

The augmentation role of the Army National Guard in the Total Force concept has increased in recent years. The author concludes that most states seem to be continuing to act as if "their" Guard units will always be available for the traditional disaster relief and constabulary missions and have been slow in responding to the National Guard Bureau's suggestions concerning the creation of State Defense Force cadres. He believes that, in the event of National Guard mobilization, many states may find themselves lacking trained cadres to replace missing Guard units.

State Defense Forces: The Missing Link in National Security

George J. Stein



Introduction

THE citizen militia system of the United States has been plagued historically by a confused and often contradictory basic philosophy. On the one hand, the militias were, and are, seen as crucial military resources available to the individual states to be used as local constabularies to assist the civil authorities in situations calling for skills, organization and capabilities beyond the level of local police, fire and disaster relief agencies. On the other hand, the citizen militias have been seen, increasingly in the 20th century, as an essential reserve of trained personnel available for mobilization to active service with the regular Armed Forces of the nation.

Today, with the ever-increasing implementation of the Total Force doctrine in response to both strategic and fiscal considerations, the availability of Army National Guard (ARNG) units and personnel for the performance of the traditional role as state militia has become doubtful. The incorporation of National Guard units as units into both "first-battle" and "Active Army" parent units under the Total Force doctrine essentially deprives the states from which the units are mobilized of the ability to respond to the needs met historically by "unfederalized" Guard units. Precisely at the moment when a state militia may be needed most, a state may find itself literally defenseless.

It must be concluded that the Total Force doctrine forces a fundamental rethinking of a militia, reserve or National Guard system with a dual and, in time, of a national emergency, self-contradictory mission. If the Guard is to be an essential augmentation element of

the nation's first line of defense, it cannot be a state militia simultaneously.

Background

The history of the ARNG in the 20th century has been a history of increasing federalization.¹ The modern National Guard began with the Dick Act of 1903 which established the several state militias as the militia system of the United States and gave the president the authority to "call up the Guard" in time of war or national emergency. President Woodrow Wilson exercised his new authority and, in 1916, "federalized" units of the National Guard for service along the border with Mexico. Even this first federal mobilization presented an interesting problem. The mobilization had occurred without a declaration of war and, as the states were prohibited by law from maintaining forces other than the Guard in peacetime, several states found themselves without a militia. Fortunately, this issue was resolved as Mexico did not invade Illinois while its Guard was away.

The National Guard Act of 1916 further established the several state militias as integral parts of the Army of the United States and, on 5 August 1917, all National Guard units were drafted into the Regular Army. The War Department informed the adjutants general of the states that the states themselves would have to arrange their own defense of key installations, industries and general security. The secretary of war was given authority under the Militia Act of 14 June 1917 to issue some equipment to "home guards having the character of State police or constabulary." The states, however, doubted their authority to

establish such new military units. The judge advocate general ruled in October 1917 that states may, in time of war, "maintain forces resembling" the Army of the United States but whose functions were "much more restricted."

Finally, in May 1918, the chief of the Militia Bureau argued that, since the entire National Guard was federalized, there was, in effect, no militia. Thus, the states were free to organize them. In general, most states organized some form of Home Guard during World War I. Often, these were local groups of patriots uniformed at their own expense. Some states took a more systematic approach with regular drills and training. In general, the Home Guard served as special constables while some served in the "traditional" National Guard role of riot control during labor disputes. The absence of the National Guard caused some minor problems but, at least in 1916-18, it did not threaten essential domestic security.²

Despite the often-repeated "Pearl Harbor" myth of US military unpreparedness, the War Department was well along with plans for the potential mobilization requirements of global conflict. By the late 1930s, it had already been assumed that the entire National Guard would be called to federal service. Unlike the confused situation prior to World War I, military and civilian planners anticipated the need for an effective home defense system beyond the skills of the ordinary civil defense authorities resulting from the nature of a "total" war. It was assumed that the sabotage of the defense-related infrastructure, espionage and efforts to foment civil disturbance would be attempted.

