

AGAUS RECOMMENDATIONS

DCN: 7246

State	Unit	W/S	CURR PAA	BRAC PAA	BRAC RECOMMENDATION (ENCLAVE, CLOSING, Non-BRAC (Storage))	Personnel	AGAUS RECOMMENDATION	
						DRILL		
AK	168 ARW (Eielson)	KC-135R	8	8	Non-BRAC (Storage)			
AK	176 WG (Kulis)	C130H	8	0	CLOSED	-1099		
AK	Aircraft Movement: Outgoing to Elmendorf: 8-C130 ; 3-HC130N							Accept ANG/AF associate Unit
AK	176 WG (Elmendorf)	C-130	0	12	Realignment			
AK	Aircraft Movement: Incoming from Kulis ANG: 8 C-130; Dyess 4 C-130							
AL	117 ARW (Birmingham)	KC-135R	8	0	ENCLAVE	-329	Vote down, retain Unit at location	
AL	Aircraft Movement: Outgoing to: Bangor: 2-KC135R; McGree Tyson: 4-KC135R; Phoenix: 2-KC135R							Vote down
AL	187 FW (Dannelly)	F16C/D	15	18	REALIGNMENT	+112		
AL	Aircraft Movement: Incoming from Great Falls: 3-F16							Vote down Great Falls as the provider
AR	188 FW (Ft Smith)	F16A/B	15	0	ENCLAVE	-484	Vote down, retain Unit at location	
AR	Aircraft Movement: Outgoing to: Fresno: 7-F16 ; Retirement 8 F16							Vote down
AR	189 AW (Little Rock)	C130E	8	18	REALIGNMENT			
AR	Aircraft Movement: Incoming from: Pope: 25-C130E; Dyess: 24-C130H; Reno: 8-C130H; Niagra: 8-C130H; General Mitchell 4-C130H; Schenectady: 4-C130H; Mansfield: 4-C130H. Outgoing to: Channel Island: 2-C130J; Quonset: 1-C130J; BAI: 8-C130E; Retire: 27-C130E							Vote down Reno, Mansfield, and Schenectady as providers
AZ	162 FW (Tucson)	F16A/B	62	61	Non-BRAC			
AZ	181 ARW (Phoenix)	KC-135E	8	10	Realignment			
AZ	Aircraft Movement: Incoming from Birmingham 2							Vote down Birmingham as a provider
CA	153 ARW (March)	KC-135R	9	0	ENCLAVE	-205	Vote down, retain Unit at location	
CA	Aircraft Movement: Outgoing to: March ARB: 4-KC135R; Pease: 3-KC135; McGee Tyson: 1-KC135; McConnell: 1-KC135							Vote down
CA	129 RQW (Moeffett)	MC-130P	9	9	Non-BRAC			
CA	146 AW (Channel Island)	C130J	8	12	REALIGNMENT	+58	Remain at 8 PAA	
CA	Aircraft Movement: Incoming from: Martin State: 4-C130J; Little Rock: 2-C130J. Outgoing to: Retire: 2-C130E							Vote down Martin State as a provider and retirement (programmatic)
CA	144 FW (Fresno)	F16C/D	15	24	REALIGNMENT	+318	Recommend 18 PAA	
CA	Aircraft Movement: Incoming from: Fort Smith: 7-F16; Luke AFB: 11-F16; Nellis: 6-F16. Outgoing to: Retire: 15-F16							Vote down Fort Smith as provider and retirements (programmatic)
CO	140 WG (Buckley)	F16C/D	15	18	REALIGNMENT	+345		
CT	Aircraft Movement: Incoming from: Springfield: 3-F16							Vote down the provider
CT	103 FW (Bradley)	A10A	15	0	ENCLAVE/ASA	-384	Vote down, retain Unit at location	
CT	Aircraft Movement: Outgoing to: Barnes: 9 A10; Retire: 6-A10							Vote down

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DE	166 AW (New Castle)	C130H	8	0	ENCLAVE	-512	Vote down, retain Unit at location	
DE	Aircraft Movement: Outgoing to: Charlotte: 4-C130H; Savannah: 4-C130H							Vote down
FL	125 FW (Jacksonville)	F15A/B	15	24	REALIGNMENT	+238		
FL	Aircraft Movement: Incoming from: Mountain Home: 6-F15C; Otis: 3-F15							Vote down Otis as a provider
GA	116 ACW (Robins)	E8C	18	18	Non-BRAC			
GA	165 AW (Savannah)	C130H	8	12	REALIGNMENT	+183	Retain at 8 PAA	
GA	Aircraft Movement: Incoming from: New Castle County Airport: 4-C130H							Vote down New Castle as a provider
HI	154 WG (Hickam)	C130H	4	4	Non-BRAC			
HI	154 WG (Hickam)	F15A/B	15	15	Non-BRAC			
HI	154 WG (Hickam)	KC-135R	8	12	REALIGNMENT		Accept	
HI	Aircraft Movement: Incoming from: Grand Forks: 4-KC135							
IA	132 FW (Des Moines)	F16C/D CG	15	18	REALIGNMENT	+65	Concur with 18 PAA, model TBD	
IA	Aircraft Movement: Incoming from: Springfield-Beckley: 9-F16; Richmond: 6-F16; Great Falls: 3-F16. Outgoing to: Toledo: 9-F16; Tulsa: 6-F16							Vote down S-B and G-F as providers
IA	185 ARW (Sioux City)	KC-135E	8	8	REALIGNMENT		Concur with 8 PAA, R models preferred	
IA	Aircraft Movement: Incoming from: Fairchild: 8-KC135R Outgoing: Retirement 8							Vote down Washington ANG as a provider and retirement (programmatic)
ID	124 WG (Boise)	C130E	4	0	REALIGNMENT	-88	Vote down, retain Unit at location	
ID	Outgoing to: Cheyenne: 4-C130H							Vote down
ID	124 WG (Boise)	A10A	15	18	REALIGNMENT	-	Retain at 15 PAA	
ID	Aircraft Movement: Incoming from: Willow Grove: 3-A10							Vote down Willow Grove as a provider
IL	183 FW (Capital)	F16C/D	15	0	ENCLAVE	-452	Vote down, retain Unit at location	
IL	Outgoing to: Fort Wayne: 15-F16							Vote down
IL	126 ARW (Scott)	KC-135E	8	12	REALIGNMENT			
IL	Aircraft Movement: Incoming from: Grand Forks: 12-KC135. Outgoing to: Retire: 8-KC135E							Vote down retirement (programmatic)
IL	182 AW (Peoria)	C130E	8	12	REALIGNMENT	+167	Retain at 8 PAA	
IL	Aircraft Movement: Incoming from: Nashville: 4-C130H							Vote down Nashville as a provider
IN	181 FW (Hulman)	F16C/D	15	0	ENCLAVE	-496	Accept, in-state shift of resources	
IN	Aircraft Movement: Outgoing to: Fort Wayne: 9-F16; Retire: 6-F16							Vote down retirements (programmatic action)
IN	122 FW (Fort Wayne)	F16C/D	15	24	REALIGNMENT	+280		
IN	Aircraft Movement: Incoming from: Hulman Regional: 9-F16; Capitol AGS: 15-F16. Outgoing to: Retire: 15-F16							Nonconcur with Capital AGS as a provider

