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Providing for the Common Defense:  
Strategic Agency Adaptation and the Politics of the National Guard

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Abstract

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This research examines how government agencies adapt to new or qualitatively different demands from policymakers. I argue when faced with these demands, an agency's leaders bargain at arms length with their overseers for resources and institutional changes that enable appropriate adaptation of agency roles. The degree of adaptation is mediated by the agency's political environment. Prior institutional arrangements and fit with leaders' images of the agency also influence agency adaptation. In negotiating this terrain, agency leaders have three overriding goals: to retain or improve bureaucratic autonomy; to maintain or enhance organizational reputation; and to reinforce the prospects for the agency survival. The degree of adaptation is reflected by changes to statute and policy that reshape the institutions and other governing arrangements for the agency.

I consider the responses of different sets of leaders of the United States' National Guard to demands imposed on the Guard as a result of civil disturbances in the 1960s and 1970s, the War on Drugs, the September 11<sup>th</sup> 2001 terrorist attacks, and Hurricane Katrina. Each of these cases

represents different sets of qualitatively different expectations than the past that required strategic adaptation on the part of the Guard's leadership. I trace the responses in each case, showing how some were more successful in the degree of adaptation than others. There are notable differences in bureaucratic outcomes in terms of enhancing autonomy, reputation, and agency survival. The federalist structure and the historical precedents associated with the domestic use of the armed forces serve as overriding considerations in influencing the degree of adaptation and bureaucratic success.

This research spans the fields of American politics, civil-military relations, and public policy in addressing an important yet understudied question in political science – how do government agencies adapt to new missions? The main scholarly contribution is to the literature on bureaucratic politics and American political development in examining a fascinating case of agency adaptation to notable and varied demands. The focus on these aspects of the National Guard and the military more generally are particularly unique given the larger focus of research on military strategy for wars and the international dimensions of defense policy.

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## Acronyms

AAR	After Action Review
AGAUS	Adjutant Generals Association of the United States
AUSA	Association of the United States Army
AVF	All-Volunteer Force
CNGB	Chief of the National Guard Bureau
CBO	Congressional Budget Office
CINC	Commander in Chief
CNGR	Commission on the National Guard and Reserve
CSIS	Center for Strategic and International Studies
DHS	Department of Homeland Security
DoD	Department of Defense
EMAC	Emergency Management Assistance Compact
FEMA	Federal Emergency Management Agency
FY	Fiscal Year
GAO	Government Accountability Office
GWOT	Global War on Terrorism
HASC	House Armed Services Committee
IED	Improvised Explosive Device
JCS	Joint Chiefs of Staff
JIEDDO	Joint IED Defeat Organization
JTF	Joint Task Force
LEA	Law Enforcement Agency
MMS	Minerals Management Service
NDAA	National Defense Authorization Act
NHSA	National Homeland Security Agency
NTSB	National Transportation Safety Board

NGA	National Governor's Association
NGAUS	National Guard Association of the United States
NGB	National Guard Bureau
NORTHCOM	Northern Command
OHS	Office of Homeland Security
OMB	Office of Management and Budget
ONDCP	Office of National Drug Control Policy
OPTEMPO	Operational Tempo
PCCU	President's Commission on Campus Unrest
QDR	Quadrennial Defense Review
SASC	Senate Armed Services Committee
SPP	State Partnership Program
TAG	The Adjutant General
USC	United States Code
USAR	United States Army Reserve
WMD	Weapons of Mass Destruction

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*October 11, 2012*

*West Point, New York*

*For Elizabeth and our little family...*

# Chapter 1

## Introduction

*“The purpose of the Guard has been to shape its environment so as to make its substantive goals easier to realize.”*

– Martha Derthick, *The National Guard in Politics*, 1965

### **A seat at the table**

On the morning of November 10, 2011, the Joint Chiefs of Staff (JCS) sat in a hearing before the Senate Armed Services Committee (SASC). The Chiefs rarely assemble together for a Congressional hearing. When they do, it is usually to provide input regarding issues that would fundamentally reconfigure the ways in which the military operates. In his opening remarks, the SASC chairman, Senator Carl Levin, noted the changing roles and responsibilities of the National Guard over the previous decade – and the manner in which Congress had implemented a number of changes to the Guard to complement its expanded responsibilities. The Committee and the JCS were assembled to consider another change, this time to the composition of the JCS itself. “The question of whether to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff,” Levin stated, “is a complex issue with significant policy implications” (United States Senate 2011, 1).

To the senior military officers who were already serving on the JCS, the answer was a resounding no. The Chairman, General Martin E. Dempsey from the U.S. Army, argued that the National Guard was already well represented by the Army and Air Force chiefs of staff, under which Guardsmen are subsumed when called into federal service. General Dempsey told the committee that the service chiefs, as the senior commander of their branch of service, had command authority over the soldiers, sailors, airmen, and marines who wore their uniform. The

Chief of the National Guard Bureau (CNGB) had no such authority. He also noted that the CNGB was already present at meetings of the Joint Chiefs. “I don’t find the argument to change the composition of the JCS compelling,” stated General Dempsey. “It is unclear to me what problem we are trying to solve”

As Senator Levin recognized the service chiefs, each made similar comments. The Vice Chief of the JCS, Admiral Winnefeld, cited his recent experience as the commander of U.S. Northern Command, the joint command responsible for the integration of the military’s responses to threats to the homeland. While expressing his support for the Guard, Winnefeld articulated that there was no significant, positive outcome from elevating the Guard to the JCS over the other reserve components. The Joint Chiefs provide their best military advice to the civilian leadership – this already included the CNGB. There was no problem to fix.

None of the Joint Chiefs testified to the contrary. In their testimony, each cited the improved relationship between the active and reserve components since the September 11<sup>th</sup> terrorist attacks. They noted the increasing difficulty in identifying the difference between the performance of Guardsmen and active component soldiers. They stated that both active and reserve components were nearly equal in terms of equipment, a far cry from when hostilities in Iraq and Afghanistan commenced. Though effusive in their praise for the National Guard, none of the chiefs saw compelling reason to change the law.

General Craig McKinley, the Chief of the NGB and the sole Guardsman called to testify, was the last witness to make a statement. General McKinley made an impassioned plea for ascension to the JCS. Despite the increase in rank of the CNGB and an open invitation to meet with the JCS, the McKinley did not believe this was adequate representation:

Only full JCS membership for the Chief of NGB will ensure that the responsibilities and capabilities of the non-Federalized National Guard are considered in a planned and deliberate manner that is not based upon ad hoc or personal relationships but is, instead, firmly rooted in the law and the national strategy (United States Senate 2011, 16).

Although he could not point to a specific instance where the presence or absence of a representative from the Guard on the JCS would have altered a policy, General McKinley expressed that a change was of vital importance. The National Guard, he argued, had changed significantly in the past three years, but it was not enough:

The Chief of the NGB does not have *an institutional position* from which I can advise the President, the NSC, the Homeland Security Council, and Congress on non-Federalized National Guard forces that are critical to homeland defense and civil support missions...Without *statutory membership on the JCS*, the Chief of the NGB's ability to participate in deliberations is determined solely by the discretion of the Chairman. *I believe this role should be established in law* (emphasis added)(United States Senate 2011, 19).

In the closing portion of his remarks, General McKinley emphasized his role as the key conduit from the states to the Secretary of Defense: "I would be remiss without speaking on behalf of the 54 adjutants general...the adjutants general have provided their unqualified support for placing the Chief of the NGB on the JCS" (United States Senate 2011, 19).

The question and answer period brought several issues regarding the addition of the CNGB to the JCS to the forefront. Senator Inhofe noted that only three years ago, Congress authorized a fourth start for the CNGB. Why was there a need for further change? Senator Reed asked General McKinley if it would be appropriate for a state governor to appoint a member of the JCS – a consideration that, if the addition were made, would become reality. Senator Webb stated that the legislation to add the CNGB to the JCS was unnecessary: "There are a number of other jurisdictions in which non-Title 10 obligations of the National Guard are considered, and some of them, to be quite frank, are jealously guarded by the political processes of the Governors" (United States Senate 2011, 40).

Several senators expressed their unabashed support for the measure. Senators Daniel Akaka and Scott Brown argued that the addition of the Marine Corps to the JCS was also made over the objection of the JCS. Senator Lindsay Graham championed the Guard's cause:

The institution resisted Goldwater-Nichols, the institution resisted having the Commandant of the Marine Corps on the JCS, and I think we should consider the time has come, given post-September 11 duties of the National Guard, to have a seat at the table. It doesn't change command authority, doesn't turn the world upside down (United States Senate 2011, 37).

Graham also noted that the addition of the CNGB to the JCS was advocated by the Obama campaign in 2008. Senator Akaka's statement appealed to both the functional and emotional aspects of adding the CNGB to the JCS:

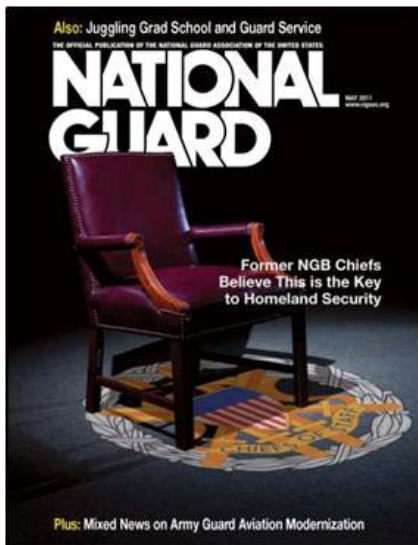
Now making the Chief of the NGB a full-fledged member will update the JCS to reflect the operational reality in wars overseas, as well as in homeland defense and security missions...I believe that elevating the Chief of the NGB to the JCS is something overdue and will show our Guardsmen and their families that they are a true partner (United States Senate 2011, 33).

In the end, the Senate resolved this spirited debate over the National Guard's seat on the JCS quickly. Senator Leahy, the head of the Senate National Guard Caucus, sponsored an amendment to the Fiscal Year (FY) 2012 National Defense Authorization Act to create the statutory seat on the JCS that the Guard sought. With 70 cosponsors, the amendment passed by voice vote. On November 28<sup>th</sup>, the bill was passed and sent to conference committee, where the amendment was included in the final version of the bill on December 13<sup>th</sup>. President Barack Obama signed the bill into law on New Year's Eve, 2011.

#### *Putting the seat on the Joint Chiefs of Staff in perspective*

The debate over the National Guard's seat on the JCS can be understood from a variety of perspectives. On one level, this is an example of legislative politics. Throughout its history, the


National Guard has had a close relationship with Congress. While the Guard had only one formal seat at the table in the Dirksen Building on November 10<sup>th</sup>, General McKinley was not alone. Senator Graham, a former Guardsman, was also the co-chair of the Senate National Guard Caucus. There are 96 members of that caucus. Guardsmen are stationed in every state and territory, with nearly half a million Guardsmen living and working in nearly every Congressional district. Making what may be interpreted as only a symbolic gesture by supporting the elevation of the CNGB to the JCS demonstrates support for the armed forces at little budgetary cost.



**Figure 1: National Guard Association of the United States media products used to promote ascension of the Chief of the National Guard Bureau to the Joint Chiefs of Staff. Source: [www.ngaus.org](http://www.ngaus.org), accessed October 3, 2012.**


On another level, this episode is a classic case of inside lobbying (Nownes 2006). The National Guard Association of the United States (NGAUS) applied considerable pressure on members of Congress, both directly on the Hill and indirectly through the media (See Figure 1). The push for a seat on the JCS represented the culmination of years of lobbying. NGAUS leaders had a detailed plan to gain cosponsors for the change, and implemented in the same fashion as a

campaign plan (See Figure 2). The NGAUS team forged a coalition with other interest groups that would benefit from the CNGB's seat on the JCS. These included the Veterans of Foreign Wars and the National Governor's Association (NGA). The Association of the United States Army (AUSA) and the Air Force Association (AFA) also lobbied on behalf of the Army and Air National Guard, respectively. The state adjutants general, have their own lobbying organization, the Adjutants General Association of the United States (AGUAS).



## Empowerment Strategy

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A look inside the Spruance Room at the National Guard Memorial, which was converted into "The Guard Empowerment Situation Room."

The Guard Empowerment Strategy

**Primary Goals:**

- Seat on the JCS for the CNGB
- 3-star Vice Chief for NGB

**Strategies:**

- Achieve maximum support from Senators, through co-sponsors.
- Use co-sponsors to leverage support during Committee Markup and/or Floor Consideration
- Insert Empowerment Legislation into Senate Armed Services Committee Markup of FY12 NDAA
- Have Floor Amendment ready if Empowerment is not included in Committee Markup

Just prior to Empowerment II being introduced, NGAUS mapped out a comprehensive strategy designed to maximize support in the Senate for Empowerment and ensure its passage. While NGAUS supported all of the provisions of Guard Empowerment II, we made the strategic decision to focus on the seat on the JCS for the CNGB and three-star vice chief position for NGB.

The NGAUS Legislative Team converted the Spruance Room, named in memory of Brigadier General William Spruance, into the Guard Empowerment Situation Room.

**Figure 2: National Guard Association Empowerment Strategy Slide, depicting the NGAUS effort to woo members of the Senate to vote for the Chief of the National Guard Bureau's seat on the Joint Chiefs. Source: [www.ngaus.org](http://www.ngaus.org), accessed October 3, 2012**

At first glance, the influence that the National Guard commands on Capitol Hill would seem to explain what happened. The observation that the Guard gets what it wants because of Congress is not original. However, this relationship alone cannot explain the Guard's behavior. If members of Congress expressed support for the Guard in every instance, an extensive lobbying

campaign would not have been necessary. The seat on the JCS would not be the culmination of years of effort, but would have come about much more quickly.

Perhaps most importantly, the seat on the JCS did not come with greater budget authority, an increase in manpower, or the promise of new or improved equipment. Money, manning, and equipment are all important. However, they are not ends unto themselves. The National Guard's lobbying efforts, and NGAUS' efforts on the Guard's behalf, were not focused on dollars, but on changes to rules. Lobbying is one tactic that Guard leaders use as a part of a broader strategic campaign. The ultimate goal was not simply to gain a seat on the Joint Chiefs of Staff. The seat is also means to an end: to better posture the National Guard to adapt to new demands in the future.

### **What this is About: Explaining Agency Adaptation to New Demands**

The episode above stands in stark contrast to our expectations of agency behavior in two important ways. First, if called upon to perform a new mission, we would expect an agency's leadership lobby Congress to at least retain – if not expand – its annual budget. In the exchange above, we would have also expected to see the Chief of the Guard Bureau press for more control over the National Guard's budget – an important source of power over the agency's direction. This was not the case.

Second, we would have expected the National Guard's leadership to avoid a new role entirely. The conventional wisdom suggests that agencies tend to resist new roles or missions (Wilson 1989, 190–191). Many agencies underperform or even fail when assuming functions beyond their core capacities. Being saddled with such responsibilities can undermine an agency's autonomy and ability to maintain its turf relative to other agencies. Conducting non-traditional

duties can create competition between agencies over the same mission. Such tasks, if performed poorly, can do more harm to an agency's reputation than they would enhance it. Despite the popular perception that all bureaucratic agencies seek to expand their turf, their size, and their budgets, this is not necessarily the case. Most agencies seek to avoid new roles altogether.

Considering the reasons why government agencies do not adapt to new demands leads to an important question: How *do* agencies adapt to new or qualitatively different demands? This research focuses on new or qualitatively different demands that exceed the scope and/or scale of what an organization typically confronts. It examines how agencies change when they are faced with the challenges of multiple, varied, competing requirements. By definition, shifts in demands for an existing agency are disruptive at best and debilitating at worst. Yet little is known about how agencies respond to these shifts: How do agencies adapt? What features foster organizational adaptation in the face of new demands?

Agencies adapt strategically to enhance or retain bureaucratic autonomy and to build their organizational reputation in an effort to improve their chances for survival. These three desired outcomes are complementary; agencies pursue them simultaneously. Bureaucratic autonomy is difficult to sustain without a corresponding development in reputational strength; agency survival is far more difficult to maintain in the face of new demands without sufficient bureaucratic autonomy or a positive reputation. While an agency may possess these characteristics to some degree prior to adaptation, improving these three attributes is the desired outcome of agencies that adapt strategically.

National Guard leaders come to the Hill, DoD, and the states with a clear idea of what policy or law that they want changed. They are able to do so thanks in large part to reputation and relationships that the State Adjutants General (TAGs) have with other institutional actors

(i.e., governors and congressional delegations). The TAGs are the driving force behind enabling (or disabling) efforts at adaptation. Their reputation, derived from a combination of political connections and subject matter expertise, combined with the lack of knowledge of military affairs held by most state governors and members of Congress, provide the TAGs with tremendous influence over the new roles that the Guard takes on, the form that adaptation to these roles takes, and the latitude to implement new ideas quickly.

### *Rethinking Agency Adaptation*

My central argument is that some agency leaders seek to adapt their agency to new demands by *both* internal reorganization *and* by bargaining for changes to the rules that govern their agency. In negotiating this terrain, agency leaders have three overriding goals: to retain or improve bureaucratic autonomy; to maintain or enhance organizational reputation; and to reinforce the prospects for the agency survival. The degree of adaptation is reflected by changes to statute and policy that reshape the institutions and other governing arrangements for the agency.

The vignette about the National Guard's seat on the JCS represents a focused effort at statutory change that is neither random nor haphazard. As this research shows, it is one of many indicators that point to a pattern of *strategic agency adaptation*. Strategic agency adaptation is a mode of self-initiated agency change that addresses current demands while changing to meet future needs on terms of an organization's choosing. It differs from organizational adaptation in that its goals are not isolated to task completion or mission accomplishment. Instead, strategic adaptation is centered on efforts at a combination of internal *and* external change; the focus is on both internal dynamics *and* a strong emphasis on changes to institutional arrangements. Strategic

adaptation is a means to an end: the desire of an agency, carried out by its leadership, for expanded bureaucratic autonomy, improved reputation, and a greater chance of agency survival. For this, agency leaders bargain with its overseers in Congress and the executive branch for specific changes to law and policy that promote the autonomy necessary to adapt to new demands. The National Guard's leaders use the Guard's organizational reputation to build or enhance its relationships on the Hill to institutionalize its preferred manner of change, rather than having it dictated to the agency by DoD, Congress, or the states.

Consider the reasons why the National Guard and NGAUS leadership sought a seat on the JCS. General McKinley's position was based on the premise that he would be better postured to provide advice to the President and the Secretary of Defense on the non-federal role of the Guard in civil defense and homeland security missions. This emphasis is important. The Guard prides itself on its dual-role as a combat reserve that rounds out the active duty armed forces, as well as a domestic response force for disaster relief under the control of the state governors. The seat on the JCS is a platform from which the Guard's leadership can negotiate the agency's response to new demands.

The debate over the seat on the JCS can also be seen as a part of the National Guard's response to Hurricane Katrina. It represents the culmination of a series of changes that were codified into statute over time. Retired Maj. Gen. Gus L. Hargett Jr., president of the National Guard Association of the United States at the time, cited the storm as an important tipping point in the negotiation for the seat on the JCS: "I really think momentum for this started with Katrina" (Philpott 2011). Hurricane Katrina exceeded the Guard's ability to respond in terms of both the scope (or breadth) of the undertaking and the scale of destruction that was wrought on the Gulf Coast. While heroic images of the relief effort were the dominant theme in the public eye, the

National Guard's organizational response to the crisis generated significant scrutiny from policymakers for its initial lethargy. How the Guard adapted to challenges such as Katrina is the subject of this research.

### **Strategic Agency Adaptation and the Politics of the National Guard**

This research examines the National Guard as one example of strategic adaptation. The National Guard provides a fascinating case that does not conform to the expectations of how an agency would respond to shifting demands. Unlike the intelligence community after 9/11 or FEMA after Hurricane Katrina, the National Guard has demonstrated an ability to adapt to new demands without organizational change being imposed from the outside (i.e., by Congress or DoD). This adaptation comes despite circumstances that would send most government agencies into paralysis or dysfunction. These conditions include shifting and competing missions at home and abroad; dual and competing "principals" at the state and federal levels; constraints on available resources; changes in domestic political coalitions that support the Guard; questions surrounding its efficacy and role in the national security architecture; and the dynamics of the international system that affect military strategy and force design, ranging from the end of the Cold War to the War on Terrorism. Any one of these conditions could send a federal agency into disarray. Yet the National Guard's leaders are able to adapt the agency to new demands despite these considerable headwinds.

The Guard is also an example of how shifting demands for a government agency intersect with changing political and organizational contexts for responding to those demands. This variation runs not only across time and circumstances, but also across states, presidential administrations, and Congresses. This provides a wealth of information about the changing

sources of demands and stress for the National Guard. By examining the National Guard's performance in different situations and time periods I am able to draw conclusions regarding adaptation under highly stressful conditions. I draw inferences from both the specific cases and across cases in an effort to better understand how the National Guard adapts under stress. While numerous scholars have examined military adaptation in other contexts (see Posen 1984; Avant 1994; Kier 1997; Nagl 2002; Murray 1996, among others), this research is unique in examining the National Guard's capacity for adaptation to new demands under stressful conditions in the context of domestic politics which regular military forces rarely face.

This research is focused on theory generation and testing (Van Evera 1997, 67–71; George and Bennett 2005, 75). As noted above, the focus of this project is on explaining agency adaptation to new situations under conditions I have chosen to examine the National Guard as a case study of efforts to strategically adapt by a public agency. The Guard is emblematic of a government agency that has confronted a variety of new challenges over the past forty years. In some instances, it has exhibited many of the attributes that constitute strategic adaptation; at other times, it has not. By concentrating on a single agency's behavior over a long period of time, I am able to infer the roles that bureaucratic autonomy, organizational learning, and culture have had on the Guard's attempts at adaptation. I can then make some determination as to how these efforts contributed to organizational reputation and its propensity for survival.

I look at the ways in which agency leaders adapted the Guard in four different time periods under a variety of stressful conditions. I consider the responses of different sets of leaders of the United States' National Guard to demands imposed on the Guard as a result of civil disturbances in the 1960s and 1970s, the War on Drugs, the September 11th 2001 terrorist

attacks, and Hurricane Katrina. I trace the responses in each case, showing how some were more successful in the degree of adaptation than others.

The new demands that the National Guard faces in each case come from a variety of sources. Civil unrest in the 1960s and 1970s was the product of societal tensions stemming from racial and class cleavages, coupled with the Vietnam War's increasing unpopularity. The National Guard's role in the War on Drugs can be traced to public and political pressure to involve the military in counterdrug operations. The case of September 11<sup>th</sup> is a study of the Guard's responses to an exogenous shock. Hurricane Katrina was a disaster of tremendous magnitude, far beyond the events to which the Guard had previously responded. These cases also consider the Guard's role as a combat reserve in shaping agency adaptation. Frequent deployments to Iraq and Afghanistan, juxtaposed with sparing use of the Guard in Vietnam and the Persian Gulf War, presented their own unique challenges. All of these events are well within the National Guard's charter as a militia under state control and a combat reserve to be called into service when needed by the federal government. The only commonality among these cases is that each exceeded the Guard's traditional scope, forcing agency leaders to reconsider how best to organize the Guard to respond.

### *Studying Strategic Adaptation*

My research is centered on a comparative case analysis of four instances where the National Guard faced new or exceptional demands. I examine each case using a combination of sources. I synthesize primary source materials and secondary sources to trace the process by which decisions regarding agency adaptation were made in each case. The primary sources that I use include legislation and federal statutes, presidential speeches, congressional testimony,

agency archives, documents from independent commissions, interviews with policymakers, contemporary media accounts, and correspondence between policymakers, National Guard and NGAUS leaders. I buttress these materials a wide range of secondary sources, including histories of the National Guard for each of the events in question. I use these materials to reconstruct not only what happened, but also the key decisions that can help explain why the National Guard's leaders adapted the agency the way they did in each case. I examine each case's outcome with an eye towards assessing the impact that this adaptation had on the Guard's bureaucratic autonomy, organizational reputation, and its prospects for survival.

My methodological approach fits squarely within John Gerring's definition of case study research as "an intensive study of a single unit of the purpose of understanding a larger class of similar units" (Gerring 2004, 342). The case study method provides the most appropriate methodology for explaining the causal processes at work in each of the cases (George and Bennett 2005). Stephen Van Evra's description of process tracing best reflects my approach:

In process tracing, the investigator explores the chain of events or the decision-making process by which initial case conditions are translated into case outcomes. The cause-effect link that connects independent variable and outcome is unwrapped and divided into smaller steps; then the investigator looks for observable evidence of each step (Van Evera 1997, 64).

Of particular importance in this research is determining the degree to which some mediating variables are more important than others in each case, and which ones remain consistent across cases. Some of the mediating variables I consider in my research include the roles of organizational culture and learning, and how they inform agency adaptation. Teasing out the role that these and other mediating variables play as causal mechanisms in and across the cases can help to explain why the National Guard adapted to new or shifting demands the way that it did.

I am also informed by the American Political Development (APD) approach to understanding political change over time. The APD approach helps scholars to think beyond a single snapshot in time. It assists in the identification of causal mechanisms that may not otherwise present themselves in a single period of study. Ultimately, scholars utilizing the APD approach seek to explain durable shifts in political authority that result in changes in how one or more policy areas are governed (Orren and Skowronek 2004, 24–25). One way to understand these shifts is by examining how government agencies adapt to new demands. As agencies adapt, new political relationships are generated and existing ones are reconfigured. This reconfiguration has consequences for future responses to new demands. This is not to say that these processes are exclusively path dependent (Pierson 2004). Rather, the ways in which agencies adapt to new demands, and the resulting changes in agency autonomy, reputation, and prospects for survival affect the conditions under which agency leaders bargain for strategic adaptation. The APD approach helps scholars to see these responses in the broader context of changes in governance over time (Orren and Skowronek 2002, 722).

An important aspect of my research methodology is defining what I mean by “The National Guard”. The Guard consists of both the Army and Air National Guard, both of which fall under the National Guard Bureau at the federal level. At the state level, the Adjutant General, a National Guard Major General, leads both the Army and Air National Guard units in the state. I consider both the Air and Army Guard in my research, as both have been employed in all three cases that I will examine. The unit of analysis in throughout this research is the National Guard in the aggregate, as opposed to individual state-level elements. My case selection is partly driven by this criteria; each case involved a response by two or more states coordinated by the National Guard Bureau. To be sure, a considerable amount of evidence that I use comes from state-level

action. However, I am interested in determining the Guard's response to new or shifting demands in total as opposed to one small portion of the Guard's efforts. When I examine adaptation at the state-level, this is done in light of how the entire National Guard integrates those changes into a broader scheme of strategic adaptation to new demands.