In May 1940, the British established the "Local Defence Volunteers," or "Home Guard," to begin local patrols,

aircraft observation and infrastructure security to release the regular forces and the Territorial Army for combat against the anticipated Nazi invasion. In October 1940, the United States amended the section of the National Defense Act of 1920 prohibiting other than National Guard troops in peacetime. The new act was permissive and gave the states the right but not the requirement to establish military units "under such regulations as the Secretary of War may prescribe for discipline and training" to function as a state militia when and if the "National Guard of the State concerned is in active federal service."

Attempting to avoid the somewhat haphazard organization of the Home Guards of 1916-18, the Federal-State Conference on Law Enforcement Problems of National Defense and the War Department developed, in 1940, a model State Guard Act to guide the states in establishing what were to be called "State Guards." Early in 1941, the National Guard Bureau (NGB) developed a set of regulations—Army Regulation (AR) 850-250, *Regulation for State Guard*—for the State Guards. The regulations suggested that an infantry or military police battalion table of organization and equipment (TOE) would be most appropriate and that uniforms would be distinctive. Further, they established procedures to maintain the supervision of weapons "loaned" to the State Guards and, most importantly, established that the State Guards were to be state troops. They were to be organized, funded, uniformed and trained at state expense.

The development of the State Guard forces was, as in 1916-18, uneven. Initially, those units formed functioned to continue the peacetime role of the National Guard. And, despite the NGB's warning that industrial disputes were not

the work of spies and saboteurs, State Guard units appeared to many people as new strikebreakers. After Pearl Harbor, the State Guards served a more active role in coast defense and infrastructure security. In midwar, some State Guard units trained with regular Active Army units in a combat role in anticipation of an Axis invasion. By war's end, most State Guard units returned to conventional internal security missions.

While the State Guards were active throughout World War II and performed their function as state constabulary and infrastructure security quite well, several key problems limited their effective contribution to national security. The problems were both structural and personnel-related. The key structural problem in most states was the total independence of the State Guard from the state police, the state disaster relief agencies and the federally coordinated air defense and early warning systems. While at the top or statehouse level there may have been a joint command under the governor, the coordination of total state defense, constabulary/police and civil defense efforts was often vague or nonexistent at the local level.

Fortunately, with the exception of a few fire balloons launched from Japan, the Continental United States was never attacked. The State Guards were never really tested. The personnel issue was that of very rapid turnover. State guardsmen remained liable to federal induction and, of course, many were lost to the State Guards via the draft. Many men joined the State Guards to gain a bit of military experience prior to enlistment in hopes of preferential treatment in promotion. Then, they enlisted.

Finally, however, the greatest cause of turnover and failure to reach or maintain authorized manpower levels was simple

boredom. Uninspiring or nonexistent training for guard duty at the local hydroelectric dam caused most volunteers to wonder if the State Guard was really the best way to help the war effort. In many states, the annual manpower turnover in the State Guard was more than 75 percent. At war's end, most states quickly disbanded the State Guard as soon as the National Guard was able to be reconstituted. In July 1947, Congress reamended the National Defense Act and, once again, prohibited any state military forces other than the National Guard in peacetime.

The period from the end of World War II to the early 1970s was one of confusion concerning the role of the National Guard in the nation's defense. Numerous proposals and counterproposals illustrated the continuing ambiguity of the militia system in the atomic age.³ Should the Guard and Reserve be merged? Should the Guard be reduced to adjunct support for the federally developed system of civil defense? Was the Guard part of the "real" military or not, especially when the Armed Forces began desegregation and the Guard—of which one-fifth of 1 percent was black—did not? Perhaps the role of the Guard was mere internal security. Or perhaps the Guard was a pool of semitrained personnel to be drafted as individuals as needed by the real military.

Then, too, the "federalization" of the entire Arkansas National Guard by President Dwight D. Eisenhower, in 1957, ended forever any lingering states' rights mythology on the role of the Guard as defenders of the liberties of the states against federal interference. The role of the Guard in civil disturbances during the civil rights and Vietnam eras and the ultimate folly at Kent State University did little to improve the image of the Guard with either the general public or the General

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Staff. Something had to be done with what many critics, both military and civilian, were calling an obsolete historical hangover.