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KS	184 ARW (McCconnell)	KC-135R	9	0	ENCLAVE	-448	Accept, in-state shift of resources
KS	Aircraft Movement: Outgoing to: Forbes Field: 9-KC135; BAI: 3-KC135						
KS	190 ARW (Forbes)	KC-135E	8	12	REALIGNMENT	+47	Accept, in state shift of resources
KS	Aircraft Movement: Incoming from: McConnell: 9-KC135; Portland: 3-KC135. Outgoing to: Retire 8-KC135						
KY	165 AS (Louisville)	C130H	8	12	REALIGNMENT	+151	Recommend 8 PAA Vote down
KY	Aircraft Movement: Incoming from: Nashville: 4-C130H						
LA	159 FW (New Orleans)	F15A/B	15	24	REALIGNMENT	-485	Recommend 18 PAA Vote down Portland as a provider
LA	Aircraft Movement: Incoming from: Portland: 9-F15.						
MA	104 FW (Barnes)	A10A	15	24	REALIGNMENT	+254	Recommend stay at 15 PAA Vote down Bradley as a provider;
MA	Aircraft Movement: Incoming from: Bradley: 9-A10						
MA	102 FW (Otis)	F15A/B	15	0	CLOSE	-916	Vote down, retain unit at location, no Governor consent (retirement and movement are programmatic actions)
MA	Aircraft Movement: Outgoing to: Jacksonville: 3-F15; Atlantic City: 12						
MD	175 WG (Martin State)	C130J	8	0	REALIGNMENT	-345	Vote down, retain Unit at location Vote down
MD	Aircraft Movement: Outgoing to: Channel Islands: 4-C130J; Quonset State: 4-C130J						
MD	175 WG (Martin State)	A10A	15	18	REALIGNMENT		Retain at 15 PAA Vote down Willow Grove as a provider
MD	Aircraft Movement: Incoming from: Willow Grove: 3-A10						
MD	113 WG (Andrews AFB)	F16C/D	15	24	REALIGNMENT	+288	
MD	Aircraft Movement: Incoming from: Cannon AFB: 9-F16						
ME	101 ARW (Bangor)	KC-135E	8	12	REALIGNMENT	+111	Recommend 8 PAA Vote down K-F and Birmingham as providers
ME	Aircraft Movement: Incoming from: Niagara: 8-KC135; Key Field: 2-KC135; Birmingham: 2-KC135 Outgoing to: Retirement 8						
MI	127 WG (Selfridge)	C130E	8	0	REALIGNMENT	-819	Vote down, retain Unit at location Vote down (programmatic action; also, airlift study not completed)
MI	Aircraft Movement: Outgoing to: Retire: 8-C130E						
MI	127 WG (Selfridge)	F16C/D	15	0	REALIGNMENT		Vote down, retain Unit at location Vote down (retirement is a programmatic action)
MI	Aircraft Movement: Outgoing to: Retire: 15-F16						
MI	127WG (Selfridge)	KC135	0	12	REALIGNMENT		

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NJ	Aircraft Movement: 177 FW (Atlantic City)	Outgoing to: Retire: 12-F16; Burlington: 3-F16	0	24		REALIGNMENT		Vote down F-16 retirement (programmatic action)
NJ								Address in FTF process after BRAC
NJ								Vote down (determine aircraft movement, if any, after BRAC)
NJ	Aircraft Movement: 150 FW (Kirtland)	Incoming from: Ots: 12-F15; Lambert: 6-F15; Portland: 6-F15	15	18		REALIGNMENT	+82	Accept
NM								
NM	Aircraft Movement: 152 AW (Reno)	Incoming from: Cannon: 3-F16	8	0		ENCLAVE/ASSOCIATE	-430	Vote down, retain Unit at location
NV								Vote down
NV		Outgoing to: Little Rock: 8-C130H						
NV	152 FS (Nellis)	F15	0	15		ACTIVE DUTY REALIGNMENT	+558	Vote down
NV								
NV	Aircraft Movement: 174 FW (Syracuse)	Incoming from: Lambert Field: 9-F15	15	15		Non-BRAC		
NY								
NY	105 AW (Stewart)	CEA	12	12		Non-BRAC		
NY	106 RQW (Gabreski Apt)	HCI30P	9	9		Non-BRAC		
NY								
NY	109 AW (Schenectady)	C130H	4	0		REALIGNMENT	-43	Vote down, retain Unit at location
NY								Vote down
NY	Aircraft Movement: 107 ARW (Niagara)	Outgoing to: Little Rock: 4-C130	8	0		CLOSE	-522	Vote down, retain unit at location, no Governor consent (retirement and movement are programmatic actions)
NY								
NY		Outgoing to: Bangor: 8-KC135	18	0		ENCLAVE	-342	Vote down, retain Unit at location
OH								Vote down
OH	Aircraft Movement: 121 ARW (Rickenbacker)	Outgoing to: DesMoines: 9-F16; Buckley: 3-F16; Lackland: 6-F16	18	18		Non-BRAC		
OH								
OH	180 FW (Toledo)	F16C/D CG	15	24		REALIGNMENT	+295	Recommend 18 PAA
OH								Only if aircraft at DesMoines are available
OH	Aircraft Movement: 179 AW (Mansfield)	Incoming from: DesMoines: 9-F16	8	0		CLOSE	-914	Vote down, retain unit at location, no Governor consent (retirement and movement are programmatic actions)
OH								Vote down, retain Unit at location
OH	Aircraft Movement: 137 AW (OK City)	Outgoing to: Maxwell: 4-C130; Little Rock: 4-C130	8	0		ENCLAVE	-616	Vote down
OK								
OK	Aircraft Movement: 137 AW (OK City)	Outgoing to: Rosegram 4 C-130; Carswell 4 C-130						Vote down

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OK	137 AW (OK City)	C21	0	2	REALIGNMENT		
OK		Incoming from: AFFSA; 2					
OK	138 FW (Tulsa)	F16C/D CG	15	24	REALIGNMENT	+235	Recommend 18 PAA Only if aircraft at DesMoines are available
OK	Aircraft Movement:		Incoming from: DesMoines: 6-F16; Nellis: 3-F16				
OK	Aerial Port Squadron	N/A	N/A	N/A	Relocate to NAS, Fort Worth		Vote down
OK	Aeromedical Squadron	N/A	N/A	N/A	Relocate to Rosecrans AGB		Vote down
OR	142 FW (Portland)	F15A/B	15	0	ENCLAVE	-1270	Vote down, retain unit at location Vote down
OR	Aircraft Movement:		Outgoing to: New Orleans: 9-F15; Atlantic City: 6-F15				
OR	173 FW (Klamath)	F15A/B/C	18	24	Non-BRAC	-18	
PA	193 SOW (Harrisburg)	EC130J	6	6	Non-BRAC		
PA	171 ARW (Pittsburgh)	KC-135E	16	16	Non-BRAC		
PA	111 FW (Willow Grove)	A10A	15	0	CLOSE	-749	
PA	Aircraft Movement:		Outgoing to: Boise: 3-A10; Selfridge: 3-A10; Martin State: 3-A10; Retire: 6-A10				
PR	156 AW	C130E	8	8	Non-BRAC	-112	Clarify that PR remains at 8 PAA
RI	143 AW (Quonset)	C130J	8	11	REALIGNMENT	+116	Retain at 8 PAA
RI	Aircraft Movement:		Incoming from: Martin State: 4-C130J; Little Rock: 1-C130J Outgoing: Retire 2 C-130				
SC	169 FW (McEntire)	F16CJ	15	24	REALIGNMENT	-6	Accept
SC	Aircraft Movement:		Incoming from: Mountain Home: 9-F16				
SD	114 FW (Foss)	F16C/D	15	18	REALIGNMENT	+93	Accept
SD	Aircraft Movement:		Incoming from: Cannon: 3-F16				
TN	118 AW (Nashville)	C130H	8	0	ENCLAVE	-702	Vote down, retain Unit at location Vote down
TN	Aircraft Movement:		Outgoing to: Peoria: 4-C130H; Louisville: 4-C130H				
TN	164 AW (Memphis)	C5	4	8	non-BRAC	+120	
TN	Aircraft Movement:						
TN	134 ARW (Knoxville)	KC-135E	8	12	REALIGNMENT	+70	Recommend 8 PAA KC-135R Vote down Birmingham, March and K-F as providers and retirement (programmatic)
TN	Aircraft Movement:		Incoming from: Beale: 4 KC-135; Birmingham: 4 KC-135; Key Field: 3 KC-135; March 1 KC-135 Outgoing: Retire 8				
TX	147 FW (Ellington)	F16C/D	15	0	ENCLAVE	-380	Vote down, retain Unit at location Vote down (retirement is a programmatic action)
TX	Aircraft Movement:		Outgoing to: Retire: 15-F16				
TX	136 AW (Carswell)	C130H	8	12	REALIGNMENT		Retain at 8 PAA