### *What Follows*

In the next chapter, I expand upon the ideas introduced in this chapter about why leaders would adapt their agencies by altering their structure in conjunction with altering the rules that govern that agency. I present a framework that helps us better understand why the National Guard adapted to new demands in the way that it did. I also provide a guide to the methodology that I will use to examine the National Guard and the way that it seeks out and adapts to new roles.

The third chapter focuses on the National Guard, both historically and in its treatment by the political science literature more broadly. The chapter sets the stage for the subsequent case studies by illustrating the ways in which the Guard is ensconced in a complex web of relationships at the federal and state levels. These relationships, rooted in the U.S. Constitution and renegotiated at key junctures in American political history, provide a perspective from which the Guard's adaptation in recent decades can be understood. I focus on the development of the Guard's core capabilities and the way these have developed with the help of key constituencies in Congress and throughout the several states. Unlike the past three decades, the Guard was faced with constant threats of elimination. Part of this chapter explains how it survived these political and budgetary threats. The chapter closes by orienting the reader to the contemporary National Guard, providing the background necessary to understand the cases.

The next four chapters delve into the cases that illustrate how the National Guard adapted to new demands. In each of the cases, I examine the Guard's adaptation to the circumstances that it faced. The chapters outline the political and social context that informed the Guard's response. They also illustrate the method of adaptation that National Guard leaders pursued, and the outcomes of those efforts. In some cases, the lack of adaptation is at least as important as the changes that the Guard made in their aftermath.

In Chapter 4, I consider the National Guard's response to the demands created by civil disturbances and campus unrest in the late 1960s and early 1970s. The Guard has a long history of providing order by assisting local law enforcement. Its role in strikebreaking is well documented (Doubler 2003; Cooper 1997). Unlike the case of campus unrest that I explore in Chapter 4, these disturbances tended to be localized. The conditions that the National Guard faced in the late 1960s and early 1970s exceeded the scope of previous civil disorders. In this case, the National Guard was unsuccessful in adapting to the qualitatively different demands it faced, eroding its autonomy and reputation. Unlike the subsequent cases, strategic adaptation did not occur. The changes that did follow were the result of changes imposed on the Guard by Congress and the Department of Defense.

Chapter 5 examines the National Guard's role in the War on Drugs. This chapter represents a case where National Guard leaders bargained to take on a greater role in the drug war. These leaders, in conjunction with NGAUS, proposed an expanded role in counterdrug operations in an effort to enhance the Guard's bureaucratic autonomy and organizational reputation. Guard leaders responded to pressure from the public and elected officials get the military into the drug fight. In doing so, National Guard leaders took a position orthogonal to the active duty military. They proposed changes to the statutes that govern the National Guard, Title

32 of the U.S. Code, which were adopted by Congress and signed into law by President Reagan and implemented by President George H.W. Bush. The War on Drugs represents a case where the Guard enhanced its bureaucratic autonomy and reputation while ensuring its survival.

Chapter 6 explores the National Guard's response to the September 11<sup>th</sup> 2001 terrorist attacks. The post-9/11 period was fraught with uncertainty regarding how best to respond to the new threat of terrorism. The National Guard's leadership proposed a method of strategic adaptation that retained the Guard's bureaucratic autonomy. Rather than becoming part of the emerging Department of Homeland Security or the military's new Northern Command, the Guard's leadership bargained to retain its existing institutional arrangements. National Guard leaders bargained to expand the Title 32 authority granted to fight the War on Drugs to fight the War on Terror. The National Guard retained its historical mandate as a combat reserve and a domestic response force while avoiding a painful reorganization that would have eroded the agency's bureaucratic autonomy and reputation.

Chapter 7 examines the Guard's performance during Hurricane Katrina and its strategic adaptation in Katrina's wake. National Guard leaders used the Congressional and presidential fact finding commissions following the storm as a starting point to advance its preferred method of adaptation. National Guard leaders identified gaps in two key areas: coordination with DoD and FEMA, and shortfalls in equipment and personnel readiness. To close these gaps, they sought changes to institutional and organizational arrangements that would enhance the Guard's ability to coordinate and implement a more effective response to future disasters. In doing so, the National Guard avoided proposed manning cuts and reorganization that DoD sought to impose after Katrina. The results of the National Guard's bargaining included the creation of a Council of Governors to advise the Secretary of Defense on domestic military operations. It also included

the promotion of the Chief of the National Guard Bureau four-star general, and ultimately, to a seat on the Joint Chiefs of Staff.

In Chapter 8, I consider what the National Guard's experience can tell us about agency adaptation. I assess the factors that influence the Guard's ability to build or retain bureaucratic autonomy and organizational reputation, and to survive. I extrapolate a series of propositions that appear to be consistent in explaining the quest for new roles and the adaptation that follows from them. Just as importantly, I will consider factors that may not have been highlighted in my conceptual framework that, upon further research, were germane to the outcomes that I observed.

The final chapter also considers the implications of this research. I discuss these implications at two different levels - as this research applies to the National Guard, and about organizational adaptation more broadly. At the time of this writing, the U.S. military was faced with an extraordinary mandate to reduce its budget while retaining the ability to deploy worldwide to confront myriad situations, ranging from major theater war down to humanitarian assistance and disaster relief. What is unclear is how the National Guard will fit into all of this. The chapter discusses the implications of this research in understanding aspects of organizational adaptation and change that may contribute to a better understand of these processes outside the defense and homeland security spheres.

# Chapter 2

## Unnatural Selection: The dynamics of strategic adaptation

*“When written in Chinese, the word “crisis” is composed of two characters – one represents danger and one represents opportunity.”*

– John F. Kennedy, April 12, 1959

The inability of government agencies to adapt to new circumstances is a consistent theme in scholarly and practical discussions of governmental performance. The causes of this are myriad, ranging from limitations in initial organizational design (Zegart 1999) to problems with the structure of political institutions (Avant 1994); from an inability for organizations or agencies to learn from previous mistakes (Nagl 2002; Mahler and Casamayou 2009) to the fragmented and decentralized nature of policymaking endemic to federalist systems (Crenshaw 2001). Discerning how agencies successfully adapt to new missions and changes in their environment is at least as important as explaining their inability to do so. This is particularly true when considering the nature of organizations that face varied, persistent, and conflicting demands that force them to regularly adapt to new challenges. Such stresses may appear habitually, requiring multiple shifts in agency structures, processes, and missions over time.

Why do some agencies adapt to these stresses more successfully than others? Theorizing about how organizations behave when required to constantly change in fundamental ways is the focus of this chapter. Considerable attention has been focused on organizational adaptation as a means for agencies to meet new demands. The term implies that agency change is largely internal and happens similarly for most agencies. The fundamental argument of this dissertation is that this is not always the case. The type of change that an agency pursues, and in particular

the locus of change, affects the degree to which an agency can successfully respond to new demands. Most agencies reorganize and shift attention or resources when dealing with a problem; this is the general understanding of organizational adaptation. Some agencies respond differently; they complement internal change with efforts to re-craft the institutional arrangements that govern them. I label the later type of change as “strategic adaptation,” which is the focus of this project.

Strategic adaptation takes place when an agency addresses new challenges by adapting its internal processes *and* renegotiating the institutional structure and rules that govern it. This manner of change represents an agency’s effort to codify its preferred form of adaptation. Agencies that adapt strategically seize opportunities to exercise these preferences. Such opportunities may present themselves during crises, under stressful conditions, or at other times where demands on an agency to change are high. While these efforts are costly in terms of scarce resources such as time and political capital, the benefits may be considerable and longer lasting than shorter-reaching efforts at organizational change. Organizational adaptation is geared at devising an immediate response to a problem without regard to the long-term implications of that change. Conversely, agencies that adapt strategically seek to maintain or increase bureaucratic autonomy, enhance their reputation, and ensure their survival by shaping future interactions with principals and allies.

When agencies implement ideas that require institutional arrangements to be altered, and advocate for their preferred form of change, the agency is adapting strategically. Not every agency is capable of adapting in this manner; nor is strategic adaptation a panacea. However, agencies that work to reshape both themselves and their institutional structures are more likely to retain autonomy, enhance their reputations, and survive than those that do not. This improves

their bargaining position the next time the agency is called on to perform a new or qualitatively different role. All organizations change, but fewer adapt, and even fewer adapt strategically.

I begin the chapter by outlining some of the key aspects of the relationship between institutions and organizations, and the effects that these relationships have on the ways in which government agencies adapt. Next, I consider organizational adaptation, specifically addressing common deficiencies in efforts by government agencies to adapt. Drawing on this discussion, I advance my conceptual framework of strategic adaptation, differentiating it from organizational adaptation. I explore the motivations that would compel an agency to adapt strategically. Next, I discuss the key facilitators and inhibitors of strategic adaptation. I then posit a series of research questions that frame my understanding of how and to what extent the National Guard has adapted strategically over the past four decades. In doing so, I consider what would constitute indicators of strategic adaptation. Finally, I discuss the research methodology that I use to identify these indicators.

### **Considering Adaptation**

Understanding the causes of change in government agencies has been the subject of considerable scholarly attention. In this section, I examine the relationship between institutional and organizational change. I also consider the dynamics of change within bureaucratic organizations. Taken together, these works provide broader insights into the processes of organizational change that inform organizational and strategic adaptation. Three key points emerge. The first is that government agencies do not operate in a vacuum; they are the product of dense, often interwoven networks of institutional arrangements. The second, related point is that sweeping, revolutionary change is difficult to achieve. This is particularly salient when goals are

ambiguous or ill defined and the means to achieve them are unclear. Without a strong catalyst for change, agencies are apt to change incrementally. This leads to a third key point: agencies can adapt quickly under circumstances that require rapid change. However, these changes tend to have weak institutional foundations that can undermine efforts at longer-term organizational change.

Adaptation takes place within a network of relationships between institutions and organizations. Chief among these are changes to the rules or institutional arrangements that govern organizations. Institutions can be viewed as the system of rules that govern the relationship between them and the organizations they create (North 1990, 1). In that sense, “Institutions are imagined to organize the polity and to have an ordering effect on how authority and power is constituted, exercised, legitimized, controlled, and redistributed” (March and Olsen 2006, 8). In doing so, institutions help to solve problems that necessitate coordinated action. Institutions are not static. Organizations and institutions are also mutually constituted; changes to rules affects organizations, and the dynamics of organizations may also shape institutions. As Douglass North (1990) writes: “Both what organizations come into existence and how they evolve are fundamentally influenced by the institutional framework. In turn they influence how the institutional framework evolves” (5).

The relationship between institutions and organizations helps to explain different aspects of organizational change. In particular, it helps to explain the slow pace of change. Recognizing the need to change does not mean that adaptation will be sweeping or revolutionary. Anthony Downs (1967) writes that agencies change in response to gaps that they perceive in their performance and ideal outputs (194). Bureaus can overcome forces of inertia and change their behavior. Downs cites three reasons why bureaucracies change: the desire to do a good job; the

desire for aggrandizement; and self-defense (198-200). Of particular note is the connection that Downs makes between the clarity of an agency's function and change. Those organizations that have a clear purpose are much more likely to receive rapid feedback and change quickly.

Agencies that have an unambiguous role may also be more likely to have change dictated from the top down. In contrast, "the harder it is to define a bureau's functions clearly or to perceive its success, the less the bureau is likely to receive clear signals about what it ought to do from the agents in its power setting" (209). This ambiguity provides an agency with some discretion and autonomy in determining when and how it should adapt.

Charles Lindblom's (1959) seminal work on incremental adaptation illustrates a common method of organizational change. Most public administrators, he argues, do not start their analysis of complex problems at their roots. They do not revisit fundamental questions about the nature of policy problems or their organization's role in solving them. "Instead he would rely heavily on the record of past experience with small policy steps to predict the consequences of similar steps extended into the future" (79). Administrators routinely analyze problems without the intent of holistically solving them, or rapidly changing their organization to do so. A series of incremental steps, grounded in the knowledge of the politics and interests surrounding the issue, is more likely.

Changes to organizations beyond incremental ones are difficult to implement without a catalyst. Such an impetus may take many forms: crisis or emergency, change in public mood, and changes stemming from elections or new leadership are the most common. Graham Allison's "Conceptual models of the Cuban Missile Crisis" (1969) provides a host of insights into organizational behavior, learning and change during a crisis. Allison's three models have become a foundation for understanding government behavior. The Rational Actor Model considers

decisions to be the product of balanced, objective considerations; what Allison labels “the more or less purposive acts of unified national governments” (690). The second model, the Organizational Process Model, shares with Lindblom’s analysis the theme that decisions about change are rooted in the habitual response to policy problems, as demonstrated in variations from an organization’s standard operating procedures. Agencies become ensconced in their routines, or standard operating procedures, making any deviation exceedingly difficult. He writes that, “Without these standard procedures, it would not be possible to perform certain concerted tasks. But because of standard procedures, organizational behavior in particular instances often appears unduly formalized, sluggish, or inappropriate” (700). He goes on to note that organizations develop these procedures to avoid uncertainty, centralizing authority and responsibility rather than enabling adaptation to changing demands that are placed on the organization. Under these conditions, Allison believes that change is only possible under extreme budget conditions or as a result of catastrophic failure.

Allison’s Bureaucratic Politics Model depicts a much different set of influences over decision-making. Influence over decisions is tied to a leader’s position in government and that individual’s influence on the president. In other words, personalities matter. Decision-making processes are rife with competition over the definition of problems and solutions. Allison defines this mode of change as “bargaining along regularized channels among players positioned hierarchically within the government. Government behavior can thus be understood according to a third conceptual model not as organizational outputs, but as outcomes of bargaining games” (707). The structure of government organizations is less important than the dynamics of influence particular to the problem at hand. That said, government behavior is still somewhat predictable. Political leaders develop routinized channels of action that provide continuity. These

channels can serve as the basis for informal rules of conduct that may be just as powerful as written institutional configurations.

One concept related to decision-making and change during crises is stress. This can occur in the aftermath of crises and provides a powerful impetus for institutions and agencies to adapt. Donald Kettl's (2004) work on the federal government's response to the September 11<sup>th</sup> terrorist attacks and Hurricane Katrina illustrate key components of change under these conditions. The 9/11 attacks demonstrated the lack of coordination between various cabinet-level agencies. Yet despite the catastrophic results of the attack, the coordination and implementation of the homeland security apparatus has remained problematic. The executive branch worked through individuals and personal relationships to try to bring about change. This contrasted with the congressional approach, one "focused on structures, budgets, control and oversight...For Congress to get traction on the issue, it had to think and act legislatively; and laws meant money, organization, and power" (Kettl 2004, 59).

A handful of agencies have successfully adapted to new demands. For example, Daniel Mazmanian and Jeanne Nienaber's (1979) work outlines the manner in which the U.S. Army Corps of Engineers set new goals, reorganized itself, and became more responsive to the concerns of lawmakers and the environmental movement. However, Mazmanian and Nienaber indicate that there are more cases of organizations that fail to change than those that do. Robert Durant (2007) illustrates the ways in which the U.S. military changed from one of the country's worst polluters to a more eco-friendly force. These studies tend to be exceptions that prove the rule – agency adaptation is a very difficult, long-term process, even under favorable circumstances.

What becomes clear from this brief analysis is that institutional arrangements affect agency behavior and vice versa. Different institutional actors, while trying to adapt to new conditions, may at times be working at cross-purposes to each other. Lines of authority can be confused by attempts at change. Conflict over reorganization may be overly politicized, potentially stifling an agency's efforts to change. Formal and informal rules play a key role in governing how agencies respond to crises or stress. Agency adaptation is possible, but failure is a more likely outcome when an agency faces new demands. I assert that the same is true for agencies facing almost any new demands.

### *Organizational Adaptation*

Most studies of agency change center on the concept of organizational adaptation. It draws on several of the broader themes of adaptation discussed above. Organizational adaptation is the process by which an agency changes to meet external demands by internally changing its formal and informal activities (Serena 2011). The goal of organizational adaptation is to solve an immediate, pressing problem. It is typically episodic in nature. The focus of this type of change is normally on an agency's internal processes. This is likely to involve the reorganization or redistribution of functions within an existing agency, or the creation of new agencies that deal with the problem at hand. It may also involve changes in leadership or the roles that individuals play within the organization. It requires conscious decisions by the organization's leadership to reorient and reprioritize resources towards meeting a specific challenge or problem. These changes may be characterized by reforms of the existing organizational structure or by a technical innovation that addresses the problem at hand.

Typically, organizational adaptation is a response to a change in the organization's external environment. Immediate demands or concerns from the general public and policymakers are the likeliest drivers of change. Consequently, adaptation to these changes is likely to be ad hoc rather than preconceived. Planned change is relatively rare in public organizations, since the conditions under which agencies operate are often unpredictable. As such, the organizational learning is limited to the employment of the agency's capabilities to deal with the problem at hand. It is more likely to be focused on the application of problem-solving techniques than on patterns of organizational performance. Under these conditions, long-term shifts in organizational culture are unlikely to result from organizational adaptation. Once the crisis has passed, the problem has been solved, or the issue is no longer important, the agency may return to its former mode of operation. Since the problem is likely to have been viewed as temporary, the solutions are as well.

Numerous examples of organizational adaptation exist. Consider the Defense Department's response to Improvised Explosive Devices (IEDs) in Iraq and Afghanistan. The IED exploited gaps in training, doctrine, and equipment, since the military did not anticipate encountering this type of threat. Members of Congress, as well as pressure from its own senior leaders, prompted DoD to take action. The military's response was to create a new agency, the Joint IED Defeat Organization (JIEDDO). The agency was based on the Army's initial efforts to combat the IED threat. JIEDDO's mandate was broad:

The JIEDDO shall focus (lead, advocate, coordinate) all Department of Defense actions in support of the Combatant Commanders' and their respective Joint Task Forces' efforts to defeat Improvised Explosive Devices as weapons of strategic influence (England 2006, 2).

As such, it was given significant resources and autonomy. It reported directly to the Deputy Secretary of Defense and was led by a three-star general. Its annual budget was in excess of \$2.7

billion. The approach that DoD took to the IED threat reflected the seriousness of the problem and the importance in finding solutions to defeat it (United States 2009).

Despite these efforts, JIEDDO has been something less than an unqualified success. It took DoD over two years to establish a comprehensive effort to combat the threat. JIEDDO was established after IEDs had already wounded or killed hundreds of service members over the preceding three years in Iraq and five years in Afghanistan. The Government Accountability Office (GAO) has critiqued JIEDDO for its inability to provide evidence that its efforts have been effective in reducing the IED threat (Solis 2010). The agency also lacked the authority to fully coordinate counter-IED efforts across the Defense Department (Solis 2009). Shortly before his retirement, Secretary of Defense Robert Gates advocated for reducing the JIEDDO director's billet from a three-star general to a lower ranking officer, subject to reductions in deployments and the threat (Weisgerber and Brannan 2011). Congress indicated that JIEDDO's budget and autonomy were subject to significant reduction, citing the GAO reports and the duplicative nature of efforts to combat the IED threat. JIEDDO faced a 10% budget cut in the FY 2012 budget: "The (conference) committee expects these reductions to be achieved through improved efficiencies without any diminution of the vital support JIEDDO provides to U.S. forces deployed overseas in Afghanistan" (United States 2011, 226). Congress also dictated the dollar amounts that would be cut across different directorates within the organization, undermining JIEDDO's autonomy.

As these efforts at organizational change played out in Washington, the IED threat in Afghanistan persisted. Service members became more proficient at detecting IEDs before they detonated (Vanden Brook 2011b). Whether this can be attributed more to JIEDDO's efforts than the experience gleaned over a decade of multiple combat rotations is uncertain. Becoming more

proficient at finding IEDs has not deterred insurgents from assembling and emplacing the devices (Vanden Brook 2011a). Six years since after its inception, JIEDDO's contribution to solving the IED problem is mixed at best and wasteful and duplicative at worst. Creating a new agency did not solve the problem in the short or long term.

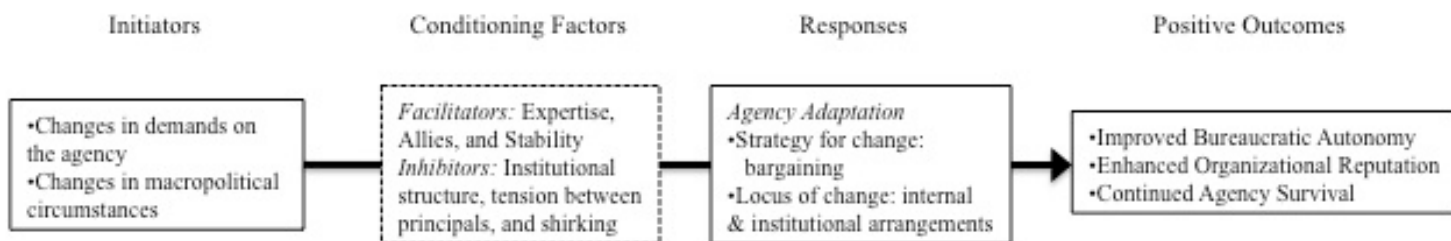
This vignette illustrates several limitations in organizational adaptation that agencies face. JIEDDO was given a broad mandate and resources to tackle an immediate, seemingly narrow problem. It was charged with finding innovative solutions to the problem, most of which were highly technical in nature. More importantly, these solutions would have to be implemented across the Defense Department. The IED problem was not as narrow, nor JIEDDO's reach as encompassing, as it was originally envisioned (United States 2010). JIEDDO depended on the cooperation of the services and combatant commands; none of who were willing to completely hand over their own counter IED initiatives to JIEDDO. No other agency within DoD relied on the JIEDDO to defeat IEDs.

JIEDDO was in direct competition with more established elements of DoD in the counter IED fight, and lost. With no way of knowing whether or not its efforts were successful, JIEDDO was unable to build a stable of constituents or allies to champion its cause on Capitol Hill or within DoD. As a result, JIEDDO did not create opportunities for itself to create a positive reputation and foster autonomy. While the IED threat is likely to resurface in future conflicts, JIEDDO was considered a temporary solution to what was viewed as a short-term problem. JIEDDO has found its resources reallocated to the service components that it was supposed to supersede (Maze 2011). All of this contributed to Congressional constraints on JIEDDO's autonomy, a decrease in its reputation, which has ultimately jeopardized its survival (Cary and Youssef 2011).

Perhaps most importantly, JIEDDO's leaders never sought to strategically adapt their agency. They were unable or unwilling to renegotiate JIEDDO's relationship with Congress or the DoD leadership. They never sought to influence the existing relationships between JIEDDO and other organizations, or were unsuccessful in doing so. When the GAO brought these problems to light and Congress investigated, JIEDDO's leaders never learned lessons from these reports or adapted its structure to inculcate suggested changes to its practices. JIEDDO's leadership did not try to influence the rules that governed its mandate. They did not express any preferences in how the organization fits into DoD's future. JIEDDO did not attempt to institutionalize any long-term approach to the IED problem. What autonomy JIEDDO has is subject to revision at the whim of the annual budget cycle (Ackerman 2012).

### **Strategic Adaptation – A Conceptual Framework**

I posit a different understanding of how agencies adapt. Some government agencies seek to reshape more than their internal processes or dynamics when responding to new challenges. I define new or different challenges as those that require an agency to create a new mission and potentially alter its role. Strategic adaptation is a mode of self-initiated agency change that addresses current demands while changing to meet future needs on terms of an organization's choosing. It differs from organizational adaptation in that its goals are not isolated to task completion or mission accomplishment. Instead, strategic adaptation is centered on efforts at a combination of internal *and* external change; the focus is on both internal dynamics *and* a strong emphasis on changes to institutional arrangements. Strategic adaptation is a means to an end: the desire of an agency, carried out by its leadership, for expanded bureaucratic autonomy, improved reputation, and a greater chance of agency survival.



**Figure 3: Conceptual diagram illustrating strategic adaptation.**

Figure 3 depicts strategic adaptation. Changes in demands placed on an agency, or changes in to the macropolitical circumstances in which an agency operations, may serve as initiators for strategic adaptation. These initiators are conditioned by a series of facilitators and inhibitors. I view an agency’s strength of its alliances with members of Congress or other senior political officials, its preponderance or recognized subject matter expertise, and its stability as key facilitators of strategic adaptation. Conversely, inflexible institutional structures, tension between principals, and agency shirking all inhibit efforts at strategic adaptation. As an agency shapes its response to new demands, its leaders must consider how and in what ways to adapt. Strategic adaptation implies two co-joined response patterns. First, agency leaders may determine that bargaining for changes to the organization’s missions is the most useful mode to manage agency change. Second, their proposal for agency change is generally a hybrid approach. Agency leaders seek to modify both internal agency arrangements in conjunction with institutional, or external ones. The desired outcomes associated with strategic adaptation include improved bureaucratic autonomy, enhanced organizational reputation, and continued agency survival.

Agencies adapt strategically to their circumstances by considering their bargaining position for future negotiations. These positions are based on organizational preferences that extend beyond solving the immediate problem at hand. Their changes are both responsive as well

as goal directed. While initial changes to new circumstances may be ad-hoc, they are informed by the agency's overarching role. Change is synonymous with more than meeting the immediate needs that the agency works towards. When faced with new challenges, some agencies adapt by renegotiating the bargain between themselves and their principals. For an agency that adapts strategically, crisis and opportunity are intertwined.

	<i>Organizational Adaptation</i>	<i>Strategic adaptation</i>
<b>Goal:</b>	Solve immediate problem	Retain/improve bargaining position
<b>Foci:</b>	Internal processes Personalities/people in roles	Governing rules: statute and policy Power arrangements
<b>Rooted in:</b>	External requirements Problem focused	Internal preferences Rule focused
<b>Time horizon:</b>	Immediate; episodic	Immediate and long term; iterative
<b>Exemplified by:</b>	Ad-hoc solutions through problem solving	Changes to rules through negotiation
<b>Characterized by:</b>	Innovation, reform Reactive – crisis response as triage	Realization of preferences Proactive – crisis response as opportunity
<b>Allies and Interests:</b>	Contingent – based on situation	Durable – based on formal and informal institutions
<b>Role of Learning:</b>	Application of technical expertise to a particular issue or problem	Shapes response to problem and provides input into renegotiation of roles
<b>Outcomes:</b>	Endorsement of solution Recognition for solving problem	Self-selected organizational change Sustained Reputation

**Figure 4: Differentiation between organizational and strategic adaptation**

Government agencies seek to adapt strategically by selectively institutionalizing lessons learned from previous experiences or actions. Organizational learning informs agency preferences for one manner of change over another. These preferences form the basis of the agency's negotiating positions when bargaining with Congress and the executive branch for changes to statute and policy. The prerequisite for learning is the desire to adequately capture the organization's performance. It assumes that this effort identifies what Downs (1967) labels as a

performance gap. The agency utilizes its expertise and allies in setting out to reduce or eliminate that gap. Figure 4 highlights the key differences between organizational adaptation, as illustrated above, and strategic adaptation.