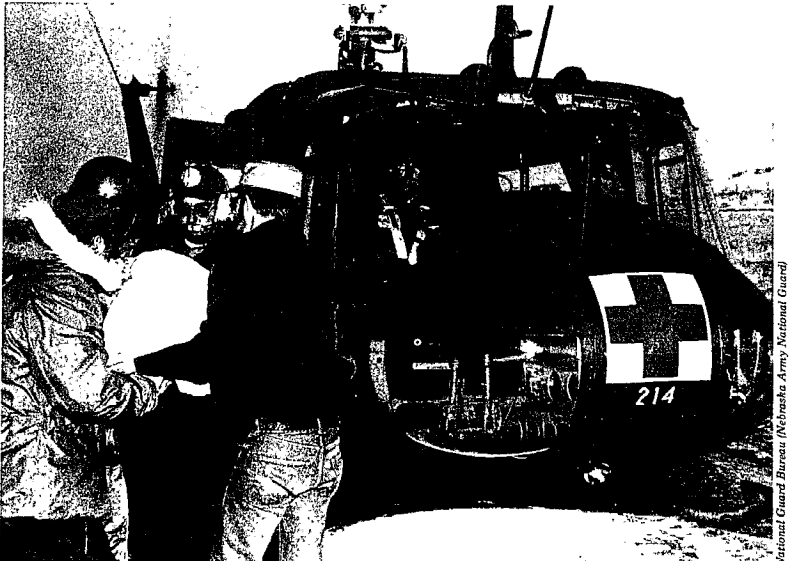
The National Guard Reformed— A New Problem Created

The "something" that was done to incorporate and modernize the role of the National Guard in the nation's defense program was the development of the Total Force doctrine. Unlike the earlier "New Look" doctrine which seemed to set the Guard and Reserve in competition and replaced the Guard as the chief man-

power pool, the Total Force doctrine met most of the demands made by the NGB and the Guard lobby—the National Guard Association—for an increased and central federal role.

In 1972, Secretary of Defense Melvin R. Laird established the essentials of the Total Force doctrine in testimony before the House Armed Services Committee. The Guard would be "the initial and primary source of augmentation of the Active Forces during a contingency." No longer was the Guard a mere pool of manpower for a strategic reserve. The Guard was to become part of the force in being. The Guard is now part of the Total Force. Consequently, the federal government and the Department of the Army have be-

Nebraska Army National Guard assisted in obtaining medical care for the ill in snowbound areas following several severe blizzards in 1979



National Guard Bureau (Nebraska Army National Guard)

come the main source of Guard training, equipment, support and, more importantly, control. In 1933, for example, the states still paid one-third of the costs of the National Guard. Today, the states pay less than 5 percent.

By the end of the 1970s, affiliation and augmentation had begun linking specific Active Army units and specific National Guard units. Joint training developed to the extent that ARNG units train in Germany and elsewhere. The first-battle force of the Active Army now depends on Reserve and Guard units for well over half of its logistical support. The Active Army, in general, now relies on the ARNG for one-third of its combat divisions (eight of 24); more than half of its infantry battalions, armored cavalry regiments and field artillery battalions; more than 40 percent of its armored and mechanized infantry battalions; and almost one-third of its aviation units.

There is little doubt that the general quality of the ARNG has improved through proper equipment and more realistic training. Those who defend the role of the Guard in the Total Force seem confident that the Guard can pass muster equal to many units of the Active Army. Those who remain critical of the "militia" and "weekend warriors" in the nuclear age with its demands for rapid deployment and "come-as-you-are" warfare remain skeptical. Whether the Total Force is an effective and credible approach to total national security is not the issue here.⁴ The Total Force exists, and its implications for the traditional role of the National Guard must be recognized.

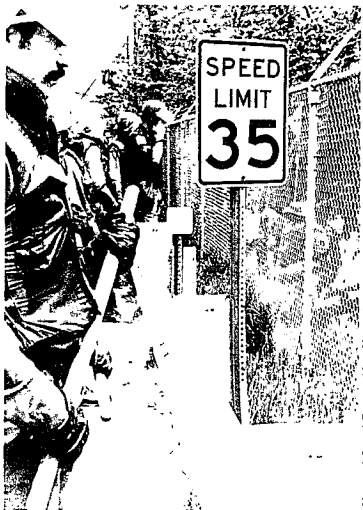
It could be argued that the National Guard is, in effect, now such an integral part of the nation's military system that its continued designation as a state militia—for example, the Ohio National Guard—is a polite fiction designed to

allay suspicions of a large standing Army and humor various states' rights or local interests. A state mission, it is said, is a mere historical technicality. Local civil preparedness and police forces have replaced the need for a National Guard.