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TX	Aircraft Movement:	Incoming from: Will Roger: 4-C130H					Vote down
TX	149 FW (Lackland)	F16C/D	18	24	REALIGNMENT	+187	Retain at 18 PAA
TX	Aircraft Movement:	Incoming from: Springfield: 6-F16					Vote down Springfield as a provider
UT	151 ARW (Salt Lake Cty)	KC-135E	8	8	Non-BRAC	-11	
VA	192 FW (Richmond)	F16C/D	15	0	REALIGN/ASSOCIATE	-901	Accept, started prior to BRAC
VA	Aircraft Movement:	Outgoing to: DesMoines: 6-F16; Homestead: 3-F16; BAI: 6-F16					Vote down (programmatic action; develop distribution plan after BRAC)
VT	158 FW (Burlington)	F16C/D	15	18	REALIGNMENT	+97	Accept
VT	Aircraft Movement:	Incoming from: Atlantic City: 3-F16					Vote down Atlantic City as a provider
WA	141 ARW (Fairchild)	KC-135R	8	0	ENCLAVE; Active/Associate	+251	Vote down, retain Unit at location
WA	Aircraft Movement:	Outgoing to: Sioux: 8-KC135					Send active duty aircraft (assumes ANG is lead in active/associate unit)
WI	115 FW (Truax Field)	F16C/D	15	18	REALIGNMENT	+121	Accept
WI	Aircraft Movement:	Incoming from: Cannon: 3-F16					
WI	128 ARW (Milwaukee)	KC-135R	9	12	REALIGNMENT	+73	Retain at 9 PAA
WI	Aircraft Movement:	Incoming from: Key Field					Vote down
WV	130 AW (Charleston)	C130H	8	0	ENCLAVE	-447	Vote down, retain Unit at location
WV	Aircraft Movement:	Outgoing to: Pope/Fort Bragg					Vote down
WV	167 AW (Martinsburg)	C5	0	10	REALIGNMENT		
WV	Aircraft Movement:						
WY	153 AW (Cheyenne)	C130H MAFFS	8	12	REALIGNMENT; active/associate		Accept
WY	Aircraft Movement:	Incoming from: Boise: 4 C-130					Vote down Boise as a provider

Addendum to AGAUS Database

1. Changed Syracuse (Hancock) BRACC PAA from 0 to 15. Reason: The F16's will be retiring at a later date and are considered a Non-BRAC programmatic issue.
2. Changed Puerto Rico (156 AW) CURR PAA from 8 to 7. Reason: We spoke directly to the base and confirmed that the base did not receive the 8th Air Craft.
3. Changed Texas (149 FW) CURR PAA from 15 to 18. Reason: AGAUS report conflicted with current documentation and guidance submitted by the base.
4. Change Selfridge Michigan (127WG) WEAPON SYSTEM: A10A CURR PAA:0 BRACC PAA: 18 BRAC RECOMMENDATION: REALIGNMENT AIRCRAFT MOVEMENT: INCOMING FROM KELLOGG: 15-A10A
5. PA Response as of 10 August 05: I've been thinking about the AGAUS Recommendations. I know this was a monumental task for you and Generals Valvala and Broomall, and I want to thank you again for your efforts. I know you tried to summarize a lot of information in a few words and phrases.

For Pennsylvania, it is very important that the recommendations column reflect more than is stated in the draft spreadsheet. When we talked last night, you indicated that you would insert "Vote Down" before the text about the non-consent of the Governor. In giving this some more thought, I strongly recommend that the following wording be inserted: **"Vote down, retain unit at location, no Governor consent, retirement and movement of aircraft are programmatic actions."** This wording more accurately captures the recommendation that should apply to the proposed deactivation of the 111th Fighter Wing at Willow Grove.

As you know, the situation at Willow Grove is complicated. Different DoD BRAC documents refer to the Navy action as both a closure and a realignment. DoD even recommended that Willow Grove host an enclave including the 270th EIS (PaANG) and Army Reserve units. The Willow Grove Air Reserve Station, where the 111th FW and the 913th Airlift Wing (AFRES) are based, was not evaluated as part of the joint installation. In addition to the legal issues swirling around the recommended "deactivation" of the 111th, we believe Willow Grove has made a strong case to keep the installation open (in whole or in part) based on evaluation issues, homeland security/defense, and the fact that the base was penalized for being joint.

In looking at the spreadsheet, I noted that, although you list 3 A-10s from Willow Grove as being proposed to move to Selfridge, you do not show this aircraft movement under the Selfridge row. For Boise and Martin State, the

recommendation column says "Vote Down Willow Grove as provider," but there is no similar recommendation for Selfridge. This should be included.

Finally, I note that the NGAUS web site and news reports indicate that more governors have submitted non-consent letters than listed on the spreadsheet. You use the same wording for Pennsylvania, New York, Ohio and Massachusetts, but I believe Governors from Tennessee, Oregon, Michigan and Illinois have also expressly stated their non-consent to DoD recommendations for ANG actions in their states. I suggest you add a note at the end of the document to indicate that "No governors were asked for consent or approval of changes to ANG units in their states before release of the DoD BRAC Report. The consent of the governors cannot be implied."

6. **NY Response as of 10 August 05:** Thanks much for your communication ref the AGAUS recommendations. I greatly appreciate the efforts that you, Frank Vavala, Hugh Broomall and the Delaware staff have been putting forward on behalf of all of us.
 - As far as the New York ANG units are concerned, however, I must point out that there is a very serious misstatement concerning the Syracuse unit---the 174th FW. The report indicates under the column headed "BRAC PAA", there is a "0" balance of aircraft. That is not the case at all. The BRAC recommendation leave all 15 of the jets at Syracuse. My staff will be contacting Hugh and his team this morning to correct the matter. Thanks.
7. **OH Response as of 10 August 05:** Additional remarks section for Line 66 (178 FW): MG Gregory Wayt, TAG-OH, testified at the BRAC Regional Hearing in Buffalo, NY, 27 June 2005 that the AF Deviated from proper evaluation of Military Value Analysis (MCI). The process was flawed throughout because of this deviation. The MCI for ANG bases was flawed because most of the issues for the 4 Criteria of Military value is not applicable to the ANG. The 178 FW was evaluated as a general purpose F-16 Wing and not by the Joint Cross Service Group. As a result, the Flight Training Sub Group Criteria did not determine which F-16 FTU to retain. ANGH 32-1084, ANG Infrastructure Guidance Handbook, precludes the ability to meet AF Criteria. This criteria incorrectly assessed the capability to park 52 F-35s and denied data inclusion by restricting answers resulting in inaccurate and incomplete data calls. No credit was given for milcon projects in progress or range & MOA accessibility or use.
PROGRAMMATICS - Request that this BRAC realignment recommendation be analyzed through programmatic mission assessment over time, as appropriate, vice BRAC law.
 - MG Gregory Wayt, TAG-OH, testified at the BRAC Regional Hearing in Buffalo, NY, 27 June 2005 that the AF Deviated from proper evaluation of Military Value Analysis (MCI). The process was flawed throughout because of this deviation. The MCI for ANG bases was flawed because most of the issues for the 4 Criteria of Military value is not applicable to the ANG.
 - The 179 AW did not receive MCI criteria credit for access to mission capable airspace, expandable parking spaces to 12-16 C-130s, and 2 functional runways

(vice 1). The criteria did not permit access of leasable land immediately adjacent to the base (only land under current lease was considered). ANGH 32-1084, ANG Infrastructure Guidance Handbook, is very specific with regard to NO "extra" infrastructure which also precludes transient aircraft parking and a fuel hydrant system that is not practical at the 179 AW and is not permitted because it is not a staging or mobilization base. PROGRAMMATICS - Request that this BRAC closure recommendation be analyzed through programmatic mission assessment over time, as appropriate, vice BRAC law.

