.


**CARAFANO, Lieutenant Colonel James Jay, Ph.D (USA-Ret)**



James Carafano is one of the nation's leading experts in defense and homeland security. An accomplished historian and teacher as well as a prolific writer and researcher, Carafano's research focuses on developing the national security required to secure the long-term interests of the United States -- protecting the public, providing for economic growth and preserving civil liberties. A graduate of West Point, Carafano holds a master's degree and a doctorate from Georgetown University as well as a master's degree in strategy from the U.S. Army War College. Prior to joining Heritage, Carafano spent 25-years in the U.S. Army, rising to the rank of lieutenant colonel and serving in Europe, Korea, and the United States. He currently serves as Deputy Director of The Kathryn and Shelby Cullom Davis Institute for International Studies and Director of the Douglas and Sarah Allison Center for Foreign Policy Studies at The Heritage Foundation. In addition to his Heritage publications, Carafano's work includes Wiki at War: Conflict in a Socially Networked World; Winning the Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom; Private Sector/Public Wars: Contracting in Combat--Iraq, Afghanistan and Future Conflicts (2008); G.I. Ingenuity: Improvisation, Technology and Winning World War II (2006); Waltzing Into the Cold War (2002); and After D-Day (2000), a Military Book Club main selection. He is also a regular guest analyst for the major U.S. network and cable television news organization, as well as author of op-ed columns and commentary for publications such as the Boston Globe and Washington Examiner.




<p>GREENSTONE, Colonel James L., Ed.D., J.D., TXSG/MSC</p> <p>COL (Dr.) Greenstone is Deputy Commander of the Texas State Guard Medical Brigade. He served as the MEMS Academy Deputy Commandant, and is the Associate Editor for Medical Support for the State Defense Forces Publication Center. Dr. Greenstone has been in practice for forty-five years, and served as the Police Psychologist and Director of Psychological Services for the Fort Worth, Texas Police Department. Currently, he is the Director of Behavioral Health Services for the Tarrant County Precinct Four Constable's Office. His current books include The Elements of Crisis Intervention: Crises and How to Respond to Them, 3rd Edition, The Elements of Disaster Psychology: Managing Psychosocial Trauma, and The Elements of Police Hostage and Crisis Negotiations. Dr. Greenstone is also the Editor-in-Chief Emeritus of the Journal of Police Crisis Negotiations. Dr. Greenstone serves on the Editorial Boards of Military Medicine, the International Journal of the Association of Military Surgeons of the United States, and The International Journal of Emergency Mental Health.</p>	
<p>HARNETT, Major Christina, Ph.D., MDDF-MRC</p> <p>Dr. Christina Harnett is a licensed psychologist and member of the Maryland Defense Force, 10th Medical Regiment, within which she holds the rank of Major. For the last several years, Dr. Harnett has collaborated with the Maryland and Delaware National Guards in deployment cycle support activities for both warriors and families. In addition, she has served on state and national committees addressing the deployment-related issues and published in this area as well as having been engaged in the professional development of behavioral health providers.</p>	<p>Not Available</p>
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<p>NELSON, Colonel H. Wayne Nelson, Ph.D, MDDF-MRC</p> <p>Wayne Nelson is a Professor in Towson University's Collaborative Programs and Director of the Integrated Homeland Security Master of Science degree and Past Baccalaureate Certificate in Security Assurance. His interests now largely focus on disaster preparedness for special needs populations. He has published dozens of articles in leading scientific journals and has co-authored one book and many book chapters and encyclopedia entries, many relating to disaster readiness. Dr. Nelson has served on a number of Emergency Service related committees and is an Academic Advisor, Academic Qualifications, Military Emergency Management Specialist Program for the State Guard Association of the United States (2004 – present). Colonel Nelson is also Deputy Commander of the 10th Medical Regiment of the Maryland Defense force (MDDF), a member of the Military Department of Maryland, and Director and Point of Contact for the Maryland Defense Force's Baltimore County Medical Emergency Volunteers. The latter is a state military department sponsored Medical Reserve Corps (MRC) (with Towson University) registered with the office of the Surgeon General.</p>	
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