Such views are inaccurate. While the role of the National Guard as a state force in a constabulary role seems to have declined, its role in relief, rescue and general aid to the states has not. In 1973, 137 Guard units were activated in 36 states for disaster work. In 1974, 181 units were activated in 37 states. In 1982, there were 450 Guard call-ups by the states. This number included 116 for natural disaster relief and five for maintaining domestic order—the meat packers' strike in Nebraska; the transit workers' strike in Boston, Massachusetts; antinuclear demonstrations in California; antichemical dumping demonstrations in North Dakota; and general civil disorder in Miami, Florida.

In essence, the ARNG remains an essential element of each state's ability to respond to both natural and man-made crises. There is only one problem. The contemporary role of the National Guard has raised its historically ambiguous function to a critical point. It is now simply self-contradictory. The National Guard cannot be an essential element of the Total Force—a truly effective part of the day-to-day plans for mobilization and national defense—and simultaneously remain a state militia. Mobilization would create a security nightmare for the states and thus for the nation as a whole. As there is little reason to believe that the Total Force doctrine will be abandoned in the near future, the need for the development of an adjunct force to replace mobilized National Guard units is obvious.

The need for adequate postmobilization



National Guard Bureau (New Hampshire Army National Guard) photos

New Hampshire Army National Guardsmen and state police prepared to defend a perimeter fence against antinuclear activists at the Seabrook Nuclear Power Plant in 1980

national security is of the highest priority. Since World War II, the United States has developed into a highly complex and interdependent society. The consequences for public order of a failure in one small part of the electric power grid are obvious. The experience of evacuation planning during the minor problems at the Three Mile Island nuclear station in Pennsylvania illustrates the low state of preparedness. In essence, the protection of the domestic infrastructure, including defense plants; nuclear stations; various federal, state and municipal crises centers; water and power systems; and

At Seabrook, National Guardsmen and state police moved in to disperse antinuclear demonstrators shortly after ineffective, aged pepper-gas was spewed in the area



communications and transportation systems are clearly beyond the abilities of civil defense agencies and regular police and fire forces.

The ability of mobilized National Guard units to contribute in these areas is compromised by their premobilization assignments within the Active forces and their increasingly specialized active-role focused training. Indeed, mobilization would remove many personnel from their essential civilian functions. Many local police, fire and disaster personnel have Guard obligations—50 percent of the US Border Patrol have reserve commitments. No state has police, fire and disaster personnel of sufficient numbers and training to respond to civil disorder in the absence of its National Guard.

Perhaps the most crucial aspect of the potential impact of the absence of National Guard units during a national emergency is the military support to civilian authorities role of the Guard. All states rely on their ability to call up the Guard to assist the civil authorities—that is the traditional role of the National Guard. Most states have, with federal advice, developed:

- Mobilization plans for the support of civil authorities in a nuclear environment.
- Plans for natural disasters and civil disturbances.
- Plans for disturbance control in urban areas and prisons.
- Plans to maintain state physical security and communications centers.
- State evacuation plans.
- Various state-specific missions.

All of these plans require the active presence and resources of the Guard and assume the continuing active presence of the Guard. Very few states could execute any part of their mobilization and contingency plans without the Guard. An adjunct force—the State Defense Forces

(SDFs)—are the potential solution to this problem of domestic security.

The State Defense Forces

Recent attempts to develop an adjunct military system to replace mobilized National Guard units have an interesting history within the larger debates on the role of the National Guard. As early as 1949, the question of adjunct internal security arrangements led to a minor disagreement between the Operations and Training Division of the Army General Staff and the NGB. Various studies commissioned by the new National Security Council suggested that adjunct internal security was only “semimilitary” and that, even if any new organization was undertaken, these units would not be like the National Guard. It was noted that any such organization might even compete with the Guard for local support.