Where organizational adaptation is focused on producing immediate change strictly in response to some stimulus, strategic adaptation is an iterative process is shaped by the demands placed on the organization by other actors and an agency's own preferences. It is rooted in previously established roles, but is not completely bound by them. Instead, agencies seek to modify the rules that govern their behavior, altering roles when necessary.

To facilitate strategic adaptation, agencies bargain to change their roles and missions. Although related, roles and missions are not interchangeable; the former is a subset of the latter. An organization's role may be viewed as the broad function that it provides. For example, the Federal Bureau of Investigation has a number of missions, such as counter-espionage and fighting organized crime. The bureau performs these missions within its broader role of law enforcement. The differentiation between roles and missions is important to understanding agency change. Roles tend to be stable; they provide the organization's overarching reason for existence. Roles help to define how policymakers see an agency and how the agency sees itself. In contrast, missions are more malleable. Some are more important than others at different times. Missions can be reprioritized within the broader framework of the agency's role. They can be added or deleted more readily than roles can. Most importantly, agencies may exercise bureaucratic autonomy by adjusting their missions.

From time to time, leaders of public agencies make calculated assessments of the roles that need to be adapted and the ones that do not. This typically occurs with a change in governments or the appointment of a new agency head. Given the opportunity in congressional

hearings, inter-agency reviews, or annual OMB budget reviews, agency leaders advocate for some roles over others. Through these mechanisms, adaptation is institutionalized or at least regularized. In contrast, one-off, ad hoc responses to new demands are not formalized, unless it is to the benefit of the organization to respond to them.

Some government agencies are postured better to adapt strategically than others. Previous responses to crises or the successful execution of other missions may provide an agency with a degree of reputation-based influence that would make it more likely to adapt strategically. Some degree of positive reputation must exist to enable an organization to approach its principals with a program of self-directed change. Agencies with a strong preexisting reputation are more likely to have built durable alliances with other agencies, interest groups, and institutional actors than those without a strong reputation. Bureaucratic autonomy is inevitably exercised in the reprioritization of organizational missions. This also assumes that the organization has a broad enough portfolio of missions that allow for such prioritization. The organization's culture must have allowed for new ideas to be considered and employed. New ideas are derived through organizational learning, which shapes the agency's response to new challenges. Learning also informs agency preferences for change, which in turn helps organizational leaders to determine which lessons they should advocate for institutionalization into statute.

#### *Why Adapt Strategically? Autonomy, Reputation, and Survival as Desired Outcomes*

Strategic adaptation is a means to an end. Agencies adapt strategically to enhance or retain bureaucratic autonomy and to build their organizational reputation in an effort to improve their chances for survival. These three desired outcomes are complementary; agencies pursue them simultaneously. Bureaucratic autonomy is difficult to sustain without a corresponding

development in reputational strength; agency survival is far more difficult to maintain in the face of new demands without sufficient bureaucratic autonomy or a positive reputation. While an agency may possess these characteristics to some degree prior to adaptation, improving these three attributes is the desired outcome of agencies that adapt strategically.

Daniel Carpenter (2001) studies bureaucratic autonomy at length in his examination of several progressive era executive agencies. Bureaucratic autonomy goes beyond the discretion necessary for task completion. Instead, Carpenter writes, “bureaucratic autonomy prevails when a politically differentiated agency takes self-consistent action that neither politicians nor organized interests prefer but that they either cannot or will not overturn or constrain in the future” (17). This is not meant to imply that agencies seek bureaucratic autonomy to realize preferences that do not contribute to addressing new challenges. Rather, this form of autonomy is derived from policy maker deference to an agency’s preferences about *how* it adjusts its roles and performs its missions.

Carpenter recognizes that politicians derive benefits from bureaucratic autonomy. While policymakers acknowledge the risks associated with autonomy, they recognize the benefits that autonomy can provide. He argues that policymakers will trust administrative agencies under two conditions: when the agency’s outputs conform to their desires and when these outputs lead to the creation of “new programs that better their fortunes in previously unforeseen ways” (30). Autonomy also engenders bureaucratic entrepreneurship, which Carpenter characterizes as:

The process by which agency leaders experiment with new programs or introduce innovations to existing programs and gradually convince diverse coalitions of organized interests, the media, and politicians of the value of their ideas and their bureaus (30).

Entrepreneurship confers several benefits on an organization. Chiefly, it enables an organization to experiment with unique approaches to policy problems without fear of

repudiation from policymakers. Experimentation can reduce the risk of failure in adaptation, by avoiding the implementation of programs and policies that may detract from organizational reputation, and as a consequence, autonomy. Carpenter goes on to note that policy maker deference to agency preferences is rooted in reputation. This in turn is derived from demonstrated expertise within a given policy domain.

Like the desire for enhanced bureaucratic autonomy, an agency is also motivated to improve its reputation. Patrick Roberts (2006) defines the concept as “the belief among a segment of the public, and then among politicians, in an agency’s ability to anticipate and address public needs” (82). As a desired outcome, improved reputation complements gains in bureaucratic autonomy. Daniel Carpenter (2010) notes that, “Organizational reputations animate, empower, and constrain the manifold agencies of government...Reputations can, by assigning expertise and status to government agencies, allow them to define basic terms of debate, essential concepts of thought, learning, and activity” (33). Further, improving organizational reputation allows an agency to shape the outcome of future rounds of bargaining between itself and its principal.

While reputation is powerful, agency dependence on reputation alone to facilitate strategic adaptation may be problematic. The concept depends on public perceptions of agency effectiveness, which can be fickle. Individual agency leaders can be singularly responsible for its maintenance, and when they depart, the agency suffers. Reputation can also inflate expectations that may be unrealized. Roberts notes that an agency with a poor reputation is more likely to become politicized. He states that “Reputation is an unstable source of autonomy, however, often leaving an agency more fully exposed to destructive forms of politicization when the priorities of the president, Congressional majorities, and state and local agencies change” (57). Improvement

in reputation is not easily sustained; political leaders and the public constantly reevaluate agencies as they encounter new challenges.

Survival is perhaps the fundamental goal that influences agency behavior. I view survival as the continued appropriation of resources to an agency without mandated reorganization. Agency survival in the face of new demands cannot be assumed. David Lewis (2003) has found that the common perception of government agencies as immutable is not well supported empirically. He cites economy, efficiency, agency failure, and political opposition as the most common reasons for agency termination (139). Of these, agency failure is the focus of this research.

Failure is most likely to lead to agency termination when the failure is public and egregious. Consider the reorganization of the Minerals Management Service (MMS) in the Department of the Interior following the *Deepwater Horizon* tragedy in August of 2010 (Barkoff 2010). The explosion aboard the oilrig and subsequent ecological disaster caused legislators to examine the conditions behind the catastrophe. At the heart of the investigation's findings was the MMS failure to properly regulate offshore oil drilling. Two competing demands, the mandate for increased energy independence and improved environmental protection, created a schism within the agency, compromising its efficacy as a regulatory body:

MMS became an agency systematically lacking the resources, technical training, or experience in petroleum engineering that is absolutely critical to ensuring that offshore drilling is being conducted in a safe and responsible manner. For a regulatory agency to fall so short of its essential safety mission is inexcusable (United States 2011, 57).

Less than a month after the disaster, Secretary of the Interior Ken Salazar had divided the MMS into three new agencies, each with ownership of a portion of the MMS portfolio. Within two months, the MMS was terminated (55).

When faced with termination, agency leaders tend to work towards agency survival. After the Deepwater Horizon disaster, this was no longer a realistic possibility for the MMS. Macropolitical conditions overwhelmingly favored agency termination. Conditions short of such abject failure may elicit a more muted response. For an agency that fails, the best possible outcome is that it would be allowed to continue on with increased oversight and public scrutiny. Under these conditions, autonomy may be curtailed and reputation is likely to suffer, affecting an agency's ability to adapt based on its preferences. Agencies may be stripped of their functions. Their resources may be diverted to other organizations that compete for the same resources. Repairing agency reputation and rebuilding autonomy is a significant challenge for agency leaders. Agency survival in the wake of failure is far from guaranteed.

There are key limitations to agencies that make attempts at strategic adaptation prohibitive. An agency's role may preclude it from adapting strategically. Since bureaucratic autonomy is the key independent variable that influences strategic adaptation, agencies that do not possess or by their nature seek it out will not adapt in this manner. The Social Security Administration provides one such example; it does not seek to change its role. Instead, it uses the discretion that policymakers provide to administer the social security system. Consequently, when change is foisted on it from the outside it performs poorly (Derthick 1990). Agencies that do not face new challenges will also lack the impetus for strategic adaptation. Government bureaus such as the National Transportation Safety Board (NTSB) are rarely forced to engage with situations that fall outside their normal role. While the accidents that it investigates may pose challenges in determining what happened and why, these are technical questions. They do not call for a change in the NTSB's role or missions (United States 2009).

### *Facilitators of Strategic Adaptation*

Although a wide variety of factors may facilitate strategic adaptation, I focus on three that I consider to be the most influential. These are expertise, allies, and stability. Organizational expertise is a foundational concept of bureaucratic autonomy and as such, a critical facilitator of strategic adaptation. As discussed in the principal agent literature by Feaver (2003) among others, agency expertise that is disproportionate to the principal's knowledge or ability to acquire expertise can insulate an organization from criticism or scrutiny. Agency expertise acknowledged by policymakers or the public is indicative of trust in that organization and its leadership to make the best decisions possible with their interests in mind.

Like other organizations, interests and allies play a key role in facilitating strategic adaptation. An organization's allies can benefit, be it electoral or reputational, from their support of an agency. Support for an agency may reflect what David Mayhew (1974) labeled as position taking. The association works both ways. Agencies attempting to strategically adapt will often seek support from their allies, congressional or otherwise. Institutional structure predisposes agencies to privilege some relationships over others. For example, agencies that coordinate their actions across multiple levels of government are more likely to develop strong alliances with state-level agencies than other federal bureaus.

Interest groups may also be key allies in promoting strategic adaptation. Such organizations are likely to be professional organizations with a vested interest in the perpetuation of the agency in question. Such organizations are likely to be professional organizations with a vested interest in the perpetuation of the agency in question (Baumgartner 2009). These groups are capable of lobbying legislators and policymakers for change when agency members are unable to do so for ethical or other reasons. They have a symbiotic relationship with the agency

in question, promoting the long-term interests that the organizational leadership is working towards. Frank Baumgartner notes:

In order to achieve their policy goals, organizational advocates seek to draw the attention of policymakers and to encourage their action on the organization's behalf. Likewise, government decision-makers who are interested in policy change try to enlist organizational allies to help them build support for the initiatives they seek" (71).

As such, interest groups facilitate strategic adaptation by providing information to legislators and policymakers in an effort to assist them in sifting through alternative policy choices (Nownes 2006, 41–42). This function is particularly important when an agency and its allies are working together to renegotiate the agency's relationship with institutional actors.

Under certain conditions, stability in agency goals and leadership may also facilitates strategic adaptation. At first, this may seem counterintuitive. One might expect that stability would inhibit adaptation rather than promote it. This assumption may not be true in all cases. Stability should not be confused with ossification. Instead, stability may suggest that an agency has the leadership and goals in place to facilitate a long-term initiative to bring about institutional change. Agencies that endure a high degree of turnover among their leaders are unlikely to develop the enduring alliances necessary to bring about strategic adaptation. Changes in leadership, particularly unplanned ones, may undermine policymaker and public confidence in an agency. This could weaken agency reputation and curtail bureaucratic autonomy. Conversely, stable leadership may prove advantageous in the pursuit of new initiatives. Leaders with job security may be more apt to take risks to improve an agency's performance that they wouldn't ordinarily do without such stability. Long-serving leaders provide the agency with a deep memory of initiatives that have failed or succeeded, which may inform future choices related to adaptation.

### *Inhibitors of Strategic Adaptation*

The limitations of agency adaptation are well chronicled. James Q. Wilson (1989) notes in his seminal work on bureaucracy that government agencies avoid the assignment of missions outside of their traditional mandate. Being saddled with such responsibilities, he writes, can undermine an agency's autonomy and ability to maintain its turf relative to other agencies. Conducting non-traditional duties can create competition between agencies over the same mission. Such tasks, if preformed poorly, can do more harm to an agency's reputation than they would to enhance it.

This suggests that there should be few examples of duplication of effort or cases where an agency works outside of its core mission. In her study of the defense and intelligence communities, Amy Zegart (1999) argues that several national security organizations are born anemic because of the competition between political and bureaucratic interests present at their birth. She also attributes the failure of the U.S. intelligence community before 9/11 to three factors: "the nature of bureaucratic organizations...the self-interest of presidents, legislators, and government bureaucrats...and the fragmented structure of the federal government, which erects high barriers to legislative reform" (79-81).

Bureaucratic infighting may also inhibit adaptation. Graham Allison's (1969) bureaucratic politics model illustrates the challenges associated with decision making that is driven by the "pulling and hauling of various actors" in explaining how governments behave in a crisis. This struggle over policy decisions across government structures can create cleavages within and between agencies that close potential opportunities for change. Said another way, "Where you stand depends on where you sit" (711). Bureaucratic hierarchy can also create a climate that encourages battles over turf that inhibits adaptation. These disagreements distract

agency leaders from efforts to lead and manage their organizations. They create an atmosphere of conflict rather than the interagency cooperation that is necessary to facilitate policymaking across various government agencies.

Bureaucratic shirking is also a powerful obstacle to change. Peter Feaver (2003) examines the challenges involved with the American military in the principal-agent relationship. Feaver argues that when the military follows civilian preferences, it is “working;” when it follows its own preferences, it is “shirking” (60). Shirking behavior is enabled by the information advantages that the military hold over civilian decision makers. For example, while the military is expected to give its best advice to civilian policymakers, it is difficult to determine whether or not the military is simply acting out of self-interest or in pursuit of other goals. As Feaver writes: “There is an exceedingly blurry line between advising against a course of action and resisting civilian efforts to pursue that course of action” (62). It is difficult to determine the extent to which the agent is highlighting risks as opposed to diluting or deleting the principal’s policy options.

Shirking entails more than avoiding an unpleasant task. It can also mean active resistance to mandates. Robert Durant (2007) highlights the challenges associated with bringing the U.S. military into compliance with environmental regulations following the Cold War. Like Zegart, Durant acknowledges the challenges associated with changing the fragmented, diffuse, and halting structures associated with the defense establishment. The military bureaucracy pushed back against civilian attempts to change environmental practices. The results of the initial attempts at change “were structures, processes, and procedures geared more toward maintaining as much stability, predictability, and security of the services’ traditional operations as possible” (73). To say that the military initially shirked attempts to comply with environmental regulations

is an understatement; it actively resisted efforts at enforcement and compliance. Such behavior is antithetical to strategic adaptation. Where shirking involves the misalignment of goals or the pursuit of divergent preferences on the part of the agent, strategic adaptation is concerned with agency performance within the bounds of a principal's preferences. An agency that seeks to improve its autonomy, reputation, and chances of survival is not necessarily shirking.

Tensions between Congress and the President can also stifle agency adaptation. Donald Kettl's (2004) discussion of the problems associated with creating the Department of Homeland Security captures the fundamental tension between the executive and the legislative branches. This divide portends other issues that affect adaptation. Andrew Whitford (2005) argues that the "multiple principal problem" creates a tug-of-war between the legislative and executive branches over how an agency applies its resources to solve policy problems. He writes that, "Bureaucrats are caught between the conflicting demands of the legislated desires of Congress and the policy agendas of presidents because they both carry out the law and work for the president" (29). Examining the Environmental Protection Agency's response to a superfund cleanup site, Whitford finds that rather than just creating opportunities for autonomy (as McCubbins, Noll, and Weingast (1987) suggest), competition over agency discretion by multiple principals can either help or hinder agency decision-making.

Organizations face powerful pressures from multiple principals to solve the most pressing problems quickly. The necessity to perform the equivalent of triage on the most urgent issue of the day will detract from attempts to solve problems with the immediate and long-term interests of the organization in mind. Politicians rarely are the beneficiaries of long-range planning efforts. The same holds true for agency leaders. Although it may take years for an agency to plan

and build the capacity to solve problems, the reputational benefits from these preparations go unrealized by those who implemented them.

### *The role of organizational learning and culture in adaptation*

Organizational learning and culture can have powerful effects on strategic adaptation. I view these concepts as complementary. Julianne Mahler provides a clear definition of organizational learning as: “A collection of processes by which organizations improve their ability to accomplish their objectives by analyzing past efforts” (Mahler and Casamayou 2009, 16). Donald Kettl, paraphrasing political scientist Anne M. Khademian, notes that organizational culture can be understood as, “The shared understandings about how things get done” within an organization or government agency (Kettl 2007, 42). Taken together, learning and culture can help agencies build the expertise, alliances, and stability necessary to bring about strategic adaptation. If an organization’s culture facilitates learning, agencies may see an increase in expertise that facilitates adaptation. Similarly, a culture that promotes interagency cooperation or stronger relationships with institutional actors will help an agency to build alliances and stability.

The most common understanding of organizational culture is as a detriment to learning and change. Consider the role of organizational identity in the armed forces. Carl Builder (1989) notes that organizational identity is tied to both roles and the tools that organizations use to carry them out. Without some sort of outside pressure to adopt new practices or embrace technological innovation, the likely outcome is to default towards established practices. Organizational identity serves as an engine for stability, not change. “The effect of those engines is sufficiently powerful and predictable as to be a good guide to institutional actions in the future on new and old issues” (43). An insular culture and rigid sense of identity can stall organizational adaptation.

Strategic adaptation implies the opposite; that organizational culture can facilitate adaptation. Specifically, organizational culture can improve the prospects for organizational learning. Julianne Mahler (1997) argues that culture does not determine whether an organization learns, but what it learns and how it applies these lessons to policy problems. Culture becomes important to organizations under conditions where knowledge is scarce and ambiguity is prevalent (538). Elizabeth Kier also notes the pivotal role that organizational culture plays in military organizations. Her analysis of the French army's choice of a defensive doctrine following World War I was determined not by material scarcity or strategic necessity. She writes: "It was a conceptual barrier that stood in the way of adaptation, or, more accurately, that prevented a continuation of an offensive orientation after 1928" (Kier 1997, 207). While the French military limited itself because of organizational culture, the German military faced no such limitation when devising its own doctrine. An organization's culture can enable adaptation, even when resources are scarce and ambiguity is prevalent.

Organizational culture may animate agency change. Focusing on a diverse array of public agencies, Charles Goodsell (2010) argues that an organization's "mission mystique" is key to explaining agency behavior. In developing this normative model of agency behavior, Goodsell writes that mission mystique "is the construct's underlying foundation in that it permeates the institution's culture, animates its workforce, and inspires a desire to improve" (3). An organization's employees are driven by a desire to accomplish what they view to be a function important to society. This has the effect of aligning employee and agency goals. These beliefs are epitomized by the organization's history of past achievement, which builds its reputation (14). For strategic adaptation to take place, organizational culture must make an agency open to new modes of thinking.

Organizational culture and learning have their limits in fostering adaptation. The prerequisites for organizational learning are mechanisms that capture the organization's performance and suggest ways that it can improve. It assumes that this effort identifies a performance gap caused by the inappropriate application of process and procedure to a problem. Learning involves drawing conclusions and implementing change based on these lessons. These conclusions may be politicized, downplayed, or dismissed by policymakers with a vested interest in maintaining the status quo. When lessons are gathered and shared, it may not always be clear which lessons should be learned. A mode of adaptation based on lessons learned may not be immediately apparent. In some instances, institutional change may not be necessary at all. Some failures may be attributed to contextual issues, personality conflicts, or other problems that were not systemic in nature. Learning the wrong lessons can send organizations down a path of adaptation that may not serve to improve the organization or the way it performs its missions.

### **Case Selection and Research Methodology**

My case selection addresses an agency – the National Guard – that was faced with a variety of new or significantly different challenges over time. Several studies of organizational adaptation examine the success or failure of government agencies as they face new demands from constituents, policymakers, or the environment in which they operate. In doing so, they tend to lack two things. First, most studies examine adaptation as episodic, rather than iterative. They examine how an agency changes due to one set of circumstances or demands. Second, many studies tend to focus on explaining why an agency succeeded or failed in its attempts to adapt. These studies do not address the ways in which agencies seek to influence institutional arrangements in response to new challenges. Limiting our understanding of organizational

adaptation to success or failure obscures the relationship between adaptation and an agency's purpose for change, those related to the expansion of bureaucratic autonomy, reputational improvement, and agency survival. My goal is to examine one agency's response to myriad challenges and explain why the Guard adapted the way it did. Over the past four decades, the Guard has been forced to adapt to a variety of challenges. Their origins vary considerably, ranging from natural disaster to terrorist attacks.

My research is centered on a structured, comparative case analysis of four instances where the National Guard faced new or exceptional demands (Gerring 2004; George and Bennett 2005). Of particular importance in this research is determining the degree to which some mediating variables are more important than others in each case and which ones remain consistent across cases. Teasing out the role that these mediating variables play as causal mechanisms in and across the cases can help to explain why the National Guard adapted to new or shifting demands in different ways. As agencies adapt, new political relationships are generated and existing ones are reconfigured. Beyond gaining purchase over what happened and why it did, the case study methodology and American Political Development approach I employ will provide insights into the changing nature of governance over time (Orren and Skowronek 2002, 722).

This research is primarily qualitative in nature, augmented by quantitative analysis where appropriate in elaborating the details of each case. Each of the case studies was developed using a combination of primary source documents, secondary sources, and contemporary media accounts. I use interviews with government officials at the federal and state levels of the National Guard as necessary to fill gaps in the case study. The primary source documents include presidential directives, congressional testimony, budget documents, court rulings, Department of

Defense directives, National Guard and National Governor's Association publications, and state-level planning documents that will provide insight into the facilitators and stressors on the Guard during each period in question. Contemporary accounts of each case, be they journalistic or historical, are used to help build each case study. Wherever possible and relevant, I have spoken to state-level National Guard leaders, such as adjutants general, and federal-level leaders to gain further insights on the political pressures that the Guard faced and how these influenced the manner in which the Guard responded to stressful situations. Further details on interviews, archival documents and other sources used can be found in the methodology appendix.

**Strategic Adaptation: Motivating Research Questions**

In the chapters that follow I examine the details of each case, focusing on answering three overarching research questions. These questions are derived from my theorizing about strategic adaptation.<sup>1</sup> The degree to which an agency adapts strategically may be discerned by examining patterns of agency behavior over time. Table 2 summarizes the research questions that guide my examination of agency adaptation. It also outlines indicators of each component of strategic adaptation that I consider in each case.

**Table 1: Research questions and indicators of strategic adaptation**

<b>Research Question</b>	<b>Indicators</b>
<b>Question #1: To what extent was bureaucratic autonomy enhanced?</b>	<ul style="list-style-type: none"> <li>-Degree to which agency can pursue initiatives with little external direction</li> <li>-Expression of organizational preferences through posture statements, congressional testimony, political allies, the media, or budgets</li> <li>-Internally-driven changes in agency priorities among existing missions</li> <li>-Self-initiated cooperative ventures with other agencies or departments</li> <li>-Reallocation of personnel or subordinate organizations to support new initiatives or roles</li> <li>-New or existing initiatives that are not expressly authorized by Congress</li> </ul>

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<sup>1</sup>In formulating these questions, I am drawing on the approach used by Mazmanian and Nienaber (1979) as well as on the method that Durant (2007) used to determine how change came about regarding the military.

<p><b>Question #2: To what extent did organizational reputation improve?</b></p>	<ul style="list-style-type: none"> <li>-Favorable changes to or maintenance of positive policymaker attitudes towards the agency, as expressed publically in hearings and media accounts</li> <li>-Positive media accounts of agency performance</li> <li>-Positive reviews by auditing agencies (e.g., GAO, CRS), commission reports, or think tanks</li> <li>-Positive public precipitations of the agency, as captured in polls or media accounts</li> </ul>
<p><b>Question #3: To what extent was agency survivability increased?</b></p>	<ul style="list-style-type: none"> <li>-Changes to law or governing structures that ensconced agency preferences into law.</li> <li>-Development of new doctrine or standard operating procedures to support adaptation efforts</li> <li>-Retention of roles or missions of the agency's choosing</li> <li>-Substantial budget increases or allocations that support efforts at adaptation</li> </ul>

*Question #1: To what extent was bureaucratic autonomy enhanced?*

Theorizing about strategic adaptation indicates that increased bureaucratic autonomy is an agency's desired goal. All agencies reorganize. Strategic adaptation implies that an organization that reorganizes does so based on its own preferences for change. Broadly speaking, autonomy is exemplified by the degree to which an agency can pursue initiatives with little external direction from Congress or the president. Bureaucratic autonomy manifests itself in several ways. An agency may internally reorganize without being directed to do so. Similarly, it may reprioritize its own missions, directing resources within its budget in an effort to adapt. The establishment of new or expanded cooperative ventures with other agencies also indicates the exercise of autonomy. If an agency was sublimated under another organization or demoted relative to its former standing in the government, bureaucratic autonomy has suffered.

An agency also capitalizes on its autonomy by expressing its preferences for change to decision-makers. This is visible in a number of forums, including but not limited to organizational posture statements, congressional testimony, political allies, the media, and budget documents. Organizational allies, including professional associations or interest groups, may also bring influence to bear on the legislative and executive branches to implement the agency's preferred manner of adaptation. Following its efforts to strategically adapt, did the organization retain or lose its autonomy?

*Question #2: To what extent did organizational reputation improve?*

While the effect of reputation on agency power has been the subject of considerable recent study (Carpenter 2010), the relationship between organizational reputation and adaptation is not as well studied. Like bureaucratic autonomy, I consider an increase in reputation to be a desired outcome of strategic adaptation. Improvements to organizational reputation can assist agencies to build or maintain alliances, contributing to future attempts at adaptation. Conversely if agency change contributes to poor performance, its reputation in the eyes of policymakers or the public could suffer. If this were the case, it would be reasonable to infer that a decrease in reputation may have negative consequences for future efforts at adaptation. At a minimum, an agency would be likely to face more intensive scrutiny of its efforts to change.