**Excerpts from Governors' Letters and Press Releases
Concerns about Air National Guard Recommendations**

Cited Legal Precedence and No Consent

Delaware

On May 25, 2005, I sent a letter to Secretary Rumsfeld advising him that, as Governor of the State of Delaware, I do not consent to the Department of Defense's (DoD) BRAC recommendations to realign the Delaware Air National Guard New Castle County Air Base. I am writing to you today to provide legal documentation supporting the Governor's role as Commander in Chief of the Delaware National Guard and the requiring the DoD to confer with the Governor on matters pertaining to the National Guard. I hope you consider these factors as you continue an open and transparent review of the DoD's recommendations.

Pennsylvania

Gov. Edward G. Rendell, along with Sens. Arlen Specter and Rick Santorum, today announced the commencement of legal action to prevent the Department of Defense (DoD) from deactivating the 111th Fighter Wing of the Pennsylvania Air National Guard stationed at Naval Air Station Joint Reserve Base, Willow Grove, Pennsylvania.

The action arises under the "militia clause" of the United States Constitution, art. I, sec. 8, cl. 16, 10 U.S.C. § 18238 and 32 U.S.C. § 104, which provides, in part, that a National Guard unit may not be changed, relocated or withdrawn without the approval of the governor of the state in which the unit is located. Gov. Rendell has not consented, and indicated at the July 7, 2005, BRAC Commission hearing that he will not consent to the deactivation of the 111th Fighter Wing.

Ohio

I have been disturbed, however, by a number of the recommendations regarding Air National Guard assets and, in particular, by the process through which the Air Force arrived at their recommendations. The Air Force did not in any way consult with the States or the Adjutants General. The Air Force committed a number of substantial deviations from the BRAC statutes, which the 178th Fighter Wing (Springfield, OH) and the 179th Airlift Wing (Mansfield, OH) reported in extraordinarily detail. I urge the Commission to review those reports and reject the Air Force recommendations.

West Virginia

More critically, 32 U.S.C. Sec. 104(c) forbids a change in the organization or allocation of a National Guard unit located entirely within a State without the approval of its governor. As Governor of the State of West Virginia, I do not consent to the proposed realignment of C-130H planes from the 130th Airlift Wing. Absent such consent, the proposed change in the branch, organization, or allotment of the Yeager Airport Air Guard Station would contravene federal law.

Alaska

Accordingly, pursuant to the 'militia clause' of the United States Constitution, art. I, sec. 8, cl. 16, and the above referenced statutory provisions, my consent is necessary for the actions contemplated by the Department of Defense with regard to the 176th Wing at Kulis National Guard Base and the 168th Air Refueling Wing located on Eielson Air Force Base. Because the Department of Defense did not obtain my consent, the actions proposed by your department cannot proceed. I am aware that the State of Pennsylvania has already filed suit alleging the same arguments and several other affected states are considering following suit. I will be closely monitoring these proceedings and will take similar action if necessary. By this letter I wish to formally notify you that I will continue to withhold my consent to the proposed realignment of Kulis Air National Guard Base in Anchorage and the "warm storage" of Eielson Air Force Base until I receive assurances that the mission of the 'Air National Guard will not be compromised in Alaska.

Connecticut

In my June 14,

2005 letter to Secretary of Defense Donald H. Rumsfeld, I provided formal notification of my objection to the Commission's recommendation to "realign" the 103rd Fighter Wing, Connecticut Air National Guard, located at the Bradley International Airport, in East Granby, Connecticut. In my letter to Secretary Rumsfeld I reiterated that the Department of Defense did not coordinate its recommendation with the State of Connecticut and that no federal official contacted my office or the Connecticut Adjutant General to discuss any federal proposal concerning Air National Guard units or assets located in Connecticut. At no time have I given my consent to any changes with regard to Air National Guard units in the State of Connecticut.

Illinois

The Department of Defense did not coordinate this recommendation with either my office or the Illinois Adjutant General. This lack of consultation compromises the integrity of the process used to develop the BRAC recommendations and completely disregards my role as Commander-in-Chief of the Illinois National Guard. Further, pursuant to 10 U.S.C. §18238 and 32 U.S.C. §104(c), my consent is necessary for the actions contemplated by the Department of Defense with regard to the 183rd Fighter Wing.

Mississippi

Neither I nor my Adjutant General were consulted about the proposed realignment of the 186 Air National Guard Air Refueling Wing at Key field, Meridian, MS in the Base Closure and Realignment process. Respectfully, I ask that it be withdrawn.

Montana

Besides my concerns over how the Commission's process adheres to its own legal criteria for evaluating realignment and closure of bases and units and the soundness of the decision making, I want to insure that other federal laws are followed to the letter so that costly and protracted litigation between the Department of Defense and the State of Montana might be avoided. Both Titles 10 and 32 of the United States Code require the consent of each impacted state's Governor.

Michigan

I am writing to advise you officially that, as Governor of Michigan, I do not consent to the deactivation, relocation, or withdrawal of the 110th Fighter Wing or the retirement of the F-16s from the 127th Wing.

These Department of Defense recommendations have not been coordinated with me, my Adjutant General, or members of his staff. No one in authority of the Michigan Air National Guard was consulted or even briefed about this recommended action before it was announced publicly.

Oregon

I am writing to advise you officially that, as Governor of Oregon, I do not consent to the deactivation, relocation or withdrawal of the 142nd Fighter Wing. Further, pursuant to 10 D.S.C. §18238 and 32 D.S.C. §104(c), my consent is necessary for the Department of Defense to implement the recommended actions regarding the 142nd Fighter Wing.

Washington

These recommendations appear to violate 10 U.S.C. Section 18238 and 32 U.S.C Section 104(c) which require the Governor's consent for such actions. I do not consent to the realignment of the 141st Air Refueling Wing or to removal, relocation, or reassignment of the 141st's unit equipped primary assigned KC-135 aircraft. The proposal materially interferes with the right of the state to maintain an organized state militia pursuant to the Second Amendment to the United States Constitution.

General Concerns About the Guard**Maryland**

As we discussed, I question the proposed shifts of Air Guard assets. Accordingly, I appreciate your including Maryland Adjutant General Bruce Tuxill in our meeting. Like many other Governors around the nation, I am concerned with the impact that the proposed shifts will have on our readiness and response capabilities. This issue is especially sensitive in the National Capital Region. I am confident that the invaluable feedback you have gathered during the course of your hearings and meetings will be of great help as you begin to address these concerns.

New York

Considering the potential incursion of potential terrorists entities coming in from abroad, we are unsure and troubled as to why the Air Force has decided to take planes, missions, and jobs away from so many Air Guard and Air Reserve bases and put them on more costly Active Duty bases. We firmly believe that it would be extremely detrimental to national and state Homeland Security interests, and jeopardize the enormous strides taken to protect and secure our borders.

Texas

This letter is to express my strong concern regarding the Department of Defense (DoD) proposal to retire the F-16C fighter aircraft located at Ellington Field in Houston, Texas. Currently assigned to the 147 Fighter Wing, Texas Air National Guard, these aircraft represent the only true Air Force rapid reaction capability for protection of the critical infrastructure and key resources along the Texas Gulf Coast - a capability that must be preserved. My position on the retention of the 147th Fighter Wing at Ellington is underscored by the DoD's recently published (June 2005) *Strategy for Homeland Defense and Civil Support*.

Major General Roger P. Lempke
Base Realignment and Closure Commission Hearing
United State Senate, Hart Building
11 AUGUST 2005
Additional Testimony

After hearing the Air Force testimony, we feel it is important to address some of what they have presented, along with the presentations we were prepared to make.