The NGB countered with a proposal for a cadred “National Guard Internal Security Force” as a separate system but within National Guard control. The “Regulars” countered by observing that the Home Guard functions of riot control and infrastructure security were police functions and that perhaps the states should merely increase their state police forces. Recognizing that it was bucking the system, the NGB offered a compromise plan for increased state police forces and State Guard forces of a military police table of organization variety. The argument was shelved when the Communists invaded South Korea.

The irregular mobilization of National Guard units during the Korean conflict illustrated the continuing problem of post-mobilization domestic security. The states lacked the legal authority to estab-

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lish State Guards to replace missing guardsmen. Again, Congress amended the law to permit the establishment of State Guards. At the request of several states, the Department of the Army revised the old AR 850-250 as AR 915-10, *State Guards, General Policy and Regulation for State Guards*, to describe a State Guard table of organization internal security battalion and company. However, they failed to stipulate equipment and added that these units were to be seen as essentially constabulary rather than combat units.

At the same time, however, the Army cut short any revival of the State Guards

by establishing "temporary" new National Guard units and stationing regular military police battalions in those states most affected by Guard mobilization. There were no State Guard formations during the Korean conflict.

Perhaps believing that the temporary National Guard of the United States carrier battalion system put an end to any serious discussion of State Guards, the Regular Army removed its formal objections to State Guards as long as no federal funds were involved and as long as no Regular, Guard or Reserve personnel could enlist. Congress thus amended the law in 1956 to permit but not require any

Florida Army National Guardsmen were called out to assist state police during the riots in Miami in 1980



National Guard Bureau (Florida Army National Guard)

state to establish and maintain, at state expense, a cadred State Guard to serve as a replacement to a federalized National Guard.

The current statutory authority for the organization of the SDF is defined by Title 32, Section 109, of the US Code. It is both permissive and restrictive. It permits any state, territory, Puerto Rico, the Virgin Islands, the Panama Canal Zone and the District of Columbia to "organize and maintain" SDFs for state purposes. It prohibits these forces from being federalized as *units*. It further stipulates that membership in an SDF does not, however, exempt any *individual* from being drafted into federal service. Individuals may not receive pay, allowances, subsistence, transportation or medical care from federal funds.

Finally, no one may enlist in any SDF if he is a member of any Reserve component of the Armed Forces. Even retired reservists who have a mobilization assignment are prohibited from serving with an SDF. Thus, any state is free to establish an SDF as long as it is willing to fund, staff, train and equip its force without any federal funds and without any oversight or advice from the Armed Forces, Active or retired. Despite this less-than-auspicious environment, more than half of the states are, in fact, either establishing or developing legislation to establish some kind of SDF to replace their National Guard units in the postmobilization environment. On the other hand, almost half of the states are doing nothing.⁶

Several states have a well-established SDF. These are funded, usually at cadre strength, organized through the local State Area Command and ARNG offices and train with the local National Guard or as separate units. Their TOEs reflect a mixture of historical tradition, state-

mission-specific thinking, planning reflecting current NGB suggestions and, in some cases, wishful thinking.

Most adjutants general recognize the need for action, but many appear to be waiting for the final promulgation of a new set of ARs to replace the World War II-vintage AR 850-250. They recognize that, while being sensitive to state-specific missions, a nationwide, effective SDF program needs to be both well-thought-out and coherently organized. Many state governments have introduced or passed legislation to bring their own enabling statutes into conformity with the draft "Model State Defense Force Act" suggested by the Office of Policy and Liaison of the NGB.

As noted, the current initiative for the development of SDFs originates from the NGB, specifically the Office of Policy and Liaison. In addition to serving as the proponent office for the program, this office has developed a *draft* SDF regulation as a planning document to replace the antiquated AR 850-250. It must be stressed that what, for the sake of simplicity, will be called AR-SDF is both *unofficial* and *preliminary*. Its official publication will require amendments to the law prohibiting any federal aid to the SDFs. It has been circulated in unclassified memorandum form to the adjutants general with a request for comments and suggestions. Despite its unofficial and preliminary status, the AR-SDF can be seen as indicative of current thinking on the question of SDFs.