All of this leads to an examination of an empirical question in each of the subsequent chapters. Did the agency see any sort of enhancement in its reputation among policymakers or the public? Measuring reputation requires the synthesis of a broad range of indicators. Favorable changes to or the maintenance of positive policymaker attitudes towards an agency may be the most important indicator of reputation. These attitudes are often expressed publically in hearings and in media accounts of agency activities. External reviews of agency performance are also important indicators of reputation. The Government Accountability Office (GAO) and the Congressional Budget Office (CBO) routinely produce such reports, as do think tanks with expertise in the agency's field of expertise. Congressional or presidential commissions may also perform an evaluative function. These commissions serve a host of functions, one of which is to ascertain the degree to which the agency's performance merits praise or admonition.

Improvements in reputation may also manifest themselves when an agency proposes a new initiative that requires strategic adaptation. An agency and its principals may reference the

results of the agency's earlier efforts at change when considering whether or not to support subsequent adaptation. These attitudes would be reflected in congressional testimony, CBO or GAO reports, and in media reports regarding the agency's efforts. Policymakers will be more apt to support an agency with a positive reputation for responding to new challenges.

*Question #3: To what extent was agency survivability increased?*

Agency survival would seem to be the single easiest measure of successful adaptation. The more successful efforts at strategic adaptation are, the more likely the agency will continue to receive the resources it requires to support its preferred method of change. The inverse is likely to be true; agencies that fail to adapt strategically may not embed their preferences into statute or policy, putting the agency at risk for termination. This is easily measureable in terms of dollars and personnel that an agency is allocated through the annual budget process.

The correlation between strategic adaptation and agency survival may be spurious. Declining budgets or manning alone does not mean that efforts at adaptation have failed. Other factors besides the degree of strategic adaptation it exhibits may contribute to agency survival. Agencies may continue to exist without strategically adapting for a number of reasons. If the agency is the sole source of expertise in a given policy area, it may be more costly for policymakers to create a new agency than it would be to let the existing one persist. There may be few alternatives to continuing with the current arrangement. The agency's role and missions may not make strategic adaptation necessary.

Determining the extent to which the manner of adaptation influences survival is challenging. Tracing the causal relationship between the implementation of adaptation preferences and the resources allocated to fulfill them may be the best determinant of the affect

of strategic adaptation on survival. If a relationship exists between the preference that an agency expressed and had codified into statute, coupled with an increase in resources supporting that particular initiative, this may indicate that the adaptation in question contributed to agency survival. Indicators of the relationship between strategic adaptation and survival are likely to be found in authorization and appropriation bills, committee hearings, and in evaluations of agency performance.

# Chapter 3

## Antecedents of Adaptation: The Historical Roots of the National Guard

*“The distinctive feature of the National Guard is its dual command and its dual loyalties. Take away this duality and it would become just another reserve force, the like of which is to be found not only in the United States but in every great power and most of the lesser powers in the world...the duality of the militia roots, however, not in military considerations but in political ones.”*

–William H. Riker, “Soldiers of the States,” 1957

*“The political history of the Guard does not consist of cumulative conquests by an all-but-irresistible lobby. Instead, there have been laborious, long-frustrated lobbying efforts; successes that were fruits of circumstance, made less satisfying by compromise; and struggle to prevent gains from being swept away from strong currents of environmental change.”*

–Martha Derthick, “The National Guard in Politics,” 1965

The National Guard’s origins can be clearly traced to the U.S. Constitution, yet its roles within the military and political spheres are vastly different than those that the Framers may have intended. The Guard’s history is the story of how its leaders and advocates built the agency’s core capabilities and constituencies. The Guard’s importance to Congress, the states, and the broader national security enterprise grew haltingly over the nation’s history. The same questions regarding the government’s form and function that undergirded constitutional debates, progressive era reforms, and the growth of the administrative state are also apparent in the National Guard’s history. Like many other federal agencies, the National Guard’s place in the fabric of American political, organizational, and federal fabric has changed over time. Debates over institutional structures and the competition between interested parties shape the ways in which agencies change. The National Guard is no different.

This chapter examines the National Guard’s formative years. The challenges that the National Guard’s leadership and advocates faced over its first 150 years were part of a broader

national question: how should the United States organize its military? The answer to that question changed considerably over the nation's first two centuries. The National Guard's leadership and advocates played a key role in shaping that answer. At several points in the Guard's history, its place in the American military structure was an open question. As the nation changed, so too did its needs militarily. These shifts in demand on the military represented the first series of changes that the National Guard's leaders would have to make for the organization to perform a new mission – to respond to America's changing national security requirements. The ways in which the Guard responded to these challenges provides context for the chapters that follow.

This chapter is a work of synthesis that provides the context from which the subsequent chapters will draw. It explores the critical junctures where the National Guard was changed to provide for America's common defense. I consider how the Guard's leaders pressed for professionalization. More importantly, I show how federal and state elected officials, and other policymakers worked to change the National Guard for their own purposes. I focus on three key periods: the nation's founding, the progressive era, and the post-World War II timeframe. The cumulative result of the bargains struck at each of these critical junctures affected the degree to which the Guard's bureaucratic autonomy and organizational reputation were maintained, improved, or eroded. Understanding how the National Guard's leaders revised the institutional framework that governs the military – and vice versa – provides an important foundation for understanding the later cases of strategic adaptation and the quest for continued agency survival.

The chapter is organized into five sections. First, I examine the National Guard's origins in the militia. The Constitution captures the results of the debate over how best to provide for the common defense. The second section explores the shifts in military policy during the progressive

era. This period represents a critical juncture in America's political development. The National Guard's advocacy for and response to a new military role permanently altered its place in the larger political, organization, and federal fabric of national defense. The third section examines how National Guard leaders reformed the agency at the dawn of the Cold War. The Guard's future was in jeopardy following World War II. This section considers how the Guard was able to survive during a period of tremendous upheaval among national security institutions. In the fourth section, I provide a brief orientation to the contemporary National Guard, informing the reader's understanding of the National Guard in the cases that follow. The final section assesses how the Guard's military role changed over time before delving into the more contemporary cases of strategic adaption in the subsequent chapters.

### **The Military, the Militia, and the National Guard's Constitutional Roots**

The militia tradition in America extends across four centuries. Settlers in the new world relied on the militia for defense from both Native Americans and other European powers (Bradford 2010, 472). As historian Jerry Cooper writes, the militia concept and its utility had its roots in England: "Patterns of thought and behavior that long shaped American military practice and policy took root in the seventeenth century...In America, as in England, the militia proved a remarkably adaptable institution (Cooper 1997, 1)." As an organizing force, the militia's utility extended beyond defense: "Musters served social and political functions as well. Along with religious institutions, the militia affected a broader segment of the population than did other aspects of colonial life" (Cooper 1997, 2).

For over a century, the militia was the backbone of the Colonial military. A militia-based army would be raised to prosecute wars against Native Americans and the French. The militia's use during this period illustrated the costs and benefits of a militia-based defense:

By the middle of the eighteenth century, the militia had proved its worth. However, the very conditions that led to its adoption contributed to the militia's most egregious weakness. For example, it assured local defense from within each community, but the citizen soldiery proved less effective when military threats were distant and required colony-wide or regional cooperation. All too often, myopic localism thwarted coordinated efforts... Each new crisis brought an improvised response that was based only on past general practice and the immediate memory of the experienced men available (Cooper 1997, 3).

Reliance on the militia would also prove problematic at the nation's birth. The militia's performance during the Revolutionary War was also decidedly mixed. On the one hand, the militia was ill trained and equipped to stand up to British regular soldiers alone. A militia unit's performance depended considerably on the quality of its leadership, which was uneven across states and units. Some fought well and valiantly; others did not (Millett and Maslowski 1994, 57–58). Yet on the other hand, the spirit of patriotic volunteerism helped to win the war. The states raised their own units, which complemented the Continental Army. The homespun citizen army gave the colonists an advantage over the British Army, since Loyalists were unable to trust the local population to provide shelter and supplies for their efforts. In the words of historians Allan Millett and Peter Maslowski, both the Continental Army and the militia were driven not by money or spoils, but instead possessed of “an ideological motivation that promised a better life for themselves and their posterity (Millett and Maslowski 61)”. The revolution's success was an affirmation of two principles that would be institutionalized in the Constitution: the maintenance of a citizen army and the importance of the militia.

The victory over the British also demonstrated the problems inherent in not maintaining a permanent, standing army. Acknowledging the limitations of a militia-based national defense,

some of the Founding Fathers, many of them Federalists, made the argument for a standing national army. Alexander Hamilton advocated for a professional army to complement the militia, writing in Federalist No. 25 that:

Here I expect we shall be told that the militia of the country is its natural bulwark, and would be at all times equal to the national defense. This doctrine, in substance, had like to have lost our independence. It cost millions to the United States that might have been saved...

The American militia, in the course of the late war, have, by their valor on numerous occasions, erected eternal monuments to their fame; but the bravest of them feel and know that the liberty of their country could not have been established by their efforts alone, however great and valuable they were. War, like most other things, is a science to be acquired and perfected by diligence, by perseverance, by time, and by practice (Hamilton et al. 2003, 162).

Hamilton was not alone in his suspicion of the militia's readiness to defend the new nation. As commander of the Continental Army, George Washington expressed his doubts, stating that "To place any dependence upon militia, is, assuredly, resting upon a broken staff" (Millett and Maslowski 1994, 59).

Despite Washington's observation, the militia was institutionalized into the new Constitution. The roots of both the active duty, national military and the National Guard can be found in Article I, Section VIII. Congress is authorized to "Raise an Army and maintain a Navy" – the first two services, both of which are fully under control of the national government. Later in the section, the militia clauses outline the militia's role in national defense:

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

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; (United States 2009)

This clause sets in place two key distinctions that the National Guard maintains to this day. The first is a system of dual state and national control over a portion of the armed forces. The distinction gives state governors access to military capabilities, which may far outstrip a state and/or municipal government's ability to respond to a calamity. The second is a dual mission of internal and external defense. As can be seen above, this role is very loosely defined. The militia clauses do not state who will serve in the militia or the army or their term of service. It is also unclear what responsibilities the states have in training, maintaining, and employing the militia. There is also no clear definition of what constitutes insurrection, or limits on when the militia could be used as an instrument of law enforcement.

The bifurcation of military power between the regular army and the militia reflects the exigencies of the times. Not long after the nation's founding, Alexis de Tocqueville would observe that unlike other democracies, America did not need a large standing army:

Fortune, which as conferred so many peculiar benefits upon the inhabitants of the United States, has placed them in the midst of a wilderness, where they have, so to speak, no neighbors: a few thousand soldiers are sufficient for their wants; but this is peculiar to America, not democracy (Tocqueville 1956, 274–275).

Without the military threats facing European nations, the United States could afford to rely on a somewhat unreliable instrument of national security.

Perhaps most importantly, the maintenance of both a standing army and a militia reflect the political thought of the times (Bradford 2010, 476). As historian Jerry Cooper writes, “The colonial view of military affairs demonstrated a suspicion of central authority, a preference for local control of military forces, and an open distaste for military professionalism” (Cooper 1997, 4). Patrick Henry's speech at the Virginia Ratifying Convention in 1788 is illustrative of this suspicion. Arguing against the Constitution's militia clause, Henry asked:

Have we the means of resisting disciplined armies, when our only defence, the militia, is put into the hands of Congress? The honorable gentleman said that great danger would ensue if the Convention rose without adopting this system. I ask, Where is that danger? I see none. Other gentlemen have told us, within these walls, that the union is gone, or that the union will be gone. Is not this trifling with the judgment of their fellow-citizens? Till they tell us the grounds of their fears, I will consider them as imaginary (Henry 1788).

Notably, the Second Amendment to the Constitution is widely recognized as a compromise between Federalists and Anti-Federalists (Cooper 1997, 8). The division of the military power between the states and the national government provided a unique check on the federal use of military force – a guiding principle among men distrustful of centralized power.

*From Institutionalization to Implementation: The Militia Act of 1792*

Congress' first foray into military policy came four years after the Constitution's ratification. As William Riker writes, the Militia Act of 1792 provided the implementation instructions for the militia clauses:

The essential principle of the Militia Act of 1792 was the liability of all free white male citizens, ages 18-45, to militia duty...Deep-rooted as this institution was, however, by the middle of the nineteenth century, the states had, through incompetence and inaction, utterly abandoned the principle, although they did invent a new and more easily administered system of volunteer militia, the forerunner of the National Guard (Riker 1957, 21).

As Riker notes, the law did not enhance the militia's military effectiveness. As historian Jeff Jacobs also notes, the opposite occurred: "Because the act maintained the existing separate state militias, Congress consciously washed its hands of the militia, abdicating the governance of the citizen-soldier forces to the states." Riker fixes the blame for the Militia Act's failure squarely on the states:

The failure of the states to maintain the essential principal of the militia system can not be blamed on the national government or on any national administrative policy... Yet the Act of 1792 simply incorporated the principles of the several militia laws of the states, principles that were inherited from English and colonial militia systems, and thereby asked the states to keep on doing what they were then doing and what, if the furor over the second amendment is to be credited, they presumably wanted to keep doing (Riker 1957, 21).

Historian Michael Doubler also notes that the requirements in the Act to maintain state militias at prescribed manning and readiness levels had a fatal flaw: "The law's greatest weakness was that it contained no sanctions for noncompliance." Doubler points to the underlying political tensions that cause the Militia Act's impotence: "The act represented the triumph of the Republicans over the Federalists in militia affairs by reserving to the States near complete control over their soldiers" (Doubler 2003, 68).

Military effectiveness was the victim of the tension between the federal and state governments. As Jeffrey Jacobs writes, the inefficiency of the militia clauses and the Militia Act implementing them manifested itself regularly through the ineffectiveness of the militia as a fighting force (Jacobs 1994, 29). The War of 1812 was a disaster for the American military. As Jerry Cooper notes, "The militia's woeful performance during the War of 1812 is the best illustration not only of the failure of the Militia Act of 1792 but of the demise of the regular militia in American military affairs (Cooper 1997, 10)." Rather than serving as a source of change, the end of the War of 1812 led to stagnation. The militia's failure led to its irrelevance. Moreover, the war marked the beginning of the mistrust between regular forces and the militia:

The War of 1812 also saw the beginning of the tension that has existed since then between the citizen-soldier and the regular. The regulars disdained the militia, sometimes with good cause. Regular officers frequently refused to subordinate their units to militia officers of senior rank. For their part, the militiamen lamented their lack of recognition, seeing themselves as mere cannon fodder to glorify the regulars (Jacobs 1994, 29-30).

Yet despite the disaster of nearly losing the War of 1812 to the British, the Militia Act of 1792 did not change. Congress, the president, and the states felt no pressure to act. Cooper argues that it was the creation of: “Fundamental security, coupled with an enduring provincialism, a distaste for armies and strong central governments, and administrative underdevelopment explain the failure of militia reform (Cooper 1997, 10)”. The lack of an existential threat following the war allowed Congressional and state leaders to largely ignore the militia and most military affairs for another half century.

To summarize, the United States’ first answer to the question of how best to defend itself was to create not one army, but two. In times of strife, Congress would expand the army from a small standing force to one sufficient to the nation’s defense. The militia would complement this army by providing the bulk of the forces necessary for the states to maintain order. The militia would also bridge the gap between the regular army and an expanded force. The National Guard’s roots in the colonial militia mark it as a populist venture in national defense. The militia was a flexible force that could be called into service when necessary and rapidly demobilized. Its efficacy was an open question, before, during and after the American Revolution. The militia’s institutionalization was the product of compromise between the Federalists’ desire to maintain a professional (and presumably, more effective) standing army and the widespread fear among the Anti-Federalists (and even some Federalists) to prevent the creation of a new instrument of tyranny. The compromise placed a premium on civilian control of the military; at the nation’s founding, efficacy was a secondary concern.

With an ocean between America and Europe’s near-constant wars, the United States could afford to maintain the small, expandable constabulary army that Tocqueville observed in 1831. Despite domestic unrest and the near-disaster of the War of 1812, neither the militia nor its

overseers advocated for significant changes to either the militia clauses or the Militia Act of 1792. Robert Goldich captures the sentiment of the time when he writes: “If the militia system worked in the face of numerous wars, smaller fights, and military-diplomatic conflicts with the great powers of Europe, why change it?” (Goldich 1985, 18).

### **Patchwork Politics and Military Reform: The National Guard in the Progressive Era**

The Progressive Era represents the most significant period of changes to the National Guard in its history. Neither the Mexican War nor the Civil War spurred changes in how the National Guard contributed to American national security (Cooper 1997, 19). The post-Civil War period marked a nadir for the militia. As William Riker notes, “Only a few Northern states attempted to maintain a militia organizational and during reconstruction, Southern states could not do so” (Riker 1957, 44). Even after Reconstruction ended, the transition from a militia to an organized National Guard was not a forgone conclusion. As Jerry Cooper writes, “The evolving National Guard of the late nineteenth century was national in name only, with federal assistance limited to the annual arms distribution” (Cooper 1997, 26).

#### *From Reconstruction to the Progressive Era*

Three interrelated events between the end of Reconstruction and the start of the Progressive Era laid the foundation for changes to the National Guard. First, the railroad strikes of 1877 were a massive disruption to the nation’s commerce and transportation network. As William Riker notes:

Much more terrifying than the mere organization of labor, however, was the great railroad strike of 1877, which was the first major demonstration of the progress of the labor movement and which was crucial in the history of the militia as well (Riker 1957, 47).

Jerry Cooper echoes this sentiment, writing that: “State soldiers had intervened in strikes prior to 1877, but the great railroad disorders rattled the nation more than any even since the firing on Fort Sumter” (Cooper 1997, 49). The strikes had a profound impact on policymakers, industrialists, and the public, particularly with regard to the need for a domestic police force. The railroad strikes illustrated the gap in domestic policing capabilities.

The National Guard filled this gap. Riker points to the railroad strikes as a critical portion of the Guard’s development. He argues that the railroad strikes allowed the National Guard to build support among industrialists and politicians for the role of strikebreaker. This new role would lead the organization to larger budgets and greater prominence:

Superior as the army was in both action and availability, eager as both captains of industry and generals of the army were for the army to assume police duty, still the militia was gradually recognized to have the assignment, and with it the militia prospered...

It is somewhat overstating the case to attribute the revival of the militia to the railroad strike of 1877. The strike was, however, a crucial event. It awakened in the substantial taxpayers a sense of need for a large internal police and made them willing even eager, to pay for it (Riker 1957, 50-51).

Other historians disagree with Riker’s assessment of the role that the strikes played in the Guard’s growth. The National Guard’s performance in strikebreaking was largely seen as a failure. Cooper attributes this to the fact that, “The Guard lacked the basic attributes of military effectiveness to quell disorder in 1877. Mobilization plans, centralized command and control, logistical support, tactical training, and discipline were all absent” (Cooper 1997, 49–50). The historian Mark De Pue writes that the National Guard was at times less effective than regular soldiers in subduing riots:

Often, the units closest to the labor unrest identified too strongly with the strikers. In general, however, the National Guard units were middle class in orientation, but untrained in crowd control and unprepared to handle angry strikers. They disliked the

duty immensely. The volunteer units performed badly in several instances during the 1877 strikes, and clashes between Guardsmen and strikers frequently ended in bloodshed...

Governors soon began to appeal for federal troops, and President Rutherford B. Hayes eventually responded by sending in 2,100 troops to several different states, many arriving directly from distant frontier posts. It was a pattern repeated throughout the rest of the 19<sup>th</sup> century (DePue 2004, 193).

Cooper notes that despite these failures, National Guard leaders used the need for increased police action to press for larger budgets:

The adjutant general of Massachusetts cited “the troubles of last summer” in his 1877 report, suggesting that the Bay State avoided difficulty because of the well-known efficiency of its militia... Guard leaders recognized that legislators were unlikely to fund the state soldiery for other purposes and invariably emphasized constabulary service when requesting increased financial support (Cooper 1997, 57).

National Guard leaders understood that, although they would prefer a different role for the agency, strikebreaking helped underpin an argument for the Guard’s survival.

Although the direct causal link between the growth of the National Guard and the railroad strikes is debated, the strikes were influential in the broader debate over military policy.

Specifically, what would the National Guard’s role be in domestic policing? As Michael Doubler notes, Guardsmen were largely unhappy with being confined to the domestic policing:

The Guard’s highly visible role in strikebreaking revived debates of the proper role of State soldiers in national military policy. Many Guardsmen disliked their role as industrial policemen and realized that in order to prosper they could not become identified solely as strikebreakers and the enemy of the working class. More and more, State soldiers eschewed their involvement in labor disputes and promoted themselves as an organized combat reserve of the Army (Doubler 2003, 118).

The Guard’s lack of effectiveness in strikebreaking, and its search for a new role led Stephen Skowronek to observe that: “The rationale for depending upon the militia over regulars to suppress insurrection seemed to have outlived its usefulness in a society torn by conflict” (Skowronek 1982, 100). What National Guard leaders lacked were organization and

professionalism. They were unable to make an argument to state and national level politicians that the Guard needed a role beyond strikebreaking. Further, the lack of professionalism relative to the regular army prevented National Guard leaders from making a case for a larger role in national defense.

The second important pre-Progressive Era development was the passage of the Posse Comitatus Act on June 18, 1878. Prior to its enactment, local law enforcement officers could call upon the local regular army garrison to support them in their duties. Most incidents where this occurred took place in the South, where the regular army had garrisoned itself following the Civil War. A coalition of southern Democrats pressed for the act, which coincided with the end of the army's occupation and of the Reconstruction period. The law states that:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both (United States 1878).

The importance of this short statute cannot be understated. In it, the clause "any part of the Army" has been interpreted as the regular army. The Posse Comitatus Act does not apply to the National Guard. Intended to end the Northern military presence in the South, the law had broad ramifications for the military. It pushed the regular army not only out of the south, but also out of the domestic policing function almost entirely. Only the National Guard would have the authority to operate as a domestic military force. For Guard leaders who sought to change the agency's role from constabulary duty to that of a military force, Posse Comitatus was a challenge that would require the Guard to mobilize in order to overcome.

The third key pre-Progressive Era development was the establishment of the National Guard Association (later known as the National Guard Association of the United States, or NGAUS) in 1879. NGAUS was formed at the national level, with chapters in every state.

According to Jerry Cooper, its two purposes were to press political leaders for larger budgets and greater professionalization. NGAUS pursued its agenda through changes to state and federal laws governing the National Guard:

Although the national organization fruitlessly pursued efforts to win a significant increase in federal aid, state groups worked successfully to influence military legislation in their own commonwealths. Guardsmen pushed for revised and codified laws, appointed committees to write the codifications, and lobbied legislators for increased military budgets. These groups led the way in establishing Army regulations and practices as the standard for the Guard (Cooper 1997, 84).

Adjutants General such as R.C. Drum of New York and other National Guard advocates, including Secretary of War Alexander Ramsey, sought to improve professionalism by standardizing operations and organizational structures with the regular army (Cooper 1997, 87).

Much of their argument centered on shifting the Guard's role from a constabulary force to a combat force. "To serve the nation at war", Illinois Colonel James M. Rice asserted, "is the pride and the life of the National Guard" (Cooper 1997, 89). Riker argued that the Guard Association's lobbying effort focused predominately on making this shift:

The significance of lobbying, and especially of lobbying before Congress, is that the National Guard could not under such circumstances justify itself simply as an internal police. To warrant extensive national assistance the National Guard had to demonstrate that it had a genuinely military role.

All these developments that tended to de-emphasize strike duty can be summarized as the search for and discovery of a new function. The new function discovered, that of serving as a military reserve, grew out of the summer camps in the sense that they provided some genuine military training (Riker 1957, 61).

Skowronek notes that the NGAUS push for professionalization leading into the Progressive Era captured the zeitgeist of the time:

One could not have asked for an interest more in tune with the patchwork politics of late-nineteenth century state building. Here was a political force already well integrated into the established structure of power, pressing for reforms that would revitalize an indigenous military tradition to meet the new demands of the day (Skowronek 1982, 93).

Just as importantly, the National Guard's push for a new mission coincided with the regular army's sentiments towards internal reform. Doubler writes that the Guard leader's timing in establishing their organizational vision was impeccable:

The Guard's emerging vision of itself coincided with the Army's search for a new mission. The close of the American West and improved communications and advancing industrialization around the globe prompted the Army to consider overseas campaigns as its new *raison d'être* (Doubler 2003, 118).

The Guard Association's objective was to replace the Militia Act of 1792 with legislation that would improve the Guard's funding and give it a more robust role in national defense. NAGUS was successful in securing more federal money for the National Guard. However, NGAUS was unsuccessful in getting Congress to consider militia reform until the close of the century (Cooper 1987, 91).

#### *War and the Bargain for Professionalism: The National Guard in the Progressive Era*

The National Guard's role in American national defense became a pressing question at the turn of the 20<sup>th</sup> century. As in the founding period, a combination of foreign and domestic concerns played a role in shaping the answer. The most pressing among these was The Spanish-American War of 1898. The war raised the question of how best to mobilize an army once again. If the regular army's performance was uneven, the militia's readiness was deplorable. The Guard was mobilized for overseas service for the first time and found wanting:

Mobilization in 1898 gave the National Guard an opportunity to meet its claim that it could provide effective soldiers ready for war. In the eyes of the Army, and many historians, the Guard failed miserably (Cooper 1997, 97).

William Riker's assessment was that: "If the nation was shocked by the state of the Army at the beginning of the Spanish War, the Army was even more shocked by the state of the militia"

(Riker 1957, 68). Historian Jerry Cooper noted that the Guard's issues were both institutional and organizational:

If constitutional issues caused Army reformers to question the Guard's value as a reserve, so too did the manner in which the states organized their troops...The Guard not only failed to conform with Army organization, but no two states organized their soldiery in the same way (Cooper 1997, 96).

Stephen Skowronek wrote that: "In the war with Spain, the previous twenty-year sequence of fragmentation in Army politics was replayed as farce" (Skowronek 1982, 112). Despite these problems, the public perception of the citizen soldier was largely positive. The exploits of militia forces, and in particular Teddy Roosevelt's Rough Riders, became legendary. However, the war and its outcome – the acquisition of new overseas territory – exposed the Army's unpreparedness, and in particular, the Guard's inability to rapidly deploy and fight abroad.

President William McKinley appointed Elihu Root as the Secretary of War in 1899 to fix the Army's mobilization and organizational problems (Cooper 1998, 108-109). Secretary Root contended with two competing demands: increasing the Army's effectiveness while seating his changes in over a century of American military culture. Professionalizing the Army was widely seen as the most important aspect of improving its effectiveness. Root was not a military man; he relied on contemporary military theory to make his initial assessment as to what should be done.

