



The Beacon



By and for emergency responders

THE NATIONAL GUARD AND EMERGENCY MANAGEMENT

This is the first in a series of articles describing the relationship between the National Guard of the States and Territories and the State and Federal governments in emergency management. Future articles will detail Federal activation authorities, the position of the Adjutant General on the Governor's staff, and the unique organization known as the National Guard Bureau.

The National Guard as we know it today was formally established on December 13, 1636 in Salem Massachusetts with the organization of the North, South, and East regiments. The unbroken lineage of these regiments is carried on today in the Massachusetts National Guard by such units as the 1st Battalion, 182nd Infantry (Mechanized), headquartered in Dorchester, Massachusetts. This battalion, the modern-day North Regiment, is the nation's oldest military organization, predating the standing, or regular Army by some 150 years.

During the early colonial times, the colonies were required to provide for their own security and defense. They did not have the benefit of the king's (or queen's as the case may be) watchful eye to provide for their well-being. This included defense against dangers both man-made (other colonies and natives) and natural (storms, fires, and such). Subsequent to the American Revolution, the colonists were fearful of a large standing military force, having endured the king's military enforcement of civil law. In this light, the new republic sought to maintain a very small regular Army (under federal control), but each state was empowered to maintain its own militia force, specifically to protect the individual states' rights from any incursion brought by the Federal government.

Article 1, Section 8, Clause 16 of the United States Constitution provides for the "organizing, arming, and disciplining of 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." It is this "militia clause" that constitutionally establishes the National Guard as both a Federal and a State-based organization.

The dual mission status (both Federal and State) of the National Guard makes it unique from all of the other reserve components (Army Reserve, Marine Corps Reserve, Air Force Reserve, and Navy Reserve). The other reserve components have only the Federal mission of supporting U.S. national military objectives by

providing trained and equipped units for immediate mobilization. The National Guard, on the other hand, has the additional State mission of supporting the Governor by providing trained personnel and unit equipment capable of deploying to protect life and property, and maintain peace, order, and public safety. This does not mean that the other reserve components are precluded from domestic emergency support missions. Each commander has the decision authority to assist in the prevention of loss of life or mitigation of great property damage. There are some fine points of this matter that will be discussed in a future installment.

It is under this State mission that the National Guard is called out to support responders in times of disaster or emergency. In the event of an incident, either natural or man-made, local responders may request National Guard support through emergency management channels. The Governor is the decision authority within the state or territory for Guard activation. Generally, activation first requires a declaration of emergency from the Governor's office. When activated, the Guard usually serves in a State Active Duty (SAD) status. That is, the troops are under state control and are funded from the state coffers. In this status, as a state militia force (remember the "militia clause") can perform any function authorized by state law, to include the detention and arrest of civilians. It should be noted, however, that arrest authority is generally granted only in extreme circumstances. This may seem in conflict with Title 18 of the United States Code (the *Posse Comitatus* Act) which states that Federal troops may not be used to enforce civil law, but since the Guard forces in this status are on duty at the Governor's expense (not the Federal government's) there is no conflict with Title 18. When the Guard is *Federalized* however, then there is a conflict.

The next installment will specifically address the Adjutant General as a member of the Governor's staff, and the Federal mobilization authorities.

NDPO SPECIAL BULLETIN PAYS OFF

An NDPO Special Bulletin disseminated this June to the public safety community helped a Kansas community respond to an incident in August. The bulletin, which included awareness information for emergency responders, gave the community important facts that were useful to local police, fire, and FBI personnel that were called to the scene. Thanks go to the Kansas City FBI field office and federal, state, and local WMD planning/outreach team in the metro area for ensuring that information was provided to the community.

News Corner

AGRO-TERRORISM AND THE U.S.

The *Calgary Herald* reported that North American plant scientists believe the threat of a biological terrorist attack on the world's food supply is a reality that has not yet been addressed. After a recent meeting of American and Canadian scientists, they say North America lacks sufficient tracking, reporting, and detection systems in the event a potentially devastating plant disease is intentionally introduced into domestic crops. Despite being banned under the 1972 Biological Weapons Convention, anti-crop technology continued to flourish. Anti-crop bioterrorism is considered an act of economic war, and a country that has its crops infected with diseases is eliminated from export markets almost immediately.

DOMESTIC PREPAREDNESS EFFORTS IN VIRGINIA BEACH

Virginia Beach officials recently participated in a disaster drill involving a chemical attack. The scenario related to a situation where 120 municipal leaders from around the nation gathered at the Virginia Beach Pavilion for a conference. During the conference a "terrorist" group introduced sarin gas into the Pavilion. The drill was the largest test of local readiness ever mounted in Virginia Beach for such an incident, and it proved to be an excellent training tool for the personnel involved.

EPA DOMESTIC PREPAREDNESS CONFERENCE

On September 20th through the 23rd, over 1,000 rescue personnel and community leaders gathered at the EPA's 1999 Chemical Emergency Preparedness and Prevention (CEPP) Conference in Washington, D.C., to learn ways to combat terrorism. The conference included presentations on how to prepare for everything from terrorist attacks and civil disturbances to chemical leaks and explosions.

To obtain conference proceedings, please visit the EPA's CEPP conference Website at www.epacepp.com.

WHAT'S NEW AT THE NDPO

On September 22nd, Thomas M. Kuker, NDPO Director, spoke before the Panel to Assess the Domestic Preparedness Response Capabilities for Terrorism Involving Weapons of Mass Destruction sponsored by the Rand Corporation and Virginia Governor James Gilmore. Mr. Kuker spoke about the NDPO's proposed mission and functional areas, as well as the responsibilities of member agencies.

The Rand panel's mandate is to assess the capabilities for responding to terrorist incidents in the U.S. Homeland involving WMD. Response capabilities at the federal, state, and local levels will be examined. The panel is comprised of consultants, government representatives, and emergency response personnel.

FREQUENTLY ASKED QUESTIONS

What is the role of the National Response Center during a terrorist attack?

As stated in the National Response Center (NRC) website, "The primary function of the National Response Center is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. In addition to gathering and distributing spill data for Federal On-Scene Coordinators and serving as the communications and operations center for the National Response Team, the NRC maintains agreements with

a variety of federal entities to make additional notifications regarding incidents meeting established "trigger criteria." With regard to acts of terrorism, the FBI is the lead federal agency for crisis management for any act of terrorism, which would include the intentional release of any Chemical, Biological, Radiological or Nuclear (CBRN) component within the United States. First responders should immediately report any actual or suspected CBRN threat or incident to their local FBI Field Office. The FBI will then make further appropriate notifications, and coordinate the response as the lead federal agency for crisis management. First responders who want more information regarding resources which the FBI can provide in the event of a CBRN event or incident should contact their local FBI Field Office and request to speak to the WMD Coordinator.

WEBSITE OF THE MONTH

This month's featured website is the U.S. Army's Soldier and Biological Chemical Command (SBCCOM) Domestic Preparedness page located at <http://dp.sbcom.army.mil>. This SBCCOM site offers a variety of detailed reports and factsheets on biological and chemical weapons training and exercises, as well as press releases and technical assistance information. There is also a "First Responder" page that features equipment testing results, chemical, biological, and medical reports and summaries, and training course information. The site contains links to related Internet pages and other federal resources.

This website is easy to navigate and contains valuable information for all members of the emergency response community.

Editor's note: The NDPO does not sponsor Websites that are featured in The Beacon. The Website review is strictly used to provide information that may be useful to emergency responders.

The Beacon is published monthly for members of the emergency response community. Please send articles, comments, feedback, and letters to the Information Sharing Team at the address listed below.

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