The draft AR-SDF is a reasoned and clear treatment of the problem. It is informed by historical insight as it seeks to avoid the irregular formation of the earlier efforts at a Home Guard by a coherent national plan. It establishes an ongoing relationship between the Department of the Army and the SDFs through

the NGB. This should address the World War II problem of the lack of overall coordination. In general, and with reservations that will be discussed here, the AR-SDF seeks to establish a climate of cooperation and assistance between the Department of Defense and the states rather than the development of a new pseudofederal force with control from the top. As such it appears to meet many of the objections of the Regulars to the National Guard Internal Security Force proposal of the 1950s.

A fundamental premise of the draft AR-SDF is a clear statement of mission. SDFs are seen by the NGB as a state agency concerned with internal state security, like the police and fire agencies, in the absence of the state's National Guard. The mission of the SDF is to assist the civil authorities to:

- Maintain law and order.
- Meet domestic emergencies (disaster relief).
- Provide external physical security of key infrastructures and facilities.
- Assist federal, state and local law enforcement agencies in preventing or suppressing terrorism.
- Perform other duties established under state statute.
- "Cooperate and coordinate with Federal military authorities and forces engaged in active military operations or charged with physical security missions within the State."

It is clear that the anticipated mission of the SDFs addresses the traditional constabulary role of the National Guard. The SDFs are not adjunct "combat" units or even a very good source for individual reserve personnel for the Active forces. This is a crucial point and will be discussed later. The draft AR-SDF indicates that either light infantry or military police TOEs are consonant with

the anticipated mission. It lists only one TOE, 07-175H, for a "separate light infantry brigade" which "might be considered." On the other hand, it lists four variations of military police units which would be appropriate TOEs: TOE 19-097H, *Military Police Physical Security Company*; TOE 19-076H, *Military Police Battalion*; TOE 19-247H, *Military Police Guard Company*; and TOE 19-500H2AE, *Headquarters and Headquarters Detachment, Military Police Battalion*.

Furthermore, while recognizing the right of the states to do what they wish, the AR-SDF notes that the:

Priority of federal support (currently nonexistent) will be for those SDF organizations which are considered appropriate (by whom?) to accomplish the general missions (described above).

The military police model is seen as the appropriate configuration for a state defense organization. As the AR-SDF notes:

... the fact is emphasized that by organization, equipment, and training, State Defense Forces are designed and prepared for law enforcement and civil emergency assistance operations, rather than for sustained combat operations against hostile armed forces.

SDFs, if developed according to the current Office of Policy and Liaison planning draft, would appear to address the problems faced by the states associated with postmobilization security in the absence of the National Guard. SDFs, if properly organized and trained, could make a major contribution in times of national emergency and thus form an important link in overall national security. There are, however, a series of potential problems which could prevent the SDF program from developing to meet its potential.

Unresolved Issues for the SDF Concept

The first problem is the question of the SDF mission itself. While any state is free to do as it wishes, attempts by a state to duplicate the dual role of the National Guard as both constabulary and potential combat forces are a waste of effort and resources. Most states recognize this and have modified or developed their SDF to a clear internal security military police mode adapted to state needs. Other states, however, seem to regard the SDF as a full replacement for the Guard. It is difficult to guess whether nostalgia or

fantasy underlies the desire of some members of the SDF to get out into the woods with map and compass, play combat infantry soldier and prepare to repel a parachute invasion from over the North Pole.

If the SDFs are to be able to meet the *only* mission for which they are appropriate, "combat" training is a waste of time. Training lectures on the "threat of Soviet sea power" need to be replaced with sessions on "our state's crisis relocation plan" and realistic training in crowd control or, unexciting as it may seem, traffic control. The NGB and the adjutants general need to make this crystal clear. And, despite the "political" fallout,

Connecticut Army National Guardsmen aided in a massive cleanup following a record rainstorm in 1982



National Guard (Connecticut Army National Guard)

the NGB needs to stick to its policy to withhold (potential) federal support from any SDFs which fail to conform to a minimum standard of accurate and realistic mission development and training. It is quite evident that the lingering suspicion of the SDF by the Regulars is focused on just this issue.