First, I have to disagree that "nobody wants to change themselves." The Guard and Reserve have changed dramatically over the past decade. We would trace some of this back to efforts in the Balkans where for the first time Guard units were the lead commanders for operations in the field. Certainly, since 9-11, we in the Guard have adjusted tremendously to support the nation's needs. In addition, as the Air Guard realized that we were facing a shrinking force, the TAGs came together to begin developing a plan, called Vanguard. That was an initial discussion tool, but once it was presented, it was taken as a complete proposal and the TAGs were shut out of the discussions that then produced the Future Total Force plan. So, our concern is not with change. Our concern is that if you proceed along the current path with plans that do not take into account the reality of the Air Guard, you will destroy units in some states, greatly reduce the Guard presence in areas like the NorthEast, and reduce recruiting avenues around the nation. When that happens, there will not be much left in the Air Guard to change.

Second, as you will hear and have heard, we do not disagree with the goal of more efficient and effective squadrons. We cannot, however, agree that the Air Force has in fact accurately determined the "right size" for squadrons. We are also puzzled by the Air Force thinking that shows ever shrinking squadrons in the future. There is a point where even the experience of our aircrews and maintainers will not make-up for too few planes. The Air Guard is not a monolithic group of intransigent children incapable of adapting. We have historically been partners in determining the best way to utilize our assets. That was not the case here. A clear cost-benefit analysis is needed. There are factors, like the need to keep a robust recruiting base in all areas of the country, that must be factored into any "right sizing" decisions.

Third, while we are pleased that Guard bases competed against Guard bases, that doesn't improve the quality of the analysis used to determine their military value. Unlike the Army, the models used to measure Air Guard bases were identical to the Active Duty models. This produced a distorted picture of value. For example, in terms of surge capacity Active Duty bases often have excess infrastructure that they simply do not use for current missions. That is not allowed in Air Guard regulations. Air Guard installations may only have the space needed for their current mission. By giving higher military value points to bases with excess infrastructure and NOT crediting the Air Guard with its ability to utilize shared civilian airfields as needed for surge, the Air Guard was penalized for operating more efficiently on shared airfields. More important, the true picture of the physical capacity of an Air Guard installation simply could not be captured or calculated by the model used.

Fourth, we strongly believe that it is critical to the militia concept and to the nature of the Guard that there be an Air Guard flying unit in every state. The idea that the 60,207 CAP volunteers, of whom 42% are high school age cadets, can provide a Governor with a ready response force for post-9-11 homeland security is simply not credible. CAP volunteers do a wonderful job of inland search and rescue and are very helpful with on-going domestic counter-drug surveillance efforts. Airborne surveillance and teaching cadets to fly is really their primary mission, along with educating and developing future aerospace leaders. What they do as volunteers is valuable, but in no way compares to the assets and training of an Air Guard flying unit that is available to the Governor at all times.

Fifth, we are amazed that the Air Force is trying to justify greater cuts in the Air Guard by saying that prior BRAC rounds did little to Guard installations. Quite frankly, the reason then is the same reason why it makes little sense in this round. BRAC is aimed at reducing costly excess infrastructure. Guard installations are cost efficient, lean operations. Very little money is saved by closing them. As GAO pointed out, over 80% of the Air Force's projected savings come from closing 2 and realigning 3 Active Duty bases. To quote that report (page 122), "Most of the Air

Force's recommendations involve realignment of Air Guard facilities with limited savings." As you will hear in our testimony, we are concerned that in most cases these realignment and closures are more likely to cost the nation money than save it.

Finally, AGAUS rejects the idea that the Air Guard was a part of this process. Being briefed and told what will happen is simply not the same as being given an opportunity for input and being part of a process. When TAGs were briefed and expressed concerns, nothing happened. These were not discussions or collaborative processes. As you have heard in prior sworn testimony, we were NOT consulted, we were told. We believe we can be a constructive part of the Air Force of the future, but that cannot happen if we are not involved in planning and if our perspectives as both state and federal officers are not taken seriously.

Thank you, I will now proceed with my prepared testimony....

Provided by the
National Guard Association of the United States



The Role of the National Guard in National Defense and Homeland Security

By Maj. Gen. Timothy J. Lowenberg

Much confusion exists over the various statutes that govern the use of the National Guard. A current adjutant general and former Air Force attorney provides a legal primer.

To understand the role of the National Guard in national defense and homeland security, one must understand the constitutional and statutory provisions governing use of military force by the federal and state governments.

It is important to have a clear understanding of current and evolving national defense and homeland security strategies and the organizational structure, funding sources and operational capabilities of today's Army and Air National Guard.

During the Cold War, elected officials were often veterans or active reserve-component members whose personal experiences helped shape their understanding of these issues.

Today, few public officials are reservists or veterans. It is vital, therefore, that Governors, Adjutants General, National Guard members and the American people understand their responsibilities and that they be able to articulate the vital role of the National Guard in national defense and homeland security. This primer addresses these important constitutional and policy issues.

Use of Military Force in Defense and Security of the United States

Formation of the militias predates the founding of our country. The Massachusetts National Guard traces its lineage to the first regiments established by the General Court of the Massachusetts Bay Colony in 1636.

Each state, the U.S. territories and the District of Columbia (referred to herein as "the states") have equally rich histories.

Militia units patterned after the English militia system were common throughout the colonies and played a central role in our fight for independence. They also assured the security of new states as the nation expanded westward. Because of this role in the birth and expansion of our nation, the right of the states to raise, maintain and employ their own military forces (known since 1824 as the "National Guard") is guaranteed by the U.S. Constitution and the constitutions and statutes of the several states.

As a unique state-based military force (albeit largely funded by the federal government and trained in accordance with federal standards), the National Guard is the only military force shared by the states and the federal government. It is a ready and reliable force accessible to the states for both state and combined state and federal purposes and to the federal government for federal purposes.

About the Author:

Maj. Gen. Timothy J. Lowenberg is the Adjutant General of Washington, Homeland Security Advisor to the Governor of Washington and Chairman the Homeland Security Committee for the Adjutants General Association of the United States. Prior to his current assignment in 1999, he spent six years as the Air National Guard assistant to The Judge Advocate General of the Air Force in Washington, D.C. General Lowenberg is a 1971 graduate of the University of Iowa College of Law and teaches law at the University of Puget Sound School of Law in Tacoma, Wash., and at the Seattle University School of Law.

State Active Duty

States are free to employ their National Guard forces under state control for state purposes and at state expense as provided in the state's constitution and statutes. In doing so, Governors, as commanders-in-chief, can directly access and utilize the Guard's federally assigned aircraft, vehicles and other equipment so long as the federal government is reimbursed for the use of fungible equipment and supplies such as fuel, food stocks, etc.

This is the authority under which Governors activate and deploy National Guard forces in response to floods, earthquakes, wild fires and other natural disasters. It is also the authority under which Governors deploy National Guard forces in response to man-made emergencies such as riots (e.g., World Trade Organization meeting, Seattle, 1999), civil unrest (e.g., World Bank meeting, District of Columbia, 2000) and terrorist attacks (e.g., World Trade Center attacks, New York City, Sept. 11, 2001).

Unlike active-duty and federal military reserve forces such as the Army and Air Force Reserves, all National Guard personnel and equipment (or so much thereof as are not already "federalized") are directly accessible to the Governor in state or local emergencies and as otherwise provided by state law. Such service is performed in accordance with state law; National Guard members performing duty at the call of the Governor are therefore said to be in "State Active Duty status," meaning, among other things, that command and control rests solely with the Governor and the state or territorial government. Execution of state active-duty missions is accomplished by delegation of authority from the Governor to the Adjutant General.

Title 32 Duty

Article 1, Section 8 of the U.S. Constitution (the Militia Clause) also authorizes use of the National Guard under continuing state control but in the service of the federal government to "execute the laws of the Union, suppress insurrections and repel invasions."