Secretary Root's analysis of the problem he faced began with the writings of the Army's chief theorist on military professionalism, Major General Emory Upton. A Civil War hero, Upton's views shaped a generation of military officers. Upton favored an Army modeled on the Prussian general staff system, in widespread use across Europe. More importantly, Upton advocated for a reduced role for the militia in national defense:

He thought a company (fifty to one hundred men) should be the largest organization that a state should raise in time of war, that the federal government should reserve to itself the appointment of all field officers, and that West Point should educate 'a surplus of officers, who in time of war should be appointed to the grade of field and general officers' (Fitzpatrick 2001, 365).

Historian Michael Doubler interprets Upton's position as one of "Disdain for the militia and the machinations of partisan politics," which "were assimilated into the collective consciousness of the American officer corps" (Doubler 2003, 141). Fitzpatrick argues that Upton did not despise the militia. Rather, he felt that it was a state-level organization that was more conducive to its traditional constabulary role than modern warfighting (Fitzpatrick 2001, 368). Regardless of his personal views of the militia, Upton's disciples in the Army tended to view the amateur soldier as inferior to the professional. This perception exacerbated the tension between the regular army and the National Guard as both organizations fought for reforms that would improve their effectiveness and enlarge their role in national defense.

Root worked diligently to balance the competing interests of the Army and the National Guard. In doing so, Root negotiated with Congress simultaneously along two tracks. First, Root wanted to bring about the professionalism that Army leaders sought. Along these lines, he saw the creation of an Army War College and the expansion of the General Staff as critical innovations that he felt the U.S. Army had to develop (Millett and Maslowski 1994, 326–327).

Second, Root was a strong advocate of militia reform. He noted that:

It is really absurd that a national which maintains but a small regular army and depends upon unprofessional citizen soldiery for its defense should run along as we have done for one hundred and ten years under a militia law which never worked satisfactorily in the beginning, and which was perfectly obsolete before any man now fit for military duty was born. The result is that we have practically no militia system (De Pue 2004, 236).

His plans for bringing about reforms of the regular army's structure and the militia act were grounded in his understanding of the military challenges that faced the nation's military:

The Army and the militia would have to make a huge, cultural shift from their more recent roles of frontier constabulary and strikebreakers to an effective instrument for overseas service...The old ways of doing business, that included division of authority between the secretary of war and the commanding general, the near independent authority of the various bureau chiefs, and the iron grip of bureaucratic red tape that existed during peacetime, were no longer acceptable (Doubler 2003, 136).

Root's challenge was to change not only American military institutions, but the culture that surrounded them.

Secretary Root's plans for military reform changed significantly during his tenure as the Secretary of War. At first, Root embraced a largely Uptonian viewpoint. Root advocated for using the National Guard as a training base for an expandable citizen army (Doubler 2003, 141). As historian Mark De Pue notes, Root's position on militia reform shifted as he recognized the barriers to his initial plan:

Root did not receive a blank check from Congress on staff reorganization, as the Bureau system was well entrenched in the Army, with powerful congressional allies. Root moved slowly, reforming the Army's disjointed school system in 1901, and adding officer training for each post (De Pue 2004, 235-236).

Root recognized that to achieve his reforms, he would need a broad base of support from members of Congress as well as military leaders from both the regular army and the National Guard.

Senior leaders in the National Guard and the National Guard Association had their own competing agenda. Their overarching goal was to gain national financial support for the Guard while maintaining the greatest degree of state control possible. What was undecided amongst them was the degree of federal control they would accept in exchange for additional funding. Guard and Guard Association leaders saw Root's reform initiatives as a vehicle for achieving these goals:

Elihu Root's reforms convinced the NGA and militia leaders that the time had finally come to press for legislation that would fundamentally redefine the State soldiery and its ties to the federal government. The conduct of the Spanish-American War and the closing of the American West convinced senior National Guard leaders that their real value at the dawn of the 20<sup>th</sup> Century was as a federal reserve to the Army (Doubler 2003, 142).

Root worked with National Guard leaders throughout his tenure to bring about military reforms.

The National Guard Association put forward its own counterproposal to Root's. Guard leaders were influential in both shaping the proposed legislation and shepherding it through Congress:

Well before Congress acted, then, the key provisions of the law were widely discussed. Indeed, General Albert Ordway of the District of Columbia had proposed the basic outlines in 1882. Given the prevalence of these views, Root's task was to encourage agreement among Guard leaders and garner support in Congress...

Root conferred frequently with NGA leaders and Representative Charles W. Dick, long-time member of the Ohio National Guard and chair of the House Militia Affairs committee. Because of Root's careful cultivation of support, a militia bill moved through Congress without significant opposition and became law early in 1903 (Cooper 1997, 109).

As Stephen Skowronek observes, "Basically, the Guard sought army reform from the bottom up in the name of federalism and the amateur, whereas the regulars sought army reform from the top down in the name of nationalism and professionalism" (Skowronek 1982, 95).

The result of the National Guard leadership's bargaining with Secretary Root was the Dick Militia Act of 1903. De Pue explains the key features of the new law:

The Dick Act officially divided the state militia into an "organized militia, to be known as the National Guard of the State" and a Reserve militia. It required that the organization, armament and discipline of Guard units mirror that of the Regulars... *In exchange* Guardsmen would be paid for attending summer camp (but not the weekly drills) and the states would receive some federal funding, improved equipment and Regular Army support. *The catch* was that Guard units would also be subject to Regular Army inspections (Emphasis added)(De Pue 2004, 238).

The Dick Act's effect on the National Guard was profound. As Millet and Maslowski write,

"The Dick Act essentially exchanged federal dollars and equipment for increased Army control

of the Guard's training and organization." Doubler also notes that the new law completely altered the Guard's relationship federal and state governments:

The practices of the volunteer militia as a self-supporting and largely independent entity gave way to a new military force with significant federal funding and subject to the controls of the War Department. The days of the ill-defined relationship between the federal government and the War Department were gone (Doubler 2003, 144).

Cooper argues that the Dick Act increased the Guard's standing in military affairs:

The law gave the state soldiery a statutory place in public policy. It incorporated the National Guard in the nation's military system and obligated the federal government as much as it imposed requirements on the states, a fact often neglected by zealous general staff officers seeking to revamp military policy (Cooper 1997, 111).

The law also authorized Congress to call up the National Guard for overseas service – a bone of contention stemming back to the War of 1812 (Cooper 1997, 109). Jeffrey Jacobs explains one of the Dick Act's most important features – declaring the National Guard as the country's combat reserve while retaining the Guard's dual nature as a state militia and federal force:

By including a provision making the Guard the nation's primary military reserve, the act significantly enhanced the Guard's stature. Notwithstanding these significant reforms, the Dick Act did not alter the distinctively state character and complete state command of the Guard (Jacobs 1994, 34).

By replacing the Militia Act of 1792 with this new law, Secretary Root forged a new bargain between the Army and the National Guard. By agreeing to expand the National Guard's role in national defense, Root won support for his expanded general staff and the establishment of the Army War College to enhance the regular army's professionalism and military effectiveness (Millett and Maslowski 1994, 328–329).

The National Guard and the Guard Associations' achieved their preferred reforms is a direct result of their leaders' successful coalition building efforts. As historians Allan Millet and Peter Maslowski explain:

From 1903 and 1912, militia reform flourished in Washington, spurred by Roosevelt (an ex-Guard officer), Root, Assistant Secretary of War William Cary Sanger (also an ex-Guardsman), the National Guard Association, part of Congress, and even regular Army officers.

The final laws disappointed uncompromising Uptonian officers, states' rightsers, and the antimilitary clique in Congress, but did provide the foundations for an improved Guard for the reinforcement mission (Millett and Maslowski 1994, 329).

Stephen Skowronek points to Secretary Root's instrumental role in advocating on the Guard's behalf and in pursuit of broader military reforms:

Combining vigorous presidential support and a strong party position, Secretary of War Elihu Root fundamentally altered the positions of the contending actors... The distinguishing feature of Root's state-building initiative in the War Department is his personal mediation of the structural tensions between congressional and party interests on the one hand and the professional reform program on the other (Skowronek 1982, 213–214).

The Guard had a powerful champion in Root, who was well positioned to advocate for the Guard's preferred organizational changes. The National Guard and the Guard Association leaders' quest to expand its military role beyond domestic policing required these leaders to reorder their agency's relationship with the Army, the states, and Congress to bring about their preferred method of change.

### **From World War to Cold War: The National Guard, World War II, and Beyond**

Where the Progressive Era saw the National Guard expand its role, the Postwar Era saw the Guard's survival challenged by proponents of an exclusively federal force. While Guard units proved to be capable on the battlefield (the 29<sup>th</sup> Infantry Division, a National Guard unit, participated in the Normandy D-Day landings), their performance did not automatically translate into a prominent role for the Guard after the war (Doubler 2003, 165). Media attention, largely focused through the prism of the military's public affairs apparatus, gave the Guard little

exposure vis-à-vis the regular army (Gross 1985, 10–11). Several National Guard division commanders were replaced with regular officers at the war's outset (Doubler 2003, 185). Some senior regular army officers were openly disdainful of the Guard. In 1944, Lieutenant General Leslie McNair told Army Chief of Staff General George Marshall that: "Guard generals were unprofessional and 'not competent to exercise the command appropriate to their rank'" (Doubler 2003, 199).

Military planning for the peace proceeded while World War II was ongoing. Much of the early planning excluded National Guard leaders and advocates. On May 2, 1942, the War Department suspended the regular meetings of the committee on National Guard and reserve force policy. This absence built tensions between the active and reserve components (Jacobs 1994, 41). Recognizing the angst this had caused, General Marshall directed the postwar military planners to include the National Guard in the process. The National Guard Association became the Guard's chief negotiator for postwar planning. Retired Major General Ellard Walsh became the Association's president and the Guard's leading advocate for a prominent postwar role (Doubler 2003, 220–223). Working closely with interwar National Guard advocate and retired Brigadier General John McAuley Palmer, General Walsh and the Guard Association were able to build a prominent role for the Guard that mirrored their prewar position. The results of the negotiation were a reaffirmation of the Guard's role as the nation's primary combat reserve, along with a commitment to support the same force structure that the Guard maintained prior to the war. The National Guard would also play a key role in General Marshall's proposed universal military training plan.

*Challenges to Survival: The Gray Board and Military Reorganization for the Cold War*

The National Defense Act of 1947 ushered in a host of changes to the American military established. Sweeping changes to national security institutions included the creation of the Department of Defense, the National Security Council, the Joint Chiefs of Staff, the Central Intelligence Agency, and the United States Air Force as a separate branch of the armed services (Zegart 1999). The implications for the National Guard were initially positive. The legislation provided the foundations for the Air National Guard and its integration into the National Guard Bureau (Doubler 2003, 228).

Some aspects of the law led to a significant challenge to the Guard's survival. The universal military training plan that was the centerpiece of Marshall's postwar military plan was omitted from the National Security Act entirely. More importantly, the act served as a catalyst for newly appointed Secretary of Defense James Forrestal to appoint a commission to examine the role of the National Guard and Reserves. Headed by Assistant Secretary of Defense Gordon Gray, the Gray Board recommended to Secretary Forrestal that the National Guard and the federal Organized Reserve Corps be merged, and placed exclusively under federal control. Upon the proposal's release, General Walsh and other National Guard Association leaders appealed to Congress, which quickly dismissed the Gary Board's recommendation (Jacobs 1994, 42; Doubler 2003, 229).

Changes in military strategy also posed a challenge to the National Guard's survival. Based largely on nuclear deterrence and preventing conflict, President Eisenhower's New Look policy promised a different role for the Guard. With little use for a large conventional force, the National Guard would see its combat role shrink in favor of an expanded civil defense role. Both Presidents Eisenhower and Kennedy sought to reduce the size of the reserve components

(Derthick 1965, 112–114). Guard leaders worked to maintain the status quo in the face of these force reductions, with varying degrees of success. More importantly, NGAUS and the adjutants general were able to prevent the Guard from losing its dual role as state response force and national combat reserve. The National Guard Association cultivated Guard officers from the time of their induction to be vocal, dues-paying members of the organization who were not shy about expressing their position to their congressmen (Derthick 1965, 123). While force size and structure was the subject of revision by the Department of Defense, the adjutants general, the National Guard Bureau, and NGAUS were able to stave off changes to the Guard from DoD that would have undermined the Guard’s roles or detracted from its bureaucratic autonomy.

### **The Contemporary National Guard: A Brief Orientation**

The National Guard continues to be a unique feature of the American experiment in governance. No other nation has bifurcated its armed forces between its states, regions, or territories in a similar manner.<sup>2</sup> In this sense, the American military is divided into two distinct forces: what is commonly known as the “active duty” military, in the full time employ of the Department of Defense; and the National Guard, which is comprised of the Air and Army National Guard, not continuously active, and generally under the command and control of state governors. A third category of part-time soldiers, the reserves of the Army, Navy, Air Force, and Marine Corps, are exclusively under the control of the Department of Defense. This research

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<sup>2</sup> Other countries may have their armed forces recruited or dispersed regionally, such as in the British regimental system or the Norwegian Home Guard. Many countries have a “National Guard” (Saudi Arabia), “Home Guard” (Norway) or other similarly named military force that provides military capabilities domestically. What differentiates these countries and others from the United States is the system of dual control of the armed forces between the national and territorial, provincial, or state levels. An examination of foreign militaries made using Jane’s Military and Security Assessments Intelligence Centre, available through [www.janes.com](http://www.janes.com).

considers the reserves to be an integral component of the active duty force, since their role is exclusively national.

Today, the National Guard consists of the Army and Air National Guard, both of which fall under the National Guard Bureau (NGB), a federal-level headquarters under the Department of Defense (DoD). The NGB does not provide direct command and control over the Guard. Instead, it is a coordinating authority, through which the states' National Guard is connected to DoD. Its personnel are drawn from National Guard units across the country. At the state level, the Adjutant General, a National Guard general officer, commands both the Army and Air National Guard units in the state. This relationship is analogous to the role that the chairman of the Joint Chiefs of Staff. The chairman is not in any service member's chain of command; his staff coordinates policy and advises the president and the secretary of defense on military matters. Just as the chiefs of staff are responsible for running each branch of the service (Army, Navy, and Air Force) on a daily basis, so, too, do the 54 adjutants general exercise authority over their state's National Guardsmen.

To best understand how the National Guard operates, one must understand the various duty statuses under which it operates. The first status, State Active Duty, is the most common. The state governor activates the Guard, and the state pays all costs associated with its use. This status is used by states to respond to localized disasters or contingencies, such as crowd control during periods of civil unrest. States fund these activities from their own state budgets. States may seek federal reimbursement for costs related to State Active Duty deployments when responding to natural disasters or other emergencies. It is also possible for states to apply federal grant funding from the Department of Homeland Security to the costs of using their National Guard under state authority (Murphy 2011). The second status, "Title 32", has a much different

character. Title 32 of the United States Code governs the employment of the National Guard when operating under state control, but using money from the federal government. Historically, this status has been used to pay for monthly and annual training. As noted below, the use of Title 32 status has expanded dramatically since the late 1980's, and now covers counterdrug and counterterrorism missions.

**Table 2: Control and funding of the National Guard**

	<b>State Active Duty</b>	<b>Title 32</b>	<b>Title 10</b>
<b>Controlled by:</b>	State Governor	State Governor	Federal Government
<b>Funded by:</b>	State Government	Federal Government	Federal Government
<b>Role in domestic affairs:</b>	Limited primarily by state law	Limited by statute to training, counterdrug, and counterterrorism missions	Highly circumscribed; subject to Posse Comitatus

The third duty status, “Title 10”, implies both federal funding and control of the National Guard. Title 10 is the portion of the U.S. Code that governs the employment of the federal active and reserve component. When federalized under Title 10, the Army and Air National Guard units respond to orders from the United States Army and the United States Air Force, respectively. They no longer fall under state control until they are demobilized and released by the federal governments. National Guard mobilizations for overseas deployments in Iraq and Afghanistan are conducted under Title 10 authority. A key limitation imposed by Title 10 is that the National Guard may not engage in law enforcement activities due to the *Posse Comitatus* Act of 1878. This prohibition does not apply when the Guard is used under Title 32 or when called up to State Active Duty (Lowenberg 2009). Activation under Title 10 also removes state governors from the National Guard’s chain of command.

The National Guard is a separate entity from its civilian lobbying organization, the National Guard Association of the United States (NGAUS). Much like any professional

advocacy group, NGAUS lobbies Congress on behalf of its membership. Founded in 1878, NGAUS is one of the oldest interest groups in the country. They advocate for the same things as any other professional society – increased pay, better equipment, and improved training. Unlike other advocacy groups, NGAUS has a unique interest in the composition of the armed forces. NGAUS leaders are particularly interested in parity equipment, pay, and roles between the National Guard and the regular army. In many ways, NGAUS exists to bargain on the Guard's behalf for the rules, resources, and roles that the National Guard performs.

### **Putting the National Guard into Historical Context, 1607-1964**

This brief survey of the National Guard's changing role in American national security demonstrates some of the agency's prominent institutional features and key constituencies that have sustained it over the course of its history. Congress, the Constitution, and state governors played critical roles in assisting Guard leaders in adapting the agency to new national security demands. National Guard and NGAUS leaders were able to form coalitions of interested parties at critical points in the Guard's history to renegotiate the agency's role in national security. The sweeping changes that the Guard achieved by replacing the Militia Act of 1792 with the Dick Militia Act of 1903 represent the most significant of these bargains.

The National Guard's roots as a state militia have influenced the agency's trajectory. Over time, these roots have atrophied. More accurately, the relationship between the Guard, the states, and the federal government has changed. In its early years, there was little truly "National" about the Guard – it was a local force. Since the Guard served as a state governor's primary response force for civil disorder, the states had a vested interest in the Guard's maintenance. Along with mere presence, state governors needed the Guard to be an effective policing instrument. This was

not always the case. Secretary of War Root's reforms gave the states something they could not afford on their own – a trained and equipped domestic response force. The states no longer had to pay the majority of the cost associated with maintaining the National Guard. In exchange, the states lost a measure of control over the Guard and its deployment for wartime service. It was a trade that the states governors were willing to make.

Undeniably, Congress played a key role in the National Guard's development. Samuel Huntington (1957) also came to the conclusion that the Guard's clout on Capitol Hill would be instrumental to any success it would have as a military organization:

The existence of the Guard will necessarily prevent the development of a strong and ready national reserve organization. The Constitution has made the Guard into a powerful political force, and it is not inconceivable that this political strength may make the Guard into an effective military organization" (Huntington 1957, 191).

Huntington clearly articulates a paradox inherent in the National Guard's institutional arrangement. Because the part-time National Guard cannot be professionalized in the same way a standing army can be, its efficacy may, to some degree, be *in spite of* its institutional framework and not because of it. Said simply, it is very difficult for military units, particularly large ones such as a 3,500-soldier combat brigade, to become proficient at their military tasks when training for approximately 40 days each year. Yet by its inherently activist political nature, derived from the same framework, the Guard is able to advocate for the resources that would improve its ability to be an effective military organization.

The National Guard's durability prior to the 1973 is largely credited to its relationship with Congress. As Samuel Huntington writes "In the final analysis the influence of the Guard boils down to its influence with Congress" (1957, p. 175). Martha Derthick (1965) adds another dimension to Huntington's claim. She argued that the Guard was able to get what it wanted (that

is, organizational durability) based on its relationship with Congress, but also due to the nation's military needs:

The Guard's success at any given time has depended heavily on the mood of Congress in military matters, and this in turn depended on circumstances external not just to the Guard or even Congress, but to the nation. The Guard has never been able to achieve major goals except when a need for military legislation seems plausible to Congress" (Derthick 1965, 164).

Derthick and Huntington's observation rings true, particularly when one considers the number of times that the Guard has faced competition from the regular army and federal reserve component in battles over funding, equipping, manning, and bureaucratic turf.

Congress and domestic politics alone cannot explain the National Guard's development. Just as importantly, the nation's military exigencies drove these constituents to rethink the Guard's role at critical points in the nation's history. Interstate war and labor strife played essential roles in the Guard's development. Wars can shape, or re-shape, how a country utilizes its armed forces, as well as the relationship between the military and society (Mayhew 2005). America's national security needs over the past two centuries have changed dramatically; so too have the means employed to meet these needs. The National Guard has played roles in ensuring domestic tranquility as well as providing for the common defense. These dual roles were necessitated by the overriding fear of centralized power, which led America to forgo the national policing capabilities that other countries possess. As Daniel Kryder notes:

American presidents have always rules with relatively spare and fragmented federal policing institutions, and efforts to develop more unified and powerful agencies engage a fundamental obstacle. The Founders detested centralized authority, and their Constitution reserved the power to maintain domestic order, barring emergencies, to the states. Thus, in the first century of the republic, the executive enforced laws through extant, relatively capacious federal agencies such as the Post Office and the Army, for there were no other options (Kryder 2010, 213).

The National Guard is one example of an agency that filled the vacuum caused by the lack of a strong American central government. It was this gap, more than the demand for an effective military force, which dictated the National Guard's first century of development after the Constitution's ratification. This gap, along with the Guard's relationship with Congress and the states, made the agency ripe for new demands. This is not because the Guard is the most effective or best option for a new demand. In some cases, it is the only option. Arguments about the National Guard's efficacy have always existed. However, these concerns only became overriding when America's oceans could no longer keep the outside world at bay. The Progressive Era military reforms that Skowronek, Cooper, and others explore played a powerful role in catalyzing the debate over the National Guard's role at the turn of the 20<sup>th</sup> century. It was at this point that military effectiveness trumped parochial concerns in military affairs.

The Cold War had a similar effect on this debate. William Riker, writing at the dawn of the space race, concluded that the military's bifurcation into federal and state forces was impractical:

Clearly there is no justification for the division of the military function on the grounds of efficiency. Since it has already been shown that there is no justification for the division as a sanction of the guarantee of the perpetual existence of the states, there seems to be no convincing justification for a divided military command. The division can thus be regarded as an undesired bequest from the political thought of the eighteenth century (Riker 1957, 116).

Riker argued that by the late 1950s, any utility that the militia had as a guarantor of state's rights had long since passed. In his view, the Cold War and nuclear deterrence strategy had voided the original political reasons for dividing the military apparatus between the state and federal government. In both the Progressive Era and the Cold War, the international system came to effect America's national security institutions. Peter Gourevitch calls this effect "the second image reversed":

The international system is not only a consequence of domestic politics and structures but a cause of them. Economic relations and military pressures constrain an entire range of domestic behaviors, from policy decisions to political forms. International relations and domestic politics are therefore so interrelated that they should be analyzed simultaneously, as wholes (Gourevitch 1978, 911).

These external pressures helped to create the domestic political conditions necessary for the National Guard to renegotiate its relationship within the American institutional framework. In the chapters that follow, I examine the conditions under which the National Guard followed this pattern of renegotiation in adapting to new roles over the past five decades.

# Chapter 4

## Change Under Fire? The National Guard and Campus Unrest

*“The actions of some students were violent and criminal and those of some others were dangerous, reckless, and irresponsible. The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted, and inexcusable.”*  
- Report of the President’s Commission on Campus Unrest, October 5, 1970

The National Guard Association’s headquarters is located in a stately building at One Massachusetts Avenue, near Union Station in Washington, DC. In its basement is a museum that gives visitors a self-guided walking tour through the National Guard’s history, from a seventeenth century militia through the Global War on Terrorism. In a dimly-lit corner of the museum’s section depicting the Guard in the Cold War era is a short paragraph that describes the National Guard’s role in quelling civil disturbances and campus unrest in the 1950s, 60s, and early 70s. The National Guard’s most visible black eye, the Kent State shootings of May 4, 1970, is a dark footnote from a tumultuous time.

Those few words in a dark corner represent what may have been the most fitful period in the Guard’s history. As discussed in Chapter 3, when local law enforcement agencies are overwhelmed, the National Guard is a state governor’s response force. The National Guard was frequently called upon to maintain order over a decade of intense social upheaval. Nearly every state governor deployed the Guard at the height of America’s explosive racial tensions and anti-war protests. The violence was well beyond the scope and scale of what Guardsmen had previously encountered. The labor strife that the Guard routinely broke up in the first half of the century was localized and manageable. The social and anti-war movements were neither.

How did the National Guard adapt to its increasing use in quelling civil disturbances?

This chapter examines the National Guard's role in maintaining order amidst chaos. It examines the changes in reputation and autonomy that the Guard incurred in this expanded role. I show that National Guard leaders were unable to bring about significant adaptation to the Guard during this period. The absence of change is striking, particularly after the Kent State shootings. The chapter explores three key questions. First, why did the National Guard have difficulty adapting to an expanded role in responding to civil disturbances? Second, what explains the lack of adaptation following the Kent State shootings? Third, what can the answers to the first two questions tell us about the effects on the National Guard's bureaucratic autonomy, reputation, and survival as a bureaucratic entity?

I argue that the National Guard's leadership faced nearly insurmountable challenges in dealing with campus unrest. Prior to Kent State, President Johnson's decision not to deploy the National Guard to Vietnam had a negative impact on the Guard's ability to increase bureaucratic autonomy and enhance its reputation. Deprived of its warfighting mission, Johnson's decision left the Guard with an unhappy task on the home front. The Chief of the National Guard Bureau, state adjutants general, and senior unit commanders worked to improve the agency's ability to respond to the increase in domestic strife. They sought increased funding for non-lethal equipment and additional training. Despite these requests, and the Guard's deployment to maintain or restore order, the National Guard was not adequately equipped for riot control as fatefully evident at Kent State. The changes that came after Kent State were not a result of any National Guard initiative. Updated procedures were imposed on the Guard rather than generated from within. Perhaps most importantly, the Nixon Administration gave short shrift to the findings of the Kent State investigations. The combination of presidential apathy regarding

campus unrest and the DoD's focus on the fighting in Vietnam created an environment that was not conducive for the Guard to adapt to a thankless mission.

The chapter proceeds as follows. I briefly evaluate where the National Guard stood with regard to bureaucratic autonomy and reputation prior to the events at Kent State. Next, I show that the Guard adapted very little to its expanded role combating civil disturbances. The Vietnam War dominated the military's agenda. Kent State was viewed as one of the war's symptom. Efforts to improve riot control procedures were more triage than antidote. The change that did occur was imposed from outside the National Guard. The confluence of three external factors – the drawdown in Vietnam War, the end of the draft, and the transition to the All-Volunteer Force – were more pressing concerns than adapting the Guard and improving its performance in civil disturbances. Unlike the cases that I examine in later chapters, National Guard and Defense Department leaders had little incentive to invest in such a wildly unpopular mission.