A second set of problems with the SDF concept revolves around the question of personnel. While membership in an SDF does not remove the liability for potential federal service, could SDF recruiting impact on local recruiting for the National Guard or even the Active forces? To date, there is no evidence to suggest an adverse effect. The historical evidence of the Home Guard and State Guard experience suggests that the SDF could, in fact, serve to recruit personnel who were not quite ready to "sign up" but who did so after a bit of training which increased their self-esteem and their sense of patriotic service.

A second personnel issue is that of just who would join an SDF. As every current SDF is totally volunteer, with only a few states providing fatigues to enlisted men and all officers required to uniform themselves, money is no incentive. It would appear that most volunteers are former servicemen with no Reserve status. The question must be asked whether these men, willing as they may be, are "able." Most of them appear to be at least a bit out of shape. And it must be asked whether these former servicemen bring to the SDF valuable military skills appropriate to a constabulary mission. Or do they bring a degree of nostalgia for a type of soldiering which is inappropriate to their new mission? This is an important question and, to date, no research has been done on the source or qualifications of the SDF volunteers.

Finally, it must be asked if the SDFs

can avoid the old National Guard problems of being local, white, male social clubs. As the typical SDF is based on local units, it is easy to imagine its membership as being composed of the local "good old boys." Here, however, the evidence from the survey is encouraging. While existing SDF units are overwhelmingly male, they are multiracial. There is no evidence of any covert or open discrimination against minority membership.

A third issue of concern about the SDF program is its potential for misuse and the ambiguous relationship with the regular Armed Forces. The use of the National Guard to defend the status quo against labor organizers or civil-rights activists is now a historical memory. Even so, in 1982, the National Guard was involved in five incidents of maintaining civil order. The National Guard can be federalized; the SDF, even in a full national emergency, cannot.

If the Department of Defense becomes involved in the training and supplying of SDFs as is *proposed* by current NGB plans and as it *must* if a thorough, uniform and serious SDF program is to be developed, there could be a very messy and potentially embarrassing entanglement between the Active forces, Guard and Reserve with military units over whom they exercise very little legal oversight and control. To illustrate this point, many current SDFs receive minimal or no funding from their states—the effort is all volunteer. In some states, private and corporate donations provide some funds for the SDF. Is the SDF a state "x" compromised by the following (provided in a returned survey)?

The (x-DF) newsletter has been printed and mailed courtesy of (a large state corporation). The mailing labels were acquired from the (corporation's) computer,

which now has vital information on (x-DF) personnel stored in its bank.

This is not to suggest that any private or corporate support for an SDF must lead to the charge of the SDF being "hired goons." It does suggest, however, that the NGB and the Department of Defense may need to stipulate that any and all connections with private funding are incompatible with receiving federal recognition and support. In an environment as sensitive as internal security, the effectiveness and mission of an SDF cannot afford to be compromised by even the appearance of entanglement with private or corporate interests. The NGB and the Department of Defense need to develop very clear guidelines on this issue. Perhaps Section 17 of the model SDF Act prohibiting the "acceptance of gratuities" by individual members needs to be modified to include the SDF as a legal entity.

A final area of concern results from this ambiguous relationship between the federal Department of Defense and the SDFs of the several states. Federal-state relationships are usually complex—a federal-state military relationship is even more complex. Even with the current use of National Guard units during natural disasters, there is sometimes a "hidden" conflict between the legal requirement or expectation of civilian initiative and control and the often objective inability of civil authorities to function adequately in an emergency. Professional military personnel feel the need to "take charge," but they remain wary of being later called to task for violating "normal" civil-military relationships. National Guard personnel, even when engaged in state disaster relief, remain aware of their military status. The SDFs, lacking the oversight of a chain of command, may also lack this sensitivity. SDFs are military units but are

not really military units.

The draft AR-SDF proposal recognizes this issue in a kind of back door fashion. In the section on "conflict of mission," it allows that conflicts could arise between SDF activities and those of the regular Armed Forces. Failure to obtain an agreement between local federal and state commanders results in a *suggestion* to consult the commander of the Army area or the appropriate (unspecified) federal authority. However, unless martial law has been declared, the SDF is *not required* to cooperate. They "should conform" given the "paramount Federal concern with the over-all problem of national defense."

If, as noted here, the Department of Defense becomes involved in either training or logistical support to SDFs, some advance thought needs to be given to these federal-state legal questions. Thought also needs to be given to the military status of armed men who are (potentially) equipped by the US Army but who are not members of the Active forces or Reserves. What is their status under international law? That is, are they legally *francs-tireurs* or partisans?