These provisions are unique to the National Guard and are the authority by which Governors answered the President's request for deployment of National Guard forces to our nation's airports following the terrorist attacks of Sept. 11, 2001.

State-controlled National Guard forces were deployed by Governors at federal expense and in compliance with prescribed federal operational standards to assure aerial port security and compliance with federal interstate commerce and aviation laws. Unlike subsequent border-security missions (described below), National Guard forces mobilized within hours and promptly deployed to airports where they remained under state control for the duration of the six-month airport security mission. These arrangements preserved state-level management of National Guard personnel and assured maximum flexibility for responding to other unforeseen or emerging state and federal requirements.

These and similar domestic military missions have been performed by the National Guard at various times since Sept. 11, 2001, under the authority of Title 32 United States Code (USC); National Guard members performing such



An Army Guard Soldier provides security at BWI Airport in 2002.

duty are therefore commonly said to be serving in "Title 32 duty status", meaning, among other things, that command and control remains with the Governor and the state or territorial government even though the Guard forces are being employed "in the service of the United States" for a primary federal purpose.

Notwithstanding clear constitutional authority for these arrangements (state control of Guard operations having a primary federal purpose or a shared state-federal purpose), questions were raised about the statutory authority for Title 32 domestic operations. Statutory authority for National Guard training at federal expense is clear.

The argument, however, was that 32 USC 502(f), which authorizes use of the National Guard at federal expense but under continuing state control for "training or other duty", was intended to authorize "training" only, as opposed to domestic "operations." Recent enactment of 32 USC 901 et. seq., resolves any such ambiguity by authorizing the Secretary of Defense to "provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the Secretary determines to be necessary and appropriate." (32 USC 902).

The statute defines "homeland defense activities" as activities "undertaken for the military protection of the territory or domestic population of the United States, or of the infrastructure or other assets of the United States determined by the secretary of defense as being critical to national security, from a threat or aggression against the United States." (32 USC 901(1)). The Secretary of Defense may request domestic use of National Guard forces and fund such operations (as was done with the Governors' support for airport security in 2001-2002). "A Governor of a state may [also] request funding assistance for the homeland defense activities of the National Guard of [their] State." (32 USC 906).

The Adjutants General Association of the United States (AGAUS) is coordinating with the Assistant Secretary of Defense for Homeland Defense in the development of implementing regulations. Title 32 USC 901 et.seq. therefore authorizes use of the Guard under continuing state control but at federal expense, when approved by the Secretary of Defense, for a wide variety of operations, including, when appropriate, protection of oil refineries, nuclear power plants and other critical infrastructure.

Title 10 Duty

The War Powers Clause of the Constitution grants the federal government plenary authority to raise military forces and to employ such forces, including mobilized (sometimes referred to as “federalized”) National Guard units, under federal control and at federal expense for national defense purposes.

This is the authority under which the federal government mobilizes and deploys National Guard units and personnel for combat, combat support and combat service support missions at home and throughout the world. Such service is performed under the authority of Title 10 USC; service members performing such duty are therefore commonly said to be in “Title 10 duty status,” meaning, among other things, that command and control rests solely with the President and the federal government.

Since the Army, Navy, Air Force, Marine and Coast Guard Reserves, like their active-duty counterparts, are federal military forces wholly controlled by the federal government, they are not directly accessible by Governors and duty performed by such personnel is always in “Title 10 status.” When performed within the United States, Title 10 duty (including Title 10 duty performed by National Guard personnel) is subject to a number of legal restrictions, including provisions of the *Posse Comitatus Act* (18 USC 1385), which severely limits the use of federal military forces in support of domestic law enforcement operations.

When employed at home or abroad in Title 10 status, National Guard forces are stripped of all state control and become indistinguishable elements of the federal military force. This was the authority used by the federal government to mobilize and deploy National Guard forces to augment federal law enforcement agencies at the Canadian and Mexican borders in the spring and summer of 2002.

In stark contrast to the speed and efficiency with which Governors deployed National Guard troops to our airports (more than 450 airports were secured within a matter of hours or days), it took more than six months for the Defense Department to agree to a memorandum of understanding with the U.S. Border Patrol and increased security at our nation’s borders was delayed until these negotiations and legal arrangements had been finalized.

Duty Statuses Summarized

As explained above, federal and state constitutions and statutes provide the primary authority for use of military force by the federal and state governments. These provisions, in so far as they apply to the National Guard, reflect the constitutional balance of power between the sovereign states and the central federal government. National Guard forces are unique among all other military components in that they may be used in one of three legally distinct ways:

- (1) by the Governor for a state purpose authorized by state law (state active duty); or
- (2) by the Governor, with the concurrence of the President or the President’s designee (e.g., the Secretary of Defense), for shared state/federal purposes or for a primary federal purpose (Title 32 Duty); or
- (3) by the President for a federal purpose authorized by federal law (Title 10 duty).

When in state active duty or Title 32 status, National Guard forces remain under the operational, tactical and administrative control of the Governor and the state government. This authority is reposed in the Governor, as commander in chief, and executed by the Adjutant General, as the state’s senior military commander.

By contrast, Title 10 military forces (active duty, reserve and “federalized”) National Guard forces) are under the exclusive control of the President and the federal government and are beyond the access, control or supervision of the Governor even when operating within his or her state.

Each of these operational statuses carries significant operational, fiscal, force management and legal advantages or disadvantages that call for conscious decisions about how the National Guard should be employed domestically. Use of the National Guard under state control (e.g., Title 32) for domestic missions always protects vital state interests and nearly always maximizes attainment of national defense and homeland security objectives as well. Regrettably, these considerations are not always understood or taken into account by federal authorities. The National Governors Association (NGA) has therefore adopted the following position:

“Governors believe when the National Guard members perform domestic missions they should do so in Title 32 USC status rather than Title 10 USC status, unless the President has called them in Title 10 for a federal mission requiring federal troops, such as to repel an invasion. In Title 32 status, National Guard members can continue to train with their regular units and in times of federal mobilization these Guard members are available to deploy with their units. The Governors further note that Title 32 status for domestic deployments avoids all posse comitatus issues.” (NGA HR-6, Army and Air National Guard Policy, most recently adopted effective Winter Meeting 2003 – Winter Meeting 2005).

Past and Emerging National Defense and Homeland Security Strategies

One of the first things the central federal government did upon attaining independence from England two century was form a standing army to supplement the war-tested organized militias. The founding fathers thought the United States needed a standing army to take our rightful place among the nations of the world.

The full-time force was relatively small, however, and national defense strategy continued to rely heavily on the states’ military forces. State militias were used to expand the size of the federal force in times of peril. They were then demobilized at the conclusion of each foreign engagement. This reliance on state military forces remained a central tenet of our national defense strategy until the dawn of the nuclear age.

At the end of World War II, in reaction to the Soviet Union’s expansionist ideology and growing nuclear arsenal, we maintained a large standing military force for the first time in our nation’s history and deployed that force throughout the world to “contain” the Soviet Union and its allies.

Today’s National Guard force structure

and the federal statutes and regulations governing use of the Guard are largely a product of these Cold War defense strategies. Although the federal government funded the National Guard throughout the Cold War, the National Guard had “hand-me-down” equipment and was resourced at a lower tier of readiness, the assumption being that large, forward deployed active-duty forces could initiate and sustain combat operations for a long period of time permitting months or even years for “strategic” Guard and reserve forces to be properly equipped, trained, certified, mobilized and eventually deployed.

State Laws re: Use of the Guard

Many 1940’s and 1950’s-era state military statutes reflect a similar view of the Guard as a “strategic” reserve or a later responding “reaction” force. Many state statutes, for example, allow the Governor to activate the Guard only in response to a disaster that has already occurred or a life safety threat that is “imminent.” These statutes prevent the Governor from using the Guard to plan, train and exercise with other emergency responders, conduct critical infrastructure vulnerability assessments or otherwise draw upon National Guard skills that materially advance the state’s terrorism prevention strategies.