### **The National Guard Before Kent State**

Prior to the 1960s, Guardsmen were no strangers to quelling civil disturbances. As historian Clarence Clendenen observed:

The labor struggles of the latter part of the nineteenth century had the effect for many years to come of fixing the role of the militia, or National Guard, as an agency for restoring or maintaining order... Riot duty or duty in a strike could not have appealed to most of the officers and soldiers of the Guard (Clendenen 1989, 85).

The Guard's involvement in civil disorders changed considerably following World War II. The Guard's most visible deployment in a law enforcement role came in 1957. Governor Orval Faubus mobilized the Arkansas National Guard to enforce segregation in Little Rock. President Eisenhower took the unusual step of federalizing the Arkansas National Guard to enforce federal desegregation laws. According to Clendenen, "The soldiers and officers of the Arkansas Guard

are the only ones in modern military history who have been on both sides of a “war” within a week” (Clendenen 1989, 101). From that point forward, National Guard units were employed to assisting state and local law enforcement with increasing frequency.

As social unrest fomented, so to did America’s military mission in Vietnam. The burgeoning war in Vietnam was exceptional for the National Guard’s almost total absence from duty in the War. President Johnson decided to accept Defense Secretary Robert McNamara’s recommendation to keep the reserve components out of the war. Vietnam represented the first war in American history where the Guard or its predecessor, the state militia, did not fight in significant numbers alongside regular army units.

The decision had devastating implications for the Guard. In a material sense, the Guard’s readiness eroded as spare parts and new equipment were deployed to Vietnam, bypassing the National Guard. The Guard’s readiness was not its most significant casualty. The Guard became a haven for draft dodgers, with little other motivation to serve (Doubler 2003, 259). The decision to keep the Guard out of the war exacerbated any animosity that active duty soldiers had for the National Guard (Marsh 2012). The National Guard’s domestic role increased as its potential for deployment to combat waned. The Guard’s reputation declined in the eyes of the active component, a function of decisions beyond the control of the Guard’s leadership.

#### *Watts and Detroit: A Prelude to Kent State*

Throughout the mid- to late-1960s, the National Guard responded to hundreds of calls from state governors to quell civil disturbances. Two incidents stand out. On August 11, 1965, the Watts section of Los Angeles became engulfed in rioting after a confrontation between local law enforcement and two black youths. City and state police were overwhelmed quickly, and the

California National Guard was deployed in a State Active Duty status to stop the violence. Already prepared to deploy for annual summer training, the 40<sup>th</sup> Armored Division of the California National Guard deployed to Watts instead. Within 48 hours, the division was in place, reinforced by another National Guard division from northern California. The riot took 10 days to bring under control (Doubler 2003, 261–262).

Despite 35 deaths and the damage that the riot caused, the California Guard's response was considered a success. From a planning and implementation standpoint, the Guard performed largely as expected:

The Watts riot provides certain broad lessons in the role and conduct of the National Guard in civil disorders. The operation of mobilizing and transporting the troops proceeded smoothly because considerable prior thought had been devoted to the steps to be taken in case of public disorder or disaster – in other words, there was a broad general plan in existence, and it was followed (Clendenen 1989, 107).

Just as importantly, the Guard operated as a supporting force to civilian authority; martial law was never declared. Federal forces remained on the sidelines. Watts was the first of many large-scale civil disturbances that the Guard would face over the next nine years.

The National Guard was not as successful in quelling the riots in Detroit in July of 1967. Encountering more resistance than seen previously in Watts, the Michigan National Guard was joined by brigades from the active-duty 82<sup>nd</sup> and 101<sup>st</sup> Airborne Divisions. The Michigan National Guard faced criticism for its apparent lack of preparedness to handle the Detroit riots. In a nationally televised address, President Johnson spoke directly to this concern:

I have directed the Secretary of Defense to issue new training standards for riot control procedures immediately to National Guard units across the country. Through the Continental Army Command, this expanded training will begin immediately. The National Guard must have the ability to respond effectively, quickly, and appropriately, in conditions of disorder and violence (Johnson 1967).

Johnson went on to discuss the establishment of a special commission, known as the Kerner Commission, to make recommendations as to how the Guard should respond to civil disorder in the future.

As the Kerner Commission began its work, members of Congress also investigated the National Guard's response to the Detroit riots. The House Special Subcommittee to inquire into the Capability of the National Guard to Cope with Civil Disturbances focused exclusively on how the federal government could ensure that the Guard was prepared for future riots. Notably, the underlying social tensions that boiled over in Detroit were considered beyond the committee's jurisdiction. As Congressman F. Edward Herbert explained:

We want to be sure that the Guard has the capability of fulfilling its constitutional responsibility....This committee is not interested in what causes a riot or civil disorder, as a committee.

All we are in is the position of a chief of a fire department. When a fire starts, I don't care whether it is arson or an accidental fire; all that fireman is interested in is putting out that fire. What would prevent it or what caused it is none of our concern (United States House of Representatives 1967, 5675-5676).

Congress treated the Guard's performance in Detroit and the root causes of the riot as mutually exclusive. In fact, the opposite was true. Nevertheless, Herbert and the committee's approach to the problem limited the committee's focus to the Guard's tactics and equipment.

In the eyes of the active duty military's leadership, the National Guard required little substantive change. Undersecretary of the Army David McGiffert asserted that the Guard remained the force of choice for combating domestic strife:

To the extent military involvement cannot be avoided, it should be limited to that degree justified by the necessities of the case; and the forces employed should, insofar as possible, be those of the National Guard (United States House of Representatives 1967, 5679).

General Ralph Haines, the acting Chief of Staff of the Army, asserted that the best way to improve the Army's riot control capability was through improved coordination between federal, state, and local law enforcement agencies and the military:

In the aftermath of Detroit, we see the necessity for establishing closer liaison with local and State officials so that we may be better informed of their plans for coping with civil disturbances. Prior coordination will facilitate transition from State to Federal control of forces in the affected area, in the event this becomes necessary. Our object, of course, should be to achieve unit of effort among all agencies concerned with restoring law and order in the area (United States House of Representatives 1967, 5681).

In his opinion, the National Guard was properly trained and equipped to deal with civil disturbances: "The National Guard of each of the several States is today adequate in numbers of personnel and composition of units to respond to State emergencies except under extraordinary circumstances (5682)".

Major General Charles P. Stone echoed General Haines' sentiment. General Stone served as the Deputy Commander of Task Force Detroit, the active duty headquarters in charge of the federal response to the riots. In a written after-action report submitted to General Haines, General Stone argued against significant changes in the way the military approached civil disturbances:

No new principles, doctrine, or radically different techniques for handling civil disorders are required as a result of our experiences in Detroit....What we need is different emphasis in training, better use of weapons available, more imaginative employment of techniques described, better leadership and command and control...Hesitation and vacillation on the part of local and state officials and military commanders contribute to the breakdown of law and order (United States House of Representatives 1967, 5684).

Little organizational change was necessary to combat the rising tide of civil strife. If any significant changes were required, they related to Guard leadership and training. General Stone cited the variation in the amount of time that National Guard units trained for civil disturbances; 32 hours for Illinois Guardsmen, compared with 8 hours for the Michigan Guard. He also noted that Guard units had little training in urban riot control or combat in cities. For the active

component, the Guard's response to future riots could be improved without addressing the causes of social unrest.

The National Guard's leadership acknowledged the agency's faults in Detroit. Major General Winston P. Wilson, Chief of the National Guard Bureau, noted that the Guard was trained and equipped for its role as a combat reserve – not as a law enforcement agency:

The protection afforded individual states and communities is a byproduct of its national commitment and a bonus to the American taxpayer who – without the National Guard system – undoubtedly would have to purchase another system of local security (United States House of Representatives 1967, 5749).

Major General Arthur Lloyd, Lloyd, President of the Adjutants General Association and the Kentucky Adjutant General, argued that the Guard's organization for combat was not always conducive to the missions that the states assigned to the Guard (5792). Despite the National Guard's training and organizational challenges, General Wilson expressed his overall satisfaction with the Guard's preparedness: "Although we have soft spots, we are, generally speaking, in a better state of training readiness for both our Federal and State missions than we have been in a long time (5750)". The active component leadership also supported the Guard's assertion that the agency's performance had received undue criticism. General Stone's report on the Detroit riots also argues that the Guard's performance was not as poor as the media had portrayed it:

While it must be acknowledged that many serious deficiencies were evident in the operations of the Army National Guard units, I consider grossly unfair to give serious credence to the allegation (Time, Newsweek, Detroit Press) that the difference in training of the Guard and the Regular forces was the reason for the serious destruction in western Detroit (which was the National Guard responsibility) as opposed to eastern Detroit (which was the Regular Army responsibility). The fact is that western Detroit was the trouble spot, that eastern Detroit was initially occupied by the National Guard, and that the riot had really spent itself except for one short outburst on Wednesday afternoon, when the Regular Army forces were committed to eastern Detroit.

In sum, the National Guard was not considered to be in desperate need of significant organizational change. With more training and better leadership, the Guard could contain civil disturbances.

### *The Limits of Learning and Change*

During the Herbert Subcommittee's hearings, members of Congress explored a series of issues dealing with how the Guard was organized. Two stand out. Congressman Frank Slatinshek considered the possibility of putting federal troops under the command of a state governor. The rationale for doing so was threefold: to unify the chain of command under one elected official, to provide that with active-duty troops who had more consistent training, and to bypass the Posse Comitatus Act restrictions of active-duty forces. When Congressman Slatinshek asked Martin Richman from the Justice Department's Office of Legal Counsel about his proposal's feasibility, Martin expressed opposition to the idea:

As a matter of policy, as a matter of legal policy, it seems to me more appropriate that a Federal force should remain under the direct chain of command of its Commander in Chief, the President, exercised through military channels. Therefore, accepting that for the moment as an established policy, it then follows, *if you are going to get the advantages of single command of all the military forces, that all the National Guard, as well as all the Federal forces in the area, would have to be under a federal command* (emphasis added)(United States House of Representatives 1967, 5823).

A second issue related to the limitations that federalized National Guard soldiers faced that those under state command did not. Once federalized, Guardsmen were no longer responsive to state-level authorities. This situation could slow coordination and create tension between state police, local law enforcement agencies and the National Guard (5841). While these issues remained unresolved well beyond the 1960s, they would resurface in the wake of other National Guard deployments (see Chapter 7).

While the Congressional investigation continued, the Kerner Commission reported its initial findings. In an August 10, 1967 letter to President Johnson, Illinois governor Otto Kerner and New York City mayor John Lindsay made three recommendations related specifically to the National Guard. First, the Guard should increase the number of African American soldiers in its ranks. Second, riot control training should be improved and expanded. Third, the Department of Defense should review officer qualifications for Guard officers “to prevent the promotion of substandard officers” (United States House of Representatives 1967, 6104). In addition to these early findings, the Kerner Commission found that the Michigan National Guard had behaved in an undisciplined manner, and that it was inadequately trained and equipped for its role in riot control (Scheips 2005, 195–199). The Kerner Commission’s findings were not subtle regarding the Guard’s reputation. The commissioners did not hold the National Guard in high esteem.

Following the Kerner Commission report and the Herbert Subcommittee, the active duty Army worked to improve its riot control procedures. The Army’s Continental Army Command implemented a training plan to prepare active-duty units to respond to civil unrest. The Army’s field manual on civil disturbances and disasters was revised to include guidance on combating looting, arson, and sniping. The Army also created a Senior Officer Civil Disturbance Orientation Course for law enforcement and military personnel. The week-long course was designed to improve coordination between federal, state, and local law enforcement agencies and the military (Jordan 1968).

While the Army implemented these initiatives, the Guard leaders made little effort at adaptation. The Guard’s leadership did not adapt its organizational structure or seek changes to statute or policy to improve its performance in the future. Following the Herbert Subcommittee’s investigation, Congress did not make any statutory changes to the Guard’s responsibilities. The

Defense Department mandated additional riot control training at President Johnson's direction, but did not make any further changes. Despite its expanded role in combating civil disturbances, the Guard's leadership did not undertake any new initiatives of their own accord. Guard leaders did not propose an expansion in military police units that would have been better equipped to deal with civil disturbances. Nor did the members of Congress or the executive branch advocate or fund an expansion of state police forces to take the burden off of the Guard. Changes to the National Guard and its role in civil disturbances would come from the outside.

Perhaps just as importantly, elected officials did little to address the root causes at the heart of campus unrest until the 1970s. None of the changes proposed by the Kerner Commission or the Herbert Subcommittee addressed the increasing racial and social tensions facing the country. The Kerner Commission placed these concerns at the center of its analysis (National Advisory Commission on Civil Disorders 1968). In a subsequent Senate hearing that examined the Detroit riots, Michigan governor George Romney noted the problems inherent in this approach:

If the answer to riots like those in Detroit and other cities were simply better law enforcement and tougher anti-riot measures, our task would be relatively easy – but our system would become little better than a police state (United States Senate 1968, 1222).

The riots in Watts and Detroit are illustrative of the National Guard's changing role in stemming the tide of civil unrest. Historian Jim Dan Hill captures this shift:

It is thus apparent that social unrest and violence in civil strife has drifted away from the factory gates and is now centered in the parks and boulevards for protest marching which apparently must be protected against unsympathetic spectators; in government and university buildings for strident voices, picketing, and sit-ins; and in the ghettos for burnings, lootings, and robust combat, complete with sniper gunfire and counterfire. Meanwhile, the National Guard continues to be a state governor's last reserve for preservation of law and order. Further reinforcements can come only from the federal governments (Hill 1989, 81).

Despite this fundamental shift in the character of civil disturbances, the Guard changed very little. It was granted no new authority to deal with the problem, nor did its leaders seek any. President Johnson, many members of Congress, senior military officers, active and Guard, felt that increased training would be enough to provide a capable response force to deal with future episodes of civil unrest. Their attention turned to the war in Vietnam.

### **The National Guard at Kent State and After**

In the years after the Detroit riots, the National Guard continued to answer the call of state governors to quell civil unrest. Two weeks prior to the Kent State shooting, Major General Winston Wilson expressed pride in Guard's ability to change tactics in response to civil disturbances. In a Senate appropriations committee hearing, General Wilson reported that:

Now we have not been running into civil disturbances as much in the past as we have in the last few years, but actually we have had to change our training programs; we have had to change because of the different concept that these people are using in disturbances, such as arson, sniping, and looting.

Before this started, we were primarily in crowd control, being able to disperse a crowd. Now we have to be able to take care of snipers, to take care of fire bombers, to take care of people who are looting. So, we have had to do a complete retraining program to increase the capability of the Guardsmen.

I think we are doing a real fine job in the past few years because we have had nothing but praise from the people that we are helping save as well as the communities. The Guard, I think, has done an excellent job in being able to quell these things. We are being used and we expect to be used when the State requires us (United States Senate 1970a, 388).

The change in tactics, from crowd control and dispersion to a focus on violent actors such as snipers, appeared to be successful. They were so much so that the Guard's budget for civil disturbance training was to be cut from \$12.3 million in FY 1970 to zero in FY 1971 (United States Senate 1970, 388).

### *Thirteen Seconds at Kent State*

On April 30<sup>th</sup>, President Richard Nixon announced that the United States had invaded Cambodia. The invasion represented an escalation of the Vietnam War. The announcement sparked riots on the Kent State University campus, which also threatened citizens in the city of Kent. Protests continued through May 2<sup>nd</sup>. Responding to a request from Kent mayor Leroy Satrom for assistance, the Ohio National Guard deployed soldiers to quell the violence (Eszterhas 1970, 74–80). During the course of the riots, protesters burned down the campus ROTC building. Following this incident, two infantry companies and an armored cavalry troop deployed to Kent State (Doubler 2003, 264–265).

May 4<sup>th</sup>, 1970 may be the most tragic day in the National Guard's history. Shortly after noon, an anti-war protest near the center of campus began to gain strength. General Canterbury, the commander of the Guardsmen on site, ordered his men to break up the protest. The protesters insulted the Guardsmen; approximately 50 Guardsmen reported being struck by rocks. As the Guardsmen began to run low on tear gas, some of the protesters continued to advance towards them. The Guardsmen took a kneeling position, pointing their loaded M-1 Garand rifles at the protestors (Eszterhas 1970, 158). The Guardsmen opened fire on the approaching crowd of student protesters. Four students were killed, and fourteen were wounded (Doubler 2003, 264).

Over forty years later, the exact details of the events that preceded the shooting remain a source of contention. The Guardsmen involved in the shooting were cleared of criminal charges for their role in the event. None of the student protestors were convicted of any crime associated with the protest. Explanations for the shooting abound. One line of reasoning is that the Guardsmen felt threatened by encroaching student protesters and opened fire in self-defense (Doubler 2003, 264–265). Another argument is that the shooting was that the Guardsmen were

fatigued, and suffered from a lapse in judgment (Michener 1971, 364). Some claim that the shooting was an accident, since General Canterbury did not order the shooting (Michener 1971, 409). Assigning blame for the incident is well beyond the scope of this project. Whatever the cause, the shooting represented a catastrophe for Kent State, the National Guard, and the nation.

### *The Aftermath*

Inquiries into the Ohio National Guard's actions at Kent State began immediately after the shooting. In a previously scheduled Senate Armed Services Committee hearing, General Winston Wilson, Chief of the National Guard Bureau, presented the events at Kent State as he understood them. General Wilson could offer no insights as to why the Guardsmen fired at the protesters. He noted that the Ohio Guardsmen were carrying loaded rifles in accordance with state regulations, not Army procedures (Unattributed 1970a). He asserted that the protesters bore responsibility for their actions at Kent State:

All persons on the green, whether or not confronting the police and Guardsmen, were lawbreakers in violation of the Governor's and the university's ban, in violation of the riot act and the lawful order to disperse and, for some, in violation of the Ohio code in knowingly assaulting, striking, or wounding a law enforcement officer or member of the organized militia (United States Senate 1970b, 2112).

General Wilson also debunked the claim that the Guardsmen at Kent State were untrained or ill suited for their mission:

Mr. Chairman (Senator John C. Stennis), may it also be kept in mind that all Ohio National Guardsmen have received the Army prescribed training and annual refresher training. They have received, during numerous calls to State active duty, riot training far in excess of, and perhaps equal again to the Department of Army requirements.

Few troops have been more involved in civil disturbance operations than Ohio Company A 145<sup>th</sup> Infantry, the same one – with every man struck by rocks or bricks, 26 men treated locally and two men hospitalized in this tragic incident – served in 6 days of Akron disturbances in July 1968 in which they were exposed to sporadic stoning, rock and bottle throwing, riotous crowds, and fire bombing (United States Senate 1970b, 2112–2113).

General Wilson also told the committee that the Guardsmen were operating under state control at the time of the incident – responsible to the Governor Rhodes of Ohio.

The reaction to the shootings caused the active duty Army and some (but not all) of the states National Guard to review their policies for dealing with civil unrest. In New York, the adjutant general ordered a comprehensive review of the state’s riot control procedures: “We would be negligent if we didn’t review our plans,” said Lieutenant Colonel Raymond F. Joyce Jr., the public affairs officer for the State Division of Military and Naval Affairs in Albany. New Jersey and Connecticut chose not to review their policies (Unattributed 1970b). For the Army’s leadership, Kent State illustrated the need for more training and better leadership for the National Guard. Yet the Army-mandated requirement for additional riot training that came about after the Detroit riots was weakly enforced:

By 1970 the only remaining requirement was that Guard units, in addition to their standard unit training, had to devote a single weekend to refresher instruction for civil disturbances in the first four months of every calendar year (Scheips 2005, 412).

The Army leadership’s approach to civil disturbance training can best be described as “hands-off”. Army leaders deferred to the state’s use of their National Guard units for riot control (Scheips 2005, 413). It is unclear whether this policy was the Army leadership’s decision to make. Congress and the President did not formally endorse this decision. Nor did leaders in either branch change the policy requiring 32 hours of riot control training for the Guard. The Army’s actions fell outside the Kerner Commission’s recommendations, which President Johnson had endorsed after the Guard’s performance in Detroit:

Why hadn’t the 1968 Kerner Commission findings and recommendations been applied? That commission had placed blame; it had blamed the National Guard for being jumpy, undisciplined, and deadly. It had said M-1 rifles were of no positive use in a riot. It had said most to the things that could be said about the National Guard at Kent State two years before to fact (Eszterhas 1970, 278).

It is unclear why the Army and the National Guard did not make a firmer push to improve the Guard's preparedness for civil unrest across all of the states. Should the National Guard be found wanting, the active duty Army would be pressed into more frequent domestic deployments. This was a role that the Army's leadership found undesirable (Scheips 2005, 413).

### *The President's Commission on Campus Unrest*

On June 13<sup>th</sup> President Richard Nixon established the President's Commission on Campus Unrest, known as the Scranton Commission. Like the Kerner Commission, the Scranton Commission's scope was well beyond the events at Kent State. Unlike the congressional investigation into the National Guard's performance in Detroit, Nixon charged the commission "To identify the principal causes of campus violence, particularly in the specific occurrences of this spring" (Nixon 1970). The Scranton Commission examined the root causes contributing to the Kent State shooting.

In its findings, the Scranton Commission repudiated the Ohio National Guard and condemned violent student protests. The Commission's report noted that the Guard's presence at Kent State acted as a lightning rod for student disdain regarding the Nixon Administration's escalation of military force in Southeast Asia:

The Cambodian invasion defined a watershed in the attitude of Kent students toward American policy in the Indochina war.

Opposition to the war appears to have been the principal issue around which student rallied during the first two days of May. Thereafter, the presence of the National Guard on campus was the focus of discontent. The Guard's presence appears to have been the main attraction and the main issue for most students who came to the May 4 rally.

For students deeply opposed to the war, the Guard was a living symbol of the military system they distrusted (Unattributed 1970c).

The Ohio National Guard's efforts to break up the protest and restore order had the opposite effect. Their presence incited a more intense protest.

The Scranton Commission looked beyond the events at Kent State to gain purchase over the causes of campus unrest. Like the Kerner Commission before it, the Scranton Commission cited unresolved tensions regarding social and racial inequality, coupled with anti-war sentiment, as the underlying causes of campus unrest. The commission's report noted the twin crises of violence and misunderstanding that perpetuated because of these social conditions (United States. President's Commission on Campus Unrest 1970, 1-6). The report called for changes to how universities and law enforcement agencies, including the National Guard, prepare for student protests. It called on students to express their grievances without violence. It also called on President Nixon to, "exercise his reconciling moral leadership as the first step to prevent violence and create understanding" (8-9). Perhaps most importantly, the Commissioners asserted that ending the Vietnam War and addressing social grievances could prevent future incidents.

The most damning criticism of the Ohio National Guard was that it had not learned from the National Guard's past performance in Detroit:

The Guardsmen fired amidst great turmoil and confusion, engendered in part by their own activities. But the Guardsmen should not have been able to kill so easily in the first place. The general issuance of loaded weapons to law enforcement officers engaged in controlling disorders is never justified except in the case of armed resistance that trained sniper teams are unable to handle. This was not the case at Kent State, yet each guardsman carried a loaded M-1 rifle.

This lesson is not new. The National Advisory Commission on Civil Disorders and the guidelines of the Department of the Army set it out explicitly (Unattributed 1970c).

Citing these failures, the Scranton Commission made several recommendations directly relating to the National Guard's performance in civil disturbances. As in previous studies of the Guard's performance in civil unrest, tactics and equipment were a central focus:

Sending civil authorities on to a college campus armed as if for war – armed only to kill – has brought tragedy in the past. If this practice is not changed, tragedy will come again. Shoulder weapons (except for tear gas launchers) are very rarely needed on the college campus; they should not be used except as emergency equipment in the face of sniper fire or armed resistance.

We recommend that National Guardsmen receive much more training in controlling civil disturbances. During the last three years, the Guard has played almost no role in Southeast Asia but has been called to intervene in civil disorders at home more than 200 times.

We urge that the National Guard be issued special protection equipment appropriate for use in controlling civil disorders. We urge that it have sufficient tactical capability and nonlethal weaponry so that it will use deadly force only as the absolute last resort (United States. President's Commission on Campus Unrest 1970, 12).

These recommendations bear a strong resemblance to those made by the Kerner Commission and the Herbert Subcommittee three years earlier. It is unclear why the National Guard and the active duty military did not promote the development of non-lethal weapons more strongly. Historian Paul Scheips advances one explanation. Scheips argues that despite congressional pressure to improve the Guard's performance in civil disturbances, "The Army Staff resisted such increases and sought to limit proposals for change even when the Army secretariat supported them (Scheips 2005, 413)." Scheips elaborates on this argument:

A few years earlier, the regulars had wanted a well-trained Guard to minimize the possibility of their own potential involvement in civil disturbances. But the diminished magnitude of disorders in 1970 had decreased the likelihood of federal involvement, and with it the interest Army leaders felt in civil disturbance training for the Guard. Instead, they were reluctant either to devote the time of Army instructors to expanded training for the Guard or to increase the Guard's training for civil disturbances at the expense of its training for combat (Scheips 2005, 413).

The reluctance of the Army's leadership to implement more far-reaching changes to improve its riot response capability is somewhat understandable. The active Army was focused primarily on combat in Vietnam. It remains unclear why General Wilson and the adjutants general did not propose any systematic change to the National Guard's modus operandi.

The active duty and National Guard leadership reacted to the Scranton Commission's recommendations in much the same way that they did to the Kerner Commission report. The Army and the National Guard adjusted their riot control tactics and improved their equipment. The Army developed a new non-lethal weapon system that could help Guardsmen disburse a crowd (Schmidt 1971). In the spring of 1971, the Army and National Guard leadership requested that Congress reprogram \$4.7 million dollars from the Army's procurement budget to the Army National Guard's operation and maintenance account. The reprogrammed funds were to be used to purchase riot control equipment. General Wilson, the Chief of the National Guard Bureau, indicated why the purchase had become necessary: "Our Guard units are being called pretty much on a regular basis for natural disasters, civil disturbances. Our experience has proven that additional protective equipment and nonlethal weapons to add to their arsenal are necessary" (United States House of Representatives 1971, 378). In an illustration of how little had changed in the year after Kent State, Congressman William Minshall asked General Wilson why the National Guard need to purchase the riot control equipment:

Congressman Minshall: Is it not a fact that this fiscal year we have had a minimum of civil disturbances?

General Wilson: Since January – in the last 4 months we have only been out three times altogether. Although you hear things such as the MOBE talking about disturbances again this spring. We do not know what the situation will be. One thing we do know, if we are called, we should be able to have the protective face shields, body armor and the States should have the flexibility of having Army riot batons.