On the other hand, SDFs are authorized under federal law and would be commanded, normally, by an adjutant general. The chief, NGB, would, in the draft SDF, *formulate and administer* "the program for Army assistance and equipping" of the SDFs. The commander of the US Army Forces Command would, if requested, "advise and assist State Adjutants General in the use and employment" of the SDF through the NGB. Some critics might suggest that the old NGB proposal for a National Guard Internal Security Force has been revived with a new name but on a less federal basis and with even less effective federal oversight and control. The opinion of the

judge advocate general on these questions of military status for a federally supported SDF system needs to be obtained.

Conclusion

There is a genuine need for a program like the SDF as proposed by the NGB and supported by more than half of the states. The constabulary role of the National Guard remains an essential component of overall national and state security. The virtual incorporation of the National Guard into active service in previous world wars required the establishment of a Home Guard and State Guard in haste and less than effectively. The anticipated and actual role of the Guard in the Active forces argues the wisdom of a well-thought-out system to replace the con-

stabulary and disaster relief functions of the Guard well before M-day.

Nevertheless, unresolved legal, logistical and training issues suggest that the current status of SDFs may be inappropriate for their potential mission. While recognizing the authority of any state to use its best judgment about its post-mobilization needs, it is clear that national standards for organization, training and preparation are needed for an effective program.

The Department of Defense, the NGB, the adjutants general and the appropriate federal and state civil authorities must establish a clear doctrinal statement of mission and role for SDFs within the context of total national defense. They must also develop an appropriate training and logistical support program. The SDFs are an idea whose time has come but, likewise, an idea needing forethought and planning for effective realization.

NOTES

1 There are numerous histories of the National Guard. A complete and up-to-date treatment is John K. Mahon, *History of the Militia and the National Guard*, Macmillan Co., N.Y., 1983.

2 There are very few studies of the Home Guards of World War I and the State Guards of World War II. The most recent general survey is MDA903-80-C-0594, *US Home Defense Forces Study*, Historical Evaluation and Research Organization for the Office of the Assistant Secretary of Defense, Washington, D.C., March 1981.

3 A sample of the divided opinion on the role of the National Guard can be found in M. Derthick, "Militia Lobby in the Missile Age: The Politics of the National Guard," *Changing Patterns of Military Politics*, edited by Samuel P. Huntington, Free Press of Glencoe, N.Y., 1962; Lieutenant Colonel Irvin M. Kent, "A National Security Corps," *Military Review*, July 1967, pp 11-15; Lieutenant Colonel James W. Kerr, "Military Support of Civil Authority," *Military Review*, July 1970, pp 77-82; and Colonel W. B. Schlotterbeck and Lieutenant Colonel A. Mansinne, *The Role of the Department of Defense in Civil Disturbances*, Industrial College of

the Armed Forces, Washington, D.C., 1970.

4 A sample of opinions on the role of the Army National Guard in the Total Force can be found in Kenneth J. Coffey, *Strategic Implications of the All-Volunteer Force: The Conventional Defense of Central Europe*, University of North Carolina Press, Chapel Hill, N.C., 1979; Lieutenant Colonel Wilfred L. Ebel, "Guard and Reserve Forces: America's Maginot Line?," *Military Review*, March 1974, pp 21-24; J. J. Flaika, "The Grim Lessons of 'Nifty Nugget,'" *Army*, April 1980; and John Turley, "Mobilization Manpower: A Credible Force or an Empty Promise?," *Military Review*, August 1981, pp 2-12.

5 Information on the current status and practice of the several State Defense Forces was gathered in March 1984 through a survey of the 50 adjutants general and from material supplied by the Office of Policy and Liaison, National Guard Bureau. This material included the draft State Defense Force Army Regulation and the draft Model State Defense Force Act.

George J. Stein is a faculty member at the School of Interdisciplinary Studies, Miami University, Oxford, Ohio. He received an M.A. from Pennsylvania State University and a Ph.D. from Indiana University. He is currently teaching at Miami University's European Center in Luxembourg where he is researching European supplementary military forces.