Nearly half of all National Guard members have performed overseas combat duty in the past three years. They have unique skills that are in short supply in the civilian community. National Guard members who have been deeply involved in foreign port security operations, for example, can contribute significantly to domestic port security vulnerability assessments and help construct critical infrastructure and key asset protection plans for state and local governments.

If these activities are undertaken in state active duty status, they can be funded with Department of Homeland Security grant monies. Under many existing state laws, however, Governors are unable to access National Guard subject matter experts in the absence of specific actionable intelligence rising to the level of an “imminent” domestic threat.

States have begun addressing these self-imposed restrictions by advancing agency-request or Governor-request legislation that authorizes the Governor to activate National Guard units or individual subject matter experts for planning, training, exercising and other disaster prevention purposes.

Total Force Policy

The presence of large active duty forces allowed the U.S. to engage in a strategy of global engagement after World War II, including combat operations in Korea and, later, Vietnam, with marginal use of National Guard and reserve forces. Against the advice of military leaders, President Johnson prosecuted the Vietnam conflict with career active duty personnel and draftees rather than mobilizing Guard or reserve units.

As the Vietnam conflict dragged on, public support for the war effort eroded. When the conflict ended, federal authorities adopted the Total Force Policy (also known as the “Abrams Doctrine”), a policy that rebalanced and reapportioned combat, combat support and combat service support

resources from active-duty services to the National Guard and federal reserve components.

The reallocation of resources was intended to assure that Guard and reserve forces would have to be used from the early stages of any future conflict, thereby prompting a national discussion about whether to initiate the foreign military engagement in the first place.

A secondary reason for the policy shift was to take advantage of the cost savings inherent in the Guard and reserves. Unlike active-duty counterparts, National Guard members are compensated only when actually performing military duty. Their fringe benefits and eventual retirement allowances are also substantially less than full-time active duty personnel.

The rebalancing of military force structure to more cost efficient Guard and reserve components has allowed the United States to maintain global reach and global power for the past three decades at a cost of no more than 3 percent to 4 percent of our gross domestic product.

“Total Force” Funding and Equipping

The Total Force Policy was especially important following dissolution of the Soviet Union and the reunification of Germany in the early 1990s. When the Cold War ended, the federal government downsized each of the active duty services by 50 percent to 60 percent. The result was a reversion to our historic reliance on the National Guard and reserves.

Following adoption of the Total Force policy in the late 1970’s, the Air Force began integrating the Air National Guard (ANG) into Air Force operations and funding the ANG at close to 100 percent of validated Air Force staffing and equipment requirements. These actions transformed the ANG from a strategic reserve to a combat ready and combat-tested operational reserve force.

With Air Force funding for full-time manning, equipment, facilities, planning, training and exercising on par with active-duty units, the ANG has become a force that responds in hours to federal or state mission requirements. Inclusion in the Total Force also buoyed ANG morale, resulting in the Air Force being able to meet all mission requirements without having to involuntarily mobilize ANG personnel.

Until the beginning of the recent Global War on Terrorism, the Total Force Policy unfortunately failed to spark a comparable level of Army support for the Army National Guard (ARNG). Throughout most of the period described above, ARNG full-time staffing has remained mired at 55 percent or less of the Army’s validated full-time staffing requirements.

Until the just-in-time fielding of equipment for ARNG units deploying to Afghanistan and Iraq, modern equipment also continued to be disproportionately allocated to active duty forces, resulting in ARNG units remaining equipped with older, hand-me-down equipment that is not interoperable with active duty units.

The Army also remains wed to time consuming World War II-era force mobilization processes that require months for Army National Guard units to mobilize, re-train, certify and eventually deploy.

The impact on the states and on national

The Role of the National Guard in National Defense and Homeland Security

homeland security is that while Air National Guard units are pre-trained, pre-certified, mobilized and deployed in a matter of hours or days (thereby making them available more often and for longer periods for state missions), Army National Guard units are forced to adhere to the Army's protracted "train, mobilize, re-train, certify and deploy" process which usually requires 18 months of Title 10 federal service to produce 12 months or less of actual overseas duty.

During this 18-month period, affected ARNG personnel and equipment are no longer accessible to the Governor and no longer available for state emergencies.



Air National Guard F-15s practice aerial combat over the Gulf of Mexico.

As ARNG units complete their current overseas missions and leave equipment behind for the follow-on forces, many of our units are returning to state control with unresolved equipment shortfalls and often with a substantially degraded capacity for responding to state missions. These and other equipment, staffing and funding challenges require leadership and continued vigilance on the part of Governors and their Adjutants General

Total Force Policy and Transnational Terrorism

Transnational terrorism makes our militia-nation construct and the core tenets of the Total Force Policy more relevant and more essential than ever before. The American homeland is now part of a global battle space and, with the proliferation of weapons of mass destruction, could easily become the epicenter of that battle space, exposing citizens to chemical, biological, radiological, nuclear or conventional high-yield explosive attacks.

In this unprecedented lethal threat environment, national defense and homeland security are a shared responsibility of the federal government and the several states. Bright lines between national defense and homeland security and bright lines between federal and state responsibilities and capabilities produce unintended gaps and unacceptable risks.

State constitutions and statutes give Governors emergency powers that are often more extensive and more responsive than the emergency powers of the President. Under the aegis of the national Emergency Management Assistance Compact (EMAC), 48 of 50 Governors can support one

another with immediate state-to-state emergency assistance.

The Governors' ability to directly task ANG unit equipped C-130s, KC-135s and other tactical airlift aircraft and related equipment is critical to the states' collective ability to respond to local, regional and national emergencies. These aircraft have proven crucial in intra-state and interstate responses to disasters ranging from hurricanes to terrorist attacks.

Just as National Guard personnel can be directly accessed by Governors and the President alike in times of national peril, so too unit equipped National Guard aircraft and other unit assigned National Guard equipment can be directly accessed by Governors and the President in times of crisis.

When there are conflicting requirements, the power of the President unquestionably prevails under the War Powers clause of the Constitution. When there is no conflict, however, Governors' direct access to aircraft and other unit equipped materials provides a crucial safety net for individual life safety and for our collective national defense and homeland security.

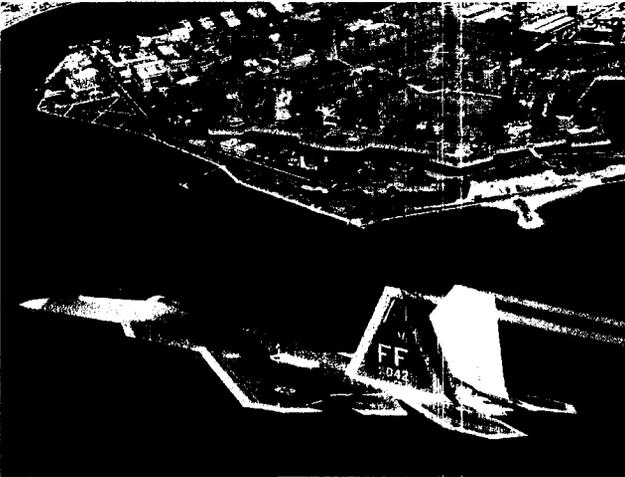
In the near-term aftermath of the Sept. 11, 2001 terrorist attacks, it took more than 6 months for federal agencies directly accountable to the President to reach agreement on emergency support arrangements for the security of our borders. States cannot afford six months of wrangling over a federal-state emergency response memorandum when the next disaster strikes. With properly equipped National Guard units, including unit equipped ANG aircraft, Governors can respond to domestic emergencies as circumstances require while preserving the President's ability to carry out all federal requirements.

Although the focus of this primer is on conventional military operations and support to domestic authorities, it should be noted that states are also deeply involved in national defense and homeland security operations through State Partnership Program (SPP) alignments of state military departments with partner nations throughout the world.