Congressman Minshall: You mentioned nonlethal weapons. Aside from riot batons, what else do you have?

General Wilson: Right now that is about the only thing we have (United States House of Representatives 1971, 378).

The focus on equipping the National Guard for riot control extended beyond the Guard's uniformed leadership. Dr. Theodore Marrs, Deputy Assistance Secretary of Defense for Reserve

Affairs, discussed the changes to Guard equipment in a House Armed Services Committee hearing a month later:

Congressman O.C. Fisher: Explain what has been done, both in the way of equipment and training, in National Guard units since the unfortunate tragic occurrence at Kent State last May.

Dr. Marrs: The most important thing probably is a memorandum from the Secretary of the Army to the Secretary of Defense in which it was pointed out that the level at which an individual subjected to such stress as those people were at Kent State and in other riot control activities, that the level at which those people would have to react and resort to a more violent response could be lowered by provision of protective clothing and devices of various sorts, and by providing them specialized weapons which would be less likely to be lethal.

The Secretary of Defense endorsed and supported this. The Army's on-going study in the development of less-likely-to-be-lethal weapons, I have been reviewing at frequent intervals in order to see what is coming out of it. As near as I can tell, at this point in time, the use of tear gas is still probably the most effective nonlethal weapon that is in the inventory. There have been many, many proposals, many evaluation efforts, and that activity will continue (United States. House of Representatives 1971, 3731).

Later on in the hearing, Congressman and former Missouri National Guard adjutant general Sonny Montgomery addressed Congressman Herbert. Montgomery expressed his faith that the new equipment and more extensive training would be sufficient to meet the demands that civil unrest posed to the nation:

For the record, Mr. Chairman, you mentioned Kent State. Certainly this was sad, that anyone would lose his life, but really the National Guard in civil disturbances had a good record in 1970 in keeping down violence. *This is a new thing hat has been in a way thrust on the National Guard.* But, for the record, in 1970 the National Guard was called out 83 times for just civil disturbances in 28 States. They actually committed Guardsmen 52 times in 22 States. Really, the only real sadness, though, was when some people lost their lives at Kent State. I think the record speaks for itself. *They handled themselves very well, and the training has increased in civil disturbances and the Defense Department has given the Guard better equipment to handle the situations, so the Guard will do the job* (emphasis added)(United States. House of Representatives 1971, 3741).

Montgomery's sentiment is indicative of the absence of deeper institutional change after Kent State. There is no evidence suggesting that National Guard or the DoD leaders sought any more

changes to the Guard than an increase in riot control equipment and training.

One explanation for the National Guard's lack of adaptation after the commission's report was released may lie in the Nixon Administration's receptiveness to its findings. The Scranton Commission's report met with disdain from President Nixon and Vice President Agnew. In a letter to Governor Scranton, Nixon disagreed with the commission's findings. He placed blame for the event exclusively on the protesters and those who may have incited them:

Responsibility for disruption of a university campus rests squarely on the shoulders of the disrupters--and those among their elders in the faculty and the larger community who encourage or condone disruption (Nixon 1970).

Vice President Spiro Agnew expressed his views more publicly. Historian Peter Davies writes that, "As for the report on campus unrest in general, it had scarcely been analyzed by the nation's press before Vice President Angew condemned it as 'pabulum for permissiveness'" (Davies 1973, 146). There was little support from the administration for fundamental changes to the way the National Guard approached civil disturbances following Kent State.

#### *Adaptation from without: The All-Volunteer Force, the Vietnam Drawdown and the Total Force*

The Kent State shootings were not the cause of the most significant adaptation that the National Guard experienced in the 1970s. Three events altered the Guard's trajectory. The first of these was the end of the draft. Shortly after his election, President Nixon formed a commission to determine how the military could shift from a force reliant on the draft to one that exclusively depended on volunteers. President Nixon promised to explore the issue during his 1968 presidential campaign. In February of 1970, the Gates Commission on the All-Volunteer Force (AVF) released its findings. The commission reported that it was feasible for the military to end conscription and that, "compensation could successfully replace compulsion as the vehicle

for the manning of the armed forces” (Duncan 1997, 139). Accepting these findings, the Nixon Administration ended the draft in January of 1973.

The effects of this decision on the National Guard and American society in general were immediate. Historian John K. Mahon observed that “Interestingly, when the draft ended in 1973, violent protests on the campuses ceased” (Mahon 1989, 225). The American drawdown in Vietnam, which coincided closely with the end of the draft, also reduced societal tensions. Major General John Conaway, Chief of the Guard Bureau in the late 1980s, commented in his autobiography on the change:

It was like a daisy chain – the U.S. role in the Vietnam War ended, and so did the draft. There was not a lot of affinity for the service in the first place and then all of a sudden, the main reason for military service ends (Conaway 1997, 52).

In America, defender of the free world however bloodied from Vietnam, the All Volunteer Force was a watershed event. And it meant that all components, active and reserve, were engaged in a mad scramble for recruits (Conaway 1997, 55).

Through the All-Volunteer Force, the National Guard’s leadership sought to remove the stigma that the Guard had earned as a haven for draft dodgers during the Vietnam War. The Guard expanded its recruiting efforts among women and minorities. As its ranks thinned of Vietnam-era soldiers, the National Guard began the process of reconstituting itself into a more professional force (Doubler 2003, 274–277).

A third event that changed the National Guard took place in August of 1970. Secretary of Defense Melvin Laird proposed a new force structure that would increase the military’s reliance on the reserve components. The new “Total Force Policy” would reduce defense expenditures by rounding out active duty Army units with units from the National Guard and reserves. During times of crisis, the Guard units would mobilize for war with habitually assigned, active duty counterparts. For example, the 48<sup>th</sup> Infantry Brigade from the Georgia National Guard would be

a brigade of the 24th Infantry Division during wartime. In its peacetime role, the 48<sup>th</sup> would train alongside its active duty soldiers, but remain under state control. The Total Force Policy served as a valuable readiness tool and improved the morale in Army National Guard units (Doubler, 281-281).

As important as these changes were to the National Guard, none of these initiatives originated from within the agency. The decisions were made in an effort to draw down military spending while maintaining a credible military force to deter Soviet expansionism during the Cold War. None of these policies were aimed at improving the National Guard's ability to respond to civil disturbances or support law enforcement agencies. Historian John Mahon argues that the, "The National Guard's part in the Total Force also stands in the way of using the Guard as the major military force for domestic use (Mahon, 231)." The Guard benefited significantly from the decisions to end the Vietnam War, implement the All-Volunteer Force, and the Total Force policy. As Michigan governor George Romney predicted after the Detroit riots, improved law enforcement would be of little use in stopping future riots. The end of the draft and the war, not self-initiated strategic adaptation, reduced the demand for the Guard to quell to civil unrest.

### **Assessing the National Guard Amidst Civil Unrest**

The Guard's response to civil disturbances represents a departure from the thesis of this research. It is a case where the National Guard's leadership did not seek out changes to statute or policy to improve their agency's performance. The research in this chapter highlights several reasons for this. Two stand out. Perhaps the most important reason is that responding to civil disturbances was a duty that no agency desired. American soldiers, be they militia or regulars, are uncomfortable policing their fellow citizens. Controlling crowds and breaking up

demonstrations are inglorious tasks that the American military has shied away from. As discussed in Chapter 3, after the Posse Comitatus Act was passed in 1877, the federal armed forces were precluded from having a role in law enforcement.

Another important reason for the lack of change was that there was simply no other agency of government that could respond to civil disorder. To this day, the United States maintains no national police force. For this and other reasons, America has been considered by some scholars to possess a weak central state (see Skowronek 1982, Bense 1991, Tocqueville 2000, among others). In that sense, the Guard aligns more closely with Suzanne Mettler's conceptualization of the submerged state. Mettler argues that, in place of a more expansive or intrusive central government, the American system incentivizes private firms or individuals to provide what may be considered public goods in other countries (Mettler 2010). Along a similar line of thought, the absence of a national police force does not mean that the function disappears. Some private or public entity must step forward and perform that mission. In the 1960s and 1970s, that entity was the National Guard. State police forces grew considerably in the decades after Kent State. They provided state governors with another civilian line of defense between a civil disorder and the call-up of National Guardsmen.

### *The National Guard and Bureaucratic Autonomy*

The National Guard's role in civil disturbances did little to enhance its bureaucratic autonomy. The opposite is true. When civil disturbances were quelled without incident, the Guard's leaders had no reason to press Congress or the executive branch for changes to statutes or policies governing the Guard. After a protest ended, Guardsmen were released from duty and returned to their civilian occupations. The Guard's performance was not the subject of scrutiny

from the public or policymakers; there was little pressure for change from the outside. Acceptable performance during a riot would not lead to changes in the National Guard's bureaucratic autonomy.

However, when events went poorly, the Guard was chastised. This was particularly true after the Detroit riots and the Kent State shooting. In both cases, Congress and the President directed the Army to provide more scrutiny for the National Guard. The active component dictated new or expanded training requirements. The Chief of the National Guard Bureau and the state adjutants general were in no position to propose a different type of change. Bureaucratic autonomy involves agency adaptation undertaken without being directed to do so by its overseers. This was not the case for the Guard's efforts to quell civil unrest.

### *Reputation and Strategic Adaptation*

As noted in Chapter 2, reputation is a fickle source of agency power (Roberts 2006). The National Guard lost considerable esteem in the eyes of the public and of some policymakers after Detroit and Kent State. President Nixon's assertion that the protestors alone were the source of the incident at Kent State did not improve public views of the National Guard. The Guard's unenviable task did not shield it from damage to its reputation. The National Guard gained little from successful responses to riots or campus unrest, but suffered mightily when things went wrong.

President Johnson's decision to keep the National Guard out of Vietnam compounded the Guard's reputational decline. Not only did the Guard's reputation suffer from its ugly role policing American citizens at home; the Guard could not improve its reputation by demonstrating proficiency in the other half of its dual role as a combat reserve. The reputation as

a haven for draft dodgers further lowered the agency's esteem, inhibiting the possibility that such an unpopular agency would be in a position to advocate for favorable changes to the statutes or policies that governed it.

### *Strategic Adaptation and Survival*

Throughout this dissertation, I define survival to signify more than an agency's continued existence. Instead, survival means that an agency has a voice in its own future – that it is not reorganized from outside. It is clear that the National Guard's changes were not self-initiated. President Nixon, Secretary of Defense Laird, and Army Chief of Staff Creighton Abrams imposed the All-Volunteer Force and the Total Force Policy on the Guard. The National Guard's leaders had little choice but to adapt under conditions that were not of their choosing. Although the National Guard would benefit from its role in the Total Force, it would more than a decade after Kent State before the National Guard's leaders were able to exercise bureaucratic autonomy in the pursuit of their own policy goals.

# Chapter 5

## Crossing an American Rubicon: The National Guard and the War on Drugs

*"I just want to include just a short note, that every crisis presents an opportunity, and the Chinese character for opportunity is also the same for crisis. I would say that with the crisis we face on drugs, on the war on drugs right now, and it is growing every day, there is a great opportunity for the military to improve its credibility with the public by not being reluctant in the least to jump into this."*

– Congressman Joseph J. DioGuardi, May 14, 1986

*"We will for the first time make available the appropriate resources of America's Armed Forces. We will intensify our efforts against drug smugglers on the high seas, in international airspace, and at our borders."*

– President George H.W. Bush, September 5, 1989

The drug problem in America did not appear overnight. Unlike the campus unrest that the National Guard faced in the 1960s and 1970s (Chapter 4), it was not a violent flashpoint in a period of social and political upheaval. Nor was it caused by a singular act, such as a terrorist attack (Chapter 6) or a catastrophic storm (Chapter 7). Illegal drugs represented a death by a thousand cuts. The increase in illicit drug use, and a corresponding increase in drug-related crime and deaths, drove politicians at all levels of government to seek new solutions to the problem.

One proposal advocated by several members of Congress was to increase the military's role in the War on Drugs. Law enforcement officials needed help. Only the Armed Forces had the manpower, resources, and equipment to staunch the flow of illegal narcotics into the country. Treatment and prevention programs would only go so far in combating the problem. Increased interdiction efforts would also drive the cost of drugs up. The Department of Defense represented an untapped resource in what had grown into a war on drugs (Sanchez 1991).

To use the military to fight the drug war involved crossing a Rubicon in American

domestic politics. Law, precedent, and the military's culture precluded the Armed Forces from participating in or advocating for a broader role in the drug war. As commander of the Continental Army, George Washington established the tradition of military subordination to civil authority. He would serve as president and commander in chief of the military as a civilian, not as a general (Kohn 1991). The Posse Comitatus Act of 1878 created a long-standing prohibition against using the military for law enforcement (Munsing and Lamb 2011, 7–8). Active duty military leaders focused almost exclusively on external threats to the country. Warfighting, not crime fighting, was their core competency (Andreas and Price 2001). Domestic efforts would sap combat power, affecting wartime readiness (Abbott 1988, 100). As such, senior officers and appointed officials had little appetite for engaging in domestic missions.

Given these Rubicons, how did the National Guard come to take on a prominent place in the War on Drugs? This chapter examines the National Guard's role in the War on Drugs. It examines the changes in reputation and autonomy that the Guard was able to achieve in this new role. I show how National Guard leaders rapidly and readily adapted the agency to perform counterdrug operations. In doing so, the chapter explores three key questions. First, why did the National Guard take on this new role? Second, why was the Guard so successful in meeting these new demands? Third, what can the answers to the first two questions tell us about the National Guard's ability to enhance its bureaucratic autonomy, improve its reputation, and to survive?

I argue that the National Guard's leadership bargained for a new, expanded role in the War on Drugs. This in turn allowed for improvements to the Guard's bureaucratic autonomy and reputation. The Guard offered a unique set of capabilities that allowed it to play a role in the drug war. It was not subject to the Posse Comitatus restrictions that prevented the active duty military from operating domestically. The Guard could use existing force structure to execute the new

mission. The Chief of the National Guard Bureau, the adjutants general from the Border States, and the National Guard Association of the United States (NGAUS) offered up the Guard as a solution to the problem of how to employ military capabilities in the drug war without violating law or precedent. By amending existing statutes and increasing the Guard's budget, Congress and the President could make an impact on the drug war while deriving an electoral benefit for doing so. In the process, the National Guard could improve both its bureaucratic autonomy and reputation.

The chapter proceeds as follows. I will briefly evaluate where the National Guard stood with regard to bureaucratic autonomy and reputation prior to undertaking a role in the War on Drugs. Next, I will show how macropolitical pressure from Congress and the President led to the National Guard's expanded domestic role. This pressure created an opportunity for the Chief of the National Guard Bureau and numerous state adjutants general to bargain for the counterdrug mission. Their plan, based on a model of centralized funding and decentralized planning and implementation, secured the agency's bureaucratic autonomy. The Guard's participation in the War on Drugs enhanced its reputation and secured its role ahead of the post-Cold War defense cuts. Finally, I will show how the outcomes that stemmed from the Guard's strategic adaptation set the stage for future rounds of bargaining with Congress, DoD, and the White House. The resulting adaptations would give future Guard leaders a template for how they would respond to 9/11 – the subject of the next chapter.

## **The National Guard Before the War on Drugs**

### *The Military after Vietnam: Revitalizing the Reserve Component*

Throughout the post-Vietnam era, the National Guard sought to rebuild its reputation as a combat reserve. Following the move from a conscripted military to an all-volunteer force (detailed in Chapter 4), the National Guard's reputation was decidedly mixed. On the one hand, few could blame the National Guard's leadership or members for how President Johnson kept nearly the entire Guard out of the Vietnam War. The Guard responded when it was called upon for domestic crises and limited overseas engagement. On the other hand, many saw the Guard as a haven for individuals seeking shelter from combat deployments in Vietnam (Doubler 2003, 266–267). Few could argue that the Guard's reputation was uniformly positive, particularly in light of its response to domestic disturbances (as detailed in Chapter 4).

The National Guard faced significant obstacles to rebuilding itself after Vietnam. Without the draft driving recruitment and with little financial incentive to enlist, the Guard faced a challenge in attracting new and capable members. It took until the end of the 1970s before National Guard membership approached allocated billets (Conaway 1997, 79–80, 97–98). In the post-Vietnam drawdown, the National Guard received some new equipment, particularly helicopters from inactivated regular Army units. However, the Guard did not always receive enough funding to maintain a high state of readiness (Doubler 2003, 283; 285–286).

In conjunction with the move to the all-volunteer force, the National Guard retained much of the bureaucratic autonomy that it had previously enjoyed. It had survived the Vietnam era with its dual role intact. Buttressing the Guard's autonomy were two key decisions made under the Carter Administration. First, Congress and the administration raised the Chief of the National Guard Bureau's rank from major general (two stars) to lieutenant general (three stars).

The directors of the Army and Air National Guard, his deputies, would see their rank increase from brigadier general (one star) to major general. The promotions gave the Guard the clout necessary to negotiate for resources and roles more competitively than they had been able to previously (Conaway 1997, 75–76).

Second, the all-volunteer force construct required that the active duty Army and Air Force integrate the National Guard into their war plans and operations. This was due in part to bureaucratic politics and military necessity. Historians have cited General Creighton Abrams, the Army's Chief of Staff, as a catalyst for marrying active and reserve component forces so that the former could not deploy without the latter. Borrowing a turn of phrase from E.E. Schattschneider, General Abrams' goal was to expand the scope of conflict regarding future military endeavors. By mobilizing the reserves, Abrams hoped that the American people would vocalize their support or dissent for future deployments to their elected officials (Sorley 1992).

The decline in post-Vietnam defense budgets necessitated a greater reliance on the reserve component. Under the Roundout program, Guard units were paired with active component units and would train together. The resulting increase in military proficiency improved the Guard's reputation vis-à-vis the active component (Doubler 2003, 277–283). The active component's increased reliance on the Guard increased the likelihood that National Guard manning and equipping issues would receive greater attention from Congress and the Defense Department. The Reagan Administration's defense build-up in the early 1980s helped to resolve some of these readiness issues. National Guard leaders embraced the Reagan initiative enthusiastically (Conaway 1997, 99–107). The resulting improvements in the Guard's capabilities would enhance its bargaining position for a more extensive role in the War on Drugs.

## **The National Guard in the War on Drugs**

### *Law, Precedent, and the Military in the Counterdrug Fight*

Policymaker attitudes towards military involvement in the drug war began to shift in the early 1980s. Congressman Tommy Roberts summarized the feelings of most members of Congress when he said, “Without the military, we are not going to make a dent” (Abbott 1988, 100). Barriers to greater military involvement in the drug war remained. The Posse Comitatus Act (discussed in depth in Chapter 3) precluded the use of the active duty military in a law enforcement role. Members of Congress proposed several amendments to the Posse Comitatus Act. These amendments varied widely in the scope of the military’s role in combating illegal drugs. They ranged from authorizing the military to conduct searches and seizures to a broader supporting role in aiding law enforcement.

The final amendment, codified in Public Law 97-86, favored an indirect approach. In 1982, the armed forces were authorized to provide personnel, intelligence, equipment, and facilities to law enforcement agencies (Sanchez 1991, 122). Support to law enforcement was conditioned on these efforts not detracting from military readiness to engage other external national security threats (Meyer and Anderson 2008, 15). On January 28, 1982, the Reagan Administration created the South Florida Drug Task Force. This new organization, overseen by Vice President George H.W. Bush, integrated the efforts of military and federal law enforcement agencies in drug interdiction (Munsing and Lamb 2011, 8). This represented the active duty military’s first steps into the drug war.

Despite this new authority to engage in the drug war, the Defense Department largely remained a bystander. Outside of its participation in the South Florida Task Force, the DoD did not commit new resources to the counterdrug mission. Debates over the fiscal year 1993 DoD

Appropriations act were void of discussion regarding the drug war. Two concerns jaundiced DoD leaders regarding participation in the war on drugs. First, senior officers had overriding concerns about the mission beyond its potential effects on readiness. Second, changes to *Posse Comitatus* did not equate to an immediate shift in beliefs of what constituted a proper role for the armed forces in the drug war (Abbott 1988, 100; Meyer and Anderson 2008, 15).

Although DoD and the active duty military were not eager to join the drug war, the National Guard had already begun to do so. The earliest participation in counterdrug efforts occurred at the state level. In 1977, the Hawaii National Guard began to assist local law enforcement officials with the search for and eradication of marijuana. Georgia National Guardsmen began a similar effort in 1982. Both states' National Guard worked under the control of their governors in State Active Duty status – receiving pay from the state government (Conaway 1997, 119–120). These efforts were early models for an expanded National Guard counterdrug mission.

### *Macropolitics, Bureaucratic Politics, and the War on Drugs*

The National Guard's opportunity to expand its participation in the War on Drugs came in 1986. The active duty military had made little progress in the drug war outside of the South Miami Task Force. While efforts to mobilize the military stalled, public attention to the drug issue increased. By the spring of 1986, drugs were cited as the most pressing problem in American public schools – outstripping funding, teacher quality, or any other issue related to education (Banas 1986). By late summer, the drug problem had risen to the top of the CBS/New York Times opinion poll that asked Americans what the most important problem that the country faced (New York Times News Service 1986).

Members of Congress revisited the drug issue, focusing once again on the military's role. On February 7, 1986, the House Subcommittee on Government Information, Justice, and Agriculture of the Committee on Government Operations met to consider how to better tackle the drug issue. The committee heard testimony from retired Lieutenant General Dean Tice, the director of DoD's Task Force on Drug Enforcement. The hearing illustrates the conceptual and legal barriers that prevented DoD from mounting an effective response to the drug problem. Congressman Glen English accused DoD bureaucrats of shirking their responsibilities associated with counterdrug operations:

I realize that you have a massive political bureaucracy over there and people who don't like this mission, who don't want any part of it. It doesn't matter what the President of the United States says, they are not going to comply with it and they are going to do their best to keep from it.

General Tice hewed closely to the letter of the law for military support to law enforcement signed in 1982. Yet under very pointed questioning, General Tice acknowledged that DoD had not reached out to interagency partners to plan counterdrug operations:

Congressman English: The question is about the mission. Is the Department of Defense, the military, and the Customs Service developing a mutual operational plan for this air wing as directed by the defense authorization bill?

General Tice: No; we are not (United States. House of Representatives 1986, 111).

General Tice continued to assert that DoD did not have responsibility for conduct counterdrug operations, despite legislation to the contrary:

Congressman English: General, you've known since the summer of 1985 about performing this mission of military command, coordination, and control in support of civilian law enforcement. Why hasn't this joint communication been taking place with the Customs Service then, trying to reach some kind of plan, some kind of program?

General Tice: Because, sir, we do not have a drug mission in the Department of Defense. There are other laws that guide us as to what our primary responsibility is, and to date, I know of no mission that has been assigned to the Department of Defense that requires us to become a law enforcement agency.

We have been working under the policy wherever we can enhance the law enforcement community without degrading military readiness, we've been willing to do that... I think that we have to comply with the statutes that guide and set forth the mission of the Department of Defense.

Congressman English: And who passes those statutes?

General Tice: The Congress does, sir.

Congressman English: And who signs them into law?

General Tice: The President does (United States. House of Representatives 1986, 124–125).

Nearly four years after Posse Comitatus restrictions on military operations supporting law enforcement were relaxed, DoD's position had not changed. General Tice's arguments against participation were a rehash of DoD leadership's 1982 concerns regarding the effects of counterdrug operations on readiness.

President Reagan did not share the Defense Department's reluctance to engage in the drug war. On April 8, 1986, Reagan signed National Security Decision Directive 221, issuing guidance to the military regarding the drug war. It directed DoD to increase its participation in counterdrug operations. It would, "enable U.S. military forces to support counter-narcotics efforts more actively, consistent with the maintenance of force readiness and training" (United States. The White House 1986, 3). The directive was a prelude to a large effort by the Reagan Administration to address the drug problem. In proposing the Anti-Drug Abuse Act on August 4, 1986, President Reagan stated:

The key to our antidrug strategy—my very reason for being here this afternoon—is not to announce another short-term government offensive, but to call instead for a national crusade against drugs, a sustained, relentless effort to rid America of this scourge—by mobilizing every segment of our society against drug abuse (Reagan 1986).

President Reagan continued on to compliment Vice President Bush's work with the South Florida Task Force, noting the value of combining military and law enforcement efforts.

By in large, members of Congress also favored an expanded role for the military to combat the drug problem. The Anti-Drug Abuse Act included provisions to expand the military's role in the drug war. Members of Congress attempted to go further. Congressman John Bryant expressed the overriding opinion in the House of Representatives when he stated that, "nothing less (than military intervention) is going to have an impact" on the drug trade (Clayton 1986a). Congressman Charles Bennett, the champion of the 1982 changes to the Posse Comitatus Act, proposed an amendment to allow the active duty military to extend assistance to law enforcement agencies overseas. Congressmen Duncan Hunter and Tommy Robinson modified the Bennett amendment to focus the military's role on drug interdiction. It also called for mobilizing both active duty forces and the National Guard to do so.

The amendment passed the House overwhelmingly, 359-52, but failed to be included in the final bill (Clayton 1986a). The law did require expanded DoD assistance to the Coast Guard. It also promoted greater cooperation between law enforcement agencies and DoD by allowing DoD to share overseas facilities with law enforcement agencies. The final bill did not require greater military participation in the drug war. It did require further study of how best to integrate the military into counterdrug operations. The President and many members of Congress clearly wanted a broader role for the military in the drug war. Increased participation had been authorized. "If we are going to have a war, let's have a war," remarked Congressman Joe Skeen (Clayton 1986b). Yet despite the calls for greater military involvement, DoD did not engage. DoD's apathy towards counterdrug operations created an opportunity for other agencies to fill the void.

*Presenting a Plan - The National Guard and the Counterdrug Mission*

In contrast with their active component counterparts, the National Guard's leadership saw the counterdrug mission as an opportunity to improve the Guard's readiness and reputation. Retired Lieutenant General La Vern Weber, a former Chief of the National Guard Bureau and the executive director of the National Guard Association (NGAUS), coordinated an effort to present members of Congress with a new counterdrug plan. On February 27, 1986, General Weber, along with the adjutants general of Arizona, California, Florida, Georgia, and Texas presented and discussed this proposal during a hearing of the House Armed Services Readiness Subcommittee of the House Armed Services Committee. The subcommittee chairman, Congressman Dan Daniel, was impressed with the Guard proposal:

I had a call the other day from a newsman after the briefing that we had. He asked me if I thought this was an appropriate mission for the Guard, and my response was, I can think of nothing more appropriate for the Guard to do, especially in peacetime (United States. House of Representatives 1986, 191).