The SPP was begun by the U.S. State Department, the Department of Defense and the National Guard Bureau as a way of stabilizing U.S. relations with newly independent countries of the former Soviet Union. The Pennsylvania National Guard, for example, was paired with Lithuania, one of the first Republics to gain independence from the Soviet Union. The Illinois National Guard was paired with Poland, Alabama with Romania, and so on.

The program proved so successful that it was expanded to central Asia (e.g., Arizona and Kazakhstan), Central and South America (e.g., Kentucky and Ecuador) and Southeast Asia (e.g., Washington and the Kingdom of Thailand). More recently, state National Guards are being paired with nations in Africa (e.g., North Dakota and Ghana) and the Middle East (e.g., Colorado and Jordan).

These partnerships have focused on issues such as emergency responder training, port security and critical infrastructure vulnerability assessments, border security, narco-terrorism strategies, national emergency call center systems and similar initiatives that make these countries more capable of surviving terrorist threats and of increasing the security of outbound passenger and cargo traffic from these countries to aerial and sea ports in the continental U.S.



The F/A-22 Raptor, the Air Force's newest fighter, is in final testing.

National Defense and Homeland Security – Separate but Interdependent Policies and Strategies

The National Strategy for Homeland Security calls for shared state and federal accountability for the security of our homeland. As an organization with shared state and federal mission objectives, the National Guard is the perfect fusion agent for synchronizing state and federal defense and homeland security efforts.

At the national level, the Department of Defense and Department of Homeland Security still draw bright lines between “defense” and “security” activities. Neither wants to pay for or encroach upon the mission prerogatives of the other.

At the state level, the National Guard straddles the operational, fiscal and mission lanes of these federal agencies and has mission responsibilities under both overarching national strategies. In more than half the states and territories, the Military Department is also responsible for the state’s emergency management functions and for administering Department of Homeland Security grants in addition to Department of Defense funding.

As a state agency, the military department can also place National Guard members on state active duty (to the extent permitted by state law) and assign them duties that qualify for reimbursement under Department of Homeland Security (ODP) grants. As the Governor’s designated homeland security advisor in many states, the Adjutant General also deals routinely with the Secretary of Homeland Security in addition to civilian and uniformed officials of the Department of Defense.

These National Guard missions and responsibilities add immeasurably to the state’s overall domestic security preparedness. They also make the adjutant general a crucial “go to” official in time of crisis. The Governor expects the adjutant general to exercise control over all military forces operating within his or her state. This expectation is satisfied when National Guard forces employed within the state are in State Active Duty or Title 32 status. The expectations and requirements are also met when National Guard forces from supporting states are operating within a supported state.

In such circumstances, the adjutant general of the supporting state routinely sur-

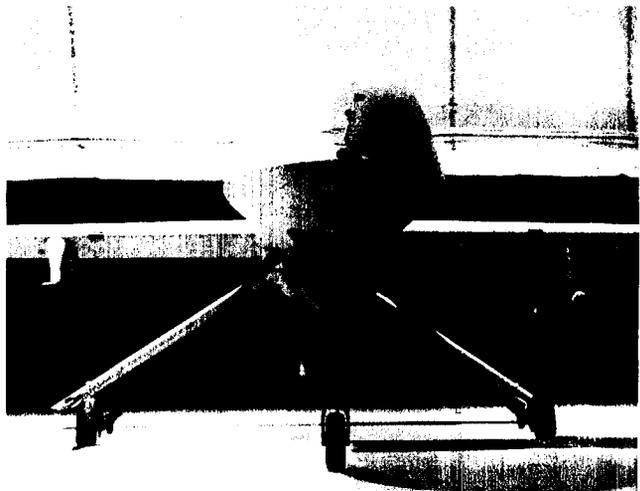
renders command and control of deployed forces to the adjutant general of the supported state. Such is not the case when Title 10 federal forces are deployed domestically. Active-duty commanders historically insist on retaining control over federal forces during domestic emergencies. The Adjutants General believe this policy should be changed.

Governor Accountability and Governor Control

Every state now has a National Guard Joint Force Headquarters with liaison officers from the active duty services. The Adjutants General believe Governors should exercise control over all military forces engaged in emergency response and security operations within their state (the focus being on the Governor’s control of in-state military operations, as opposed to active duty forces simply based in or transiting the state).

State control can be maintained by appointment of a National Guard task force commander with combined Title 32/Title 10 authority. Title 32 USC 325 provides for the appointment of a National Guard officer familiar with the state and local area of operations to command in both a state (Title 32) and federal (Title 10) status thereby assuring a state-federal unity of effort. The dual status appointment requires the authorization of the President and the consent of the Governor.

The arrangement was used with great success in 2004 for the G-8 Summit, the Democratic National Convention, the Republican National Convention, and Operation Winter Freeze (a national security event in the northeast). Similar unity of effort and control can be achieved without the formality of 32 USC 325 by simply having federal authorities direct Title 10 personnel to operate under the “supervisory authority” of the state’s task force commander.



Unmanned aerial vehicles are among the Air Force's emerging missions.

The question is when, not if, the next domestic disaster will occur. The question is also when, not if, federal military forces will be deployed domestically in response to a humanitarian disaster or emergency. The question for Governors is whether they will be bystanders or whether they will control all military forces operating within their state.

Transformation of the ANG and ARNG

Current Air Force Base Realignment and Closure (BRAC) recommendations represent a radical departure from the formerly inclusive integration of ANG units and personnel with Air Force operations. The net result is a harsh repudiation of the Total Force Policy.

The Air Force seeks to take the assigned aircraft and related equipment away from 29 ANG flying units. This would leave one-third of the ANG's flying units without aircraft and several states, for the first time in modern history, without a single ANG flying unit. If approved by the BRAC Commission, KC-135 and C-130 unit equipped aircraft historically used by Governors in responding to domestic emergencies will be under the exclusive control of the active-duty Air Force. Fighter aircraft responsible for the air sovereignty of the U.S. will no longer be stationed within meaningful response times to many of our nation's largest population centers.

Personnel authorizations for these gutted ANG units will ostensibly remain, at least for a time, but without immediate follow-on missions funding support will quickly evaporate and our nation's most experienced and cost-efficient subject matter experts (pilots and mechanics with thousands of hours of experience in their weapons systems) will predictably leave the service of their state and country. To make matters worse, the Air Force does not project Air National Guard participation in any of their future aircraft systems.

Although the purpose of the BRAC Act is to close or realign excess real estate and improvements that create an unnecessary drain on the resources of the Department of Defense, 83 percent of the Air Force recommendations pertain to the most cost-efficient part of its force, the Air National Guard, and the majority of these recommendations have nothing to do with real estate or capital structures.

The ANG changes, by the Air Force's own calculation, would produce very few savings and those savings do not take into account obvious costs. As for homeland security considerations, the Adjutants General can find only two out of 1,800 BRAC data-call questions that were related to homeland defense or homeland security and nether of them were calculated in the Air Force Mission Compatibility Index rating.

None of the Air Force actions was revealed to the Adjutants General prior to release of the BRAC recommendations. In fact, the Adjutants General and, by extension, the Governors were intentionally and systematically excluded from the BRAC process.

By contrast, the Army has been striving in the past few years to make the ARNG a more integral and seamless part of the total Army structure. Although funding and resourcing challenges still abound, the Army has conferred with Adjutants General in good faith concerning current and future force structure initiatives. The AGAUS has therefore not voiced any criticism or concern about the Army's BRAC recommendations.

Conclusion

The United States enters the 21st Century with unresolved questions about what our national defense and homeland security strategies should be. The life safety of our citizens and the future of our nation hang in the balance. Now, as at the founding of our nation, the states and the central federal government must work in harmony to assure our collective safety and security. Governors, as state commanders in chief, must take a central role in shaping our national policy on use of military force. The Adjutants General stand ready to assist in this historic endeavor.