On May 26, 1986, Congressman Daniel introduced the Guard's plan in a continuation of the Government Information, Justice, and Agriculture subcommittee hearing on drug interdiction initiatives. This was the same hearing where the DoD's lack of interagency planning and implementation of any counterdrug work was derided. Daniel held out the Guard plan as a novel solution to the problem of involving the military in the drug war:

I believe that you (the committee) will find that the Guard proposal can add a quantum increase in interdiction capability, largely with issues equipment and current personnel strengths. I believe that it will add an entire new dimension in the national war against illicit drugs (United States. House of Representatives 1986, 192).

General Weber and the five adjutants general laid out their concept to the subcommittee members. Weber emphasized that the plan was an internal National Guard initiative that had not been coordinated beyond the National Guard Bureau:

We are not here as a proponent of an expanded DoD drug interdiction role. Questions on the ability to implement any of the options and on the availability of equipment and other resources can only be answered by the Secretary of Defense. We would hope that submission of the White Paper to Mr. Daniel's Committee and appearance before this committee would end our involvement and any further action would be referred to the Department of Defense or other Federal Agency (199).

Since the active duty Army and Air Force had responsibility for resourcing the National Guard, any new initiatives would require more a directive from the services. Since the active components were unwilling to participate in the drug war, only Congress could compel action.

Major General Ensslin, the adjutant general of the Florida National Guard, presented a detailed overview of the National Guard's plan. Ensslin articulated a clear concept of the plan:

The mission, as we saw it for the Guard, would be to augment civilian drug enforcement authority efforts along designated drug corridors by providing ground and air identification, chase aircraft, capable of transporting law enforcement personnel, and vectoring those personnel to the target (199).

More importantly, Ensslin defused one of the active component's key arguments against military participation in counterdrug operations:

We are suggesting that this work be done in a title 32 status so that they are State forces and not Federal. In title 32, we are not affected by the posse comitatus provisions that apply to us in a Federal Status (199-200).

Congress and President Reagan sought to relax the Posse Comitatus prohibitions on the active duty military's role in support of law enforcement. The National Guard plan circumvented this constraint. Operations under Title 32 would also bring federal dollars to bear on the counterdrug problem while retaining state control over the National Guard.

As his presentation continued, General Ensslin negated the active component's claim that counterdrug operations would adversely affect readiness for the Guard's combat role:

The effort that we present here is very similar to the training that we would do for the wartime mission. The resourcing that would be provided would allow us, if that resourcing is provided, to maintain the combat readiness that we have and not detract from our readiness (201-202).

During the question and answer portion of the hearing, the other four adjutants general agreed with General Ensslin's assessment that readiness would be improved, not degraded, by the counterdrug mission.

General Ensslin described how the National Guard would coordinate its efforts with law enforcement agencies. Many of these relationships had already been established at the state and local level. The plan also had federal interagency support. During the same hearing, William von Raab, the Commissioner of Customs, agreed that the Guard's proposal had considerable merit: "I would applaud the suggestion of the involvement of the State militia or the National Guard acting as a State enforcement arm in the drug war (222)". General Ensslin also noted that the Florida National Guard already had a cooperative arrangement with the Florida Department of Law Enforcement. A similar arrangement existed between the Georgia National Guard and the Georgia Bureau of Investigation. Just as importantly, the adjutants general indicated that they had discussed their proposal with their respective state governors, all of who supported the National Guard's counterdrug plans (213).

In perhaps the most prescient endorsement of the Guard's plan, Congressman Stephen Neal asked General Weber and the adjutants general if their approach could be expanded to face other threats: "What would be the difference between that (drug interdiction) and the attempt to interdict illegal aliens or terrorists?" The adjutants general replied that they had only considered the drug question. Congressman Neal followed up: "So you are not prejudiced against it, you have just not studied it to this point." The Guard leadership concurred (209).

The National Guard plan nested well with the presidential and congressional focus on combating illegal drugs. Although the Guard's plan was not included in the Anti-Drug Abuse Act, it was a key step forward in conceptualizing a feasible plan to integrate the military in the

drug war. To at least one member of Congress, participation in the drug war could also boost the military's reputation with both Congress and the public. As Congressman Joseph DioGuardi noted in the hearing (and quoted in the first epigraph to this chapter):

I would say that with the crisis we face on drugs, on the war on drugs right now, and it is growing every day, there is a great opportunity for the military to improve its credibility with the public by not being reluctant in the least to jump into this (220).

Pushing for a greater role in the War on Drugs would not improve the National Guard's reputation within DoD. No constituency existed inside DoD to support the Guard's initiative. Instead, the Guard's counterdrug plan drew support from its key constituencies: Congress, state governors, and the public.

#### *Challenges to Bureaucratic Autonomy: Perpich v. U.S. Department of Defense*

A key objection to the National Guard's expanding role in the War on Drugs was the use of National Guard personnel overseas. The Reagan Administration had a practice of mobilizing National Guard units for training and deploying to Latin America. Several state governors opposed this practice. To insure that no state governor could prevent a National Guard unit from being deployed overseas for training, Congressman Sonny Montgomery proposed an amendment to the 1986 National Defense Authorization Act. The Montgomery Amendment changed the federal law requiring a state governor to give his or her consent prior to federalizing a state's national guard for non-emergency purposes. Under the revised law, a governor could only keep the National Guard at home under a state of emergency (Mullins 1998, 340). The amendment was friendly to the National Guard's interest in maintaining its dual role as both a federal combat reserve and a state militia and disaster response force (Newland 1988, 46). It should come as no surprise that Congressman Montgomery was the former adjutant general of Mississippi.

In June of 1987, Governor Rudy Perpich of Minnesota filed an injunction in U.S. District Court to prevent his state's Guardsmen from deploying to Honduras. Typically among the National Guard's greatest backers, Governor Perpich's injunction threatened the validity of the Guard's dual mission. Lieutenant General Conaway, the director of the Air National Guard at the time, and later Chief of the National Guard Bureau, wrote his sentiments about the filing in his biography:

To my great dismay, it was deployments such as these (to Latin America) that *prompted an attack on the Guard's autonomy and our constitutional role*. It was a legal assault conducted as pure political spite by governors hostile to President Reagan's foreign policy. And it ultimately failed (emphasis added)(Conaway 1997, 131).

After rulings for and against Governor Perpich by the lower courts, the case made its way to the Supreme Court. On June 11, 1990, the Supreme Court ruled against Governor Perpich. In its ruling, the Court reaffirmed the Guard's dual status as both a state National Guard and as a part of the military's reserve component. Further, to mobilize the National Guard for training, the federal government was not operating under the Constitution's militia clause. When called up, the Guard was subject to the congressional authority to raise an army rather than state authority (United States 1993, 25). General Conaway noted that, "The inescapable fact is that the Montgomery Amendment secured the federal mission of the National Guard, a foundation of our existence" (Conaway 1997, 139). Although the Montgomery Amendment had transferred authority for the National Guard away from the states, the move protected the National Guard's autonomy. Had the Guard become less accessible or reliable partner in the Total Force, the Guard could have seen some of its functions transferred to the federal Army and Air Force Reserves.

*From Planning to Implementation: Building Reputation and Bureaucratic Autonomy*

Congressional and presidential support for expanding the National Guard's role in the drug war increased over the last two years of the Reagan Administration. DoD leaders remained reluctant. In a defense appropriations subcommittee hearing, Senator James Sasser asked Secretary of Defense Frank Carlucci what he thought of the Guard's counterdrug plan. Secretary Carlucci replied:

I would agree, Senator Sasser, that the National Guard can be of assistance, and we are currently assessing specific ways in which we can use the National Guard. It is important to remember, though that we have a total force concept, and the National Guard cannot be simply singled out and given separate drug responsibilities. What they do has to be consistent with the overall military mission (United States Senate 1988, 286).

When Senator Sasser stated that he would propose an amendment to increase National Guard anti-drug efforts, Carlucci offers this critique:

I think there are some pitfalls in statutorily assigning missions, particularly to specific components of the Department of Defense... We certainly cannot set a precedent of dictating specific missions by statute to specific components (287).

Clearly frustrated by Secretary Carlucci's stance on the counterdrug mission, Senator Ted Stevens pressed the defense secretary over the Defense Department's intransigence: "We have been pleading with your people (DoD) to recognize the congressional desire that Defense take a more active role in the drug interdiction program" (303). Secretary Carlucci's response was to reiterate DoD's position, stating that, "The military is not trained for the law enforcement mission. If we suddenly tell them that they are in law enforcement, then we have to shift the entire training of the military" (304). Concerns over military readiness continued to trump the desire of a majority of members of Congress to involve the military in the drug war (Wincup 2012; Sanchez 1991, 124).

That summer, President Reagan pushed for more decisive action. In a national radio address, Reagan announced a new set of counterdrug proposals:

These proposals send a strong message to drug traffickers and illegal drug users that we have zero tolerance for those who sell or use illegal drugs... We would give the military a greater role in coordination with our drug enforcement agencies.

One of these proposals was a trial run for the National Guard's drug interdiction plan. Florida would be among the states chosen to test the plan. General Ensslin, the Florida National Guard adjutant general who presented the plan to Congress two years prior, noted that, "It's a limited exercise with a limited number of volunteer guardsmen, but it's the first time the National Guard Bureau in Washington has picked up the bill for drug interdiction efforts (Nordheimer 1988)." The Guard's efforts in Florida were not independent actions, but synchronized with the U.S. Customs Service and the Drug Enforcement Agency. The trial program was also replicated in Texas and Arizona (Unattributed 1988a).

The National Guard's trial run expanded into a national plan. The National Defense Authorization Act for 1989 placed new emphasis on the military's role in the drug war – both for the Guard and the active component. Under the law, DoD was required to serve as the lead federal agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. For the National Guard, the law provided the authority to implement their 1986 plan. On October 14, 1988, the Chief of the National Guard Bureau asked that each state interested in participating in the new program submit a state plan for federally funded, state controlled counterdrug operations (United States Senate 1989a, 69). State National Guard headquarters, with approval from their state governors, would submit tailored counterdrug plans to the National Guard Bureau, where they would be reviewed for approval. The Secretary of Defense and the Attorney General would further review the plans for their effect on military

readiness and their legality. Once approved, the federal government would fund each state's plan under Title 32 (United States 1988).

The National Guard's leadership had successfully bargained for the changes to statute that would allow it participate in the drug war. Consequently, DoD leaders could also claim that the military was involved without violating Posse Comitatus restrictions or committing the active force (Rich 1994, 43). One contemporary media account is illustrative of the active duty military's sentiments regarding the Guard's plan:

Referring to the Joint Chiefs of Staff, a senior Pentagon officer said, "The Chiefs are more than happy to see the Guard take on more of the anti-drug role to get that monkey off their backs."

In the same legislation that earmarked the \$40 million for this assistance role, Congress expanded the formal mission of the Guard to include anti-drug activities. Before that legislation, General Temple said, "the Guard could assist states in combating drugs only if it did not interfere with training for the Guard's wartime mission." He added, "Directly fighting the drug traffic is now an added Guard mission" (Trainor 1989).

With the promise of new funding from DoD, states that were not included in the program leapt at the opportunity to participate (Unattributed 1988b).

President George H.W. Bush's 1988 election brought more attention and support for the counterdrug mission. In his inaugural address, Bush highlighted the importance of the drug war:

There are few clear areas in which we as a society must rise up united and express our intolerance. The most obvious now is drugs. And when that first cocaine was smuggled in on a ship, it may as well have been a deadly bacteria, so much has it hurt the body, the soul of our country. And there is much to be done and to be said, but take my word for it: This scourge will stop (Bush 1989a)!

The president was keen on making good on his campaign promise to escalate the War on Drugs (Duncan 2011). Support for the mission extended beyond the White House to Capitol Hill. One news report captures the zeitgeist:

"Let's push this damn thing," asserted the subcommittee's chairman, Rep. Nicholas Mavroules (D., Mass.), who said Congress is prepared to give more anti-drug money to the Pentagon. "We can't stop them {drug dealers} without the military. It's as simple as that" (Fialka 1989).

In addition to National Guard participation, DoD began to explore ways in which to involve intelligence capabilities from the Central Intelligence Agency, the Defense Intelligence Agency and the National Security Agency to help interdict drug shipments into the country. What began as a modest National Guard initiative was gaining momentum from other quarters in the Defense Department (Fialka 1989).

As 1989 progressed, the National Guard's role in counterdrug operations gained more attention on the Hill. Early reports on the Guard's performance were positive. During a June 28, 1989 hearing on counterdrug operations along the southwest border, Thomas McDermott, the Special Agent in Charge of the Customs Service in Arizona noted the Guard's valuable support:

Customs personnel at the ports of entry have employed canines, X-Ray equipment, computer systems, and manpower from the National Guard in detecting these modifications (to shipping containers). The presence of the National Guard, with their labor intensified effort of cargo inspections coupled with Customs enforcement programs have created a less desirable environment for the smuggler at the ports of entry (United States Senate 1989b, 33).

The Senior Tactical Coordinator for Operation Alliance, the interagency law enforcement team charged with coordinating local, state and federal counterdrug efforts along the border, also had praise for the National Guard:

In the past year the National Guard has become an extremely active player during Alliance Operations. They have participated at ports of entry with U.S. Customs by providing increased manpower for conducting cargo searches. They have participated with the Border Patrol in conducting cover intelligence gathering and surveillance operations. Additionally, they have supported operations by providing Forward Looking Infra-Red (FLIR), Side Looking Airborne Radar (SLAR), Photo Reconnaissance Missions, Satellite, and Secure Voice Radio Communications, and Specialized Training. *The National Guard definitely has a role in the drug war, and Operation Alliance is continuously exploring new areas where their expertise can be utilized (Emphasis Added) (38).*

The interagency partnerships that the Guard had developed at the state level over the years contributed to this positive perception.

At the conclusion of the hearing, Senator Dennis DeConcini acknowledged the foundation for counterdrug operations that the Guard's leaders had built. Speaking to Major General Donald Owens, the adjutant general for Arizona, DeConcini stated:

And let me make one comment, Major General, you came back to Washington, I think, about 5 years ago with a plan to involve the military in this drug war when you testified before Mr. English before the House subcommittee with some of your colleagues from other States. I think this is what really began the military involvement (40).

This recognition is illustrative of the reputational gains that the National Guard achieved by its persistence in bargaining for a role in War on Drugs.

A further expansion of the military's role in the drug war came on September 5, 1989. In a nationally televised address, President Bush declared that the United States would take more aggressive action against drug traffickers:

And our message to the drug cartels is this: The rules have changed. We will help any government that wants our help. When requested, we will for the first time make available the appropriate resources of America's Armed Forces. We will intensify our efforts against drug smugglers on the high seas, in international airspace, and at our borders. We will stop the flow of chemicals from the United States used to process drugs. We will pursue and enforce international agreements to track drug money to the front men and financiers. And then we will handcuff these money launderers and jail them, just like any street dealer. And for the drug kingpins: the death penalty (Bush 1989b).

In a corresponding move, Secretary of Defense Dick Cheney issued new guidance to the Department of Defense, reflecting the president's higher priority for the drug war:

Within the United States, to assist in reducing the supply of illegal drugs, the counternarcotics actions of the Department of Defense will emphasize support to Federal, State and local law enforcement agencies, and the National Guard in State status... The Department will continue to assist the Governors of the several States in employing the National Guard in the fight against illegal drugs (Munger and Mendel 1991, 88).

The president's budget request for the Guard's counterdrug program in FY 1990 nearly tripled, from \$40 million to \$110 million. Congress readily approved the increase (Unattributed 1989).

The National Guard's efforts had become a focal point in the DoD counterdrug strategy. During a Senate Armed Services committee hearing on April 18, 1990, Senator James Exon asked Lieutenant General John Conaway, Chief of the Guard Bureau, about the National Guard's burgeoning role in the drug war:

Senator Exon: What are the plans for the role of the Reserve and the Guard forces in the war on drugs? ...Are you satisfied with the way the planning is going in this area? And what challenges lie ahead in that area?

Lieutenant General Conaway: "Yes, in the National Guard we are very satisfied. You have included in the legislation that we must have Governors' plans from the 53 governors and the District of Columbia telling us what they are going to do to support local, State and Federal law enforcement agencies. They are developing plans for the next year right now. We are doing this in a decentralized mode, which works very well.

The plan that the Guard's leadership proposed in 1986 had come to fruition. The counterdrug mission fit well with the agency's institutional structure as a dual federal-state entity. The proposal also maximized the National Guard's bureaucratic autonomy. The Guard retained control over the planning and implementation of counterdrug operations at the state level, with financial support provided by the federal government. This arrangement gave the Guard tremendous latitude to experiment with different approaches to the drug war, and to apply these methods as the needs of each state or region dictated.

The National Guard's success in securing support for its counterdrug efforts led to tangible gains in the field. Drug interdiction and eradication efforts led to the destruction of over \$8 billion worth of marijuana alone. The Guard executed over 5100 missions in support of law enforcement agencies across the United States. With the additional manpower, the Customs Service was able to inspect three times as many shipping containers coming into the country as it

had been able to previously inspect (Brown 1991, 54). The National Guard's efforts went beyond interdiction and eradication. The California National Guard used a portion of their funds to establish a counternarcotics training school. The initiative represented more than a training academy; it was also a new resource for interagency collaboration:

The first counternarcotics class was made up of drug enforcement agents from around the country, including Kentucky, Louisiana, New Mexico, Texas, Arizona and California. The Customs Service, Drug Enforcement Administration, Border Patrol, Coast Guard and the North American Aerospace Defense command sent representatives. "I'm learning to understand the limitations of the National Guard has to operate under," said Commander James Force, chief of law enforcement for the Eighth Coast Guard District based along the Gulf of Mexico (McCabe 1990, A2).

By establishing a program that was of service to agencies outside the National Guard, Guard leaders had extended their investment beyond providing manpower to other agencies.

Establishing an interagency school was one small demonstration of the Guard's bureaucratic autonomy to entrench the agency in counterdrug operations.

National Guard counterdrug efforts reached beyond the continental United States. Air National Guard fighter aircraft intercepted suspected narcotics transport boats and aircraft operating in the Caribbean (Meyer and Anderson 2008, 15–17). These operations, conducted in Title 32 status in support of the Joint Interagency Task Force South (formerly then-Vice President Bush's South Florida Task Force), provided both assistance to law enforcement and an opportunity for Air National Guard pilots to train. Without the authorization to fly under Title 32, the missions would have been far too expensive for a state to afford. Had they been flown under Title 10, the Guard would have been challenged to share the information they had gathered (Meyer and Anderson 2008, 20).

By 1992, The National Guard was well ensconced in the counterdrug mission. President Bush's National Drug Control Strategy recognized and expressed support for the National

Guard's counterdrug efforts (United States. Office of National Drug Control Policy 1991, 30, 84–85, 99). The budget for their counterdrug program had risen to \$171 million per year requested for fiscal year 1993. DoD Assistant Secretary Duncan, dual-hatted as the Coordinator for Drug Enforcement Policy and Support, DOD. Assistant Secretary of Defense for Reserve Affairs, presented members of the House Appropriations Committee a positive review of the National Guard's efforts:

If one goes by the standard of customer satisfaction and talks to the law enforcement agencies at the Federal, State or local level, we, from our standpoint, hear substantial praise about how we are doing it and what we are doing (United States. House of Representatives 1992, 267–268).

A strong performance in the counterdrug fight was crucial for the National Guard's future. With the Persian Gulf War having recently concluded, the Department of Defense was considering reducing the military's size. These reductions applied to both the active and reserve components. Congressman Norm Dicks asked Secretary Duncan what the impact of the proposed force reductions would be on the Guard's counterdrug mission. Duncan showed little concern:

It is very difficult to predict with any accuracy the impact that could result from National Guard unit reductions on the overall drug interdiction effort... Based on the history of Guard willingness to participate, I have no reason to believe that the proposed unit reductions will have a significant impact (United States. House of Representatives 1992, 364–365).

Put simply, cutting a number of National Guard units or Guardsmen would not matter. This suggests that Congress should not be concerned over a drawdown's effect on the Guard.

Although Secretary Duncan did not expect a significant impact stemming from the drawdown, the National Guard's leadership did. Lieutenant General Weber, now retired and serving as the Executive Director of the National Guard Association, made the link between the Guard's expanded counterdrug role and its force structure:

While the force structure of the National Guard is and must be driven by the requirements of national defense strategy and preparation to go to war, the dual role of the Guard cannot be disregarded. There are legitimate requirements and a valid peacetime mission for the National Guard in satisfying domestic military and security needs. Their federal and state missions of the National Guard benefit the nation as a whole...

The responsibilities of the Guard in response to state emergencies, disasters and civil disturbances are well recognized. *Of growing importance to communities is the National Guard role as the primary Department of Defense resource in domestic counter-drug missions. This will remain so as long as posse comitatus is the law of the land (emphasis added)*(United States. House of Representatives 1992, 542–543).

Debates over future budgets and force reduction had begun. The National Guard's leadership used the gains in reputation they had built performing the counterdrug mission to help the agency's cause in the budget battles that would follow. Chapter 6 considers the National Guard's post-Gulf War budget in further detail.

The Guard's role in the War on Drugs, and that of the military more broadly, would not be dissolved. The National Guard's budget for counterdrug operations has remained steady at approximately \$200 million per year since reaching that level in 1994. Just as importantly, attitudes toward the counterdrug mission changed over time. Secretary of Defense Cheney's guidance to the Defense Department represented the beginning of a marked change in DoD's treatment of the counterdrug mission. Senator Inouye made a point of recognizing this shift, and Secretary Cheney and General Colin Powell's efforts to bring the change about (United States Senate 1990, 675). While it is clear that the Defense Department did not make the War on Drugs its main focus, it certainly grew in importance over the course of the 1980s (Wincup 2012; Duncan 2011).

Military doctrine also changed to reflect the military's involvement in the drug war. Army Field Manual 100-19, *Domestic Support Operations*, published in July 1993, codified this change. The new doctrine represented a significant shift in thinking about how the Total Force –

Army, Army Reserves, and National Guard – would respond to future domestic emergencies.

The excerpt below demonstrates that the active duty Army would be used primarily in support of the National Guard in domestic operations:

Within the United States, the National Guard is the primary source of military support to federal, state, and local Law Enforcement Agencies (LEAs). Support is also provided to LEAs by both United States Army Reserve (USAR) and active duty units. This Army support to counterdrug operations is another aspect of the Army's traditional role of providing military support to civil authorities. Army National Guard forces execute these missions under control of the governor, while USAR and active duty units operate under the control of a regional joint task force, for example, Joint Task Force (JTF) 6 in the US southwest.

Each state or territory has a National Guard counterdrug coordinator to receive LEA requests for support and coordinate the execution of support as directed by the state adjutant general (or commanding general). Army National Guard counterdrug operations are conducted in accordance with state law and applicable National Guard regulations. Drug interdiction and eradication operations are conducted in all 54 states and territories. In fiscal year 1992, the National Guard helped confiscate drugs with a street value of \$69 billion (United States. Department of the Army 1993, 7-8).

The National Guard's central role in domestic operations comes through clearly. The doctrine also reflects the changes to Title 32 that the National Guard had bargained for.

### **Assessing the National Guard in the War on Drugs**

How should the United States bring its military power to bear on the illicit drug problem? Members of Congress and two presidents wrestled with this problem for a decade. In doing so, they faced a number of obstacles – legal, budgetary, and bureaucratic. The most difficult to overcome was bureaucratic opposition. The active duty military shirked congressional and presidential requirements to contribute to War on Drugs. The reasons given – concerns over readiness and violation of precedent – limited the range of policy options available to elected officials. DoD leaders were never entirely clear of the effects that contributing to the drug war would have on the military's readiness to fight the Soviet Union. Their arguments about

violating precedent seem more compelling. Participating in domestic law enforcement missions, even in a supporting role, was akin to crossing the Rubicon. It could establish a new, more politicized role for the active components – something that has given active duty military leaders pause since the nation’s founding (Dunlap 1992; Huntington 1957, 70–79).

The DoD leadership’s reluctance to undertake significant counterdrug responsibilities frustrated lawmakers. Congress implemented changes to Posse Comitatus in an effort to assuage the military’s concerns about violating the law or precedent. Yet even when they changed the law, Congress could not compel the military to take a more active role in the drug war. Public pressure to solve the nation’s growing drug problem rose throughout the 1980s. The war on drugs became an electoral issue for both political parties. Presidents Reagan and Bush, as well as members of Congress, became increasingly interested in new ways to bring the military to bear on the drug problem. Even as a consensus formed across party lines to increase the military’s involvement in the Drug War, the DoD remained on the sidelines.

Where the active duty component saw the drug war as a worrisome distraction, the National Guard’s leadership saw an opportunity. If ever there was an open policy window, this was it (Kingdon 1984, 166–190). The Chief of the National Guard Bureau, the adjutants general from the Border States, and NGAUS presented an innovative plan at an opportune moment. The plan required little dramatic or revolutionary change – simply an expansion of their existing authority to operate under Title 32. Members of Congress and President Bush would receive the political benefits associated with deploying military resources to combat the drug threat. No further changes to the Posse Comitatus Act would be necessary. The Guard proposal fell short of crossing the conceptual Rubicon that the active component feared crossing. In exchange for its service in the drug war, the National Guard would receive additional funding to train and equip

its soldiers and airmen. The Guard's involvement in the drug war was about more than money. More important were the Guard's realization of enhanced bureaucratic autonomy, an improved reputation, and its continued survival as a dual-role federal combat and state emergency response force.

### *The National Guard and Bureaucratic Autonomy*

The Guard was able to retain its bureaucratic autonomy, if not expand upon it. The National Guard's leaders designed their plan to fight the drug war on favorable terms. Their concept, using federal money for operations that were planned and implemented at the state level, provided the Guard with considerable discretion. The federal government could not tell a state's National Guard what to ask for. There were also no constraints as to what the Guard *could* ask for, so long as it fell within the broad framework of support to counterdrug operations. After the plan was implemented, DoD ceded most of its involvement in the drug war to the National Guard. Doing so enhanced the Guard's bureaucratic autonomy.

The checks in the system also favored the National Guard. The strongest check was that the federal government could disapprove a state plan. It could cut funds from states whose programs appeared dubious or outside the scope of counterdrug operations. Rejecting a state plan could prove politically costly. An administration could run the risk of looking soft on the drug problem. It could also draw negative attention from the press, along with public ire. Disapproval may also invite criticism from a state's congressional delegation or a state governor – if not both of them at once.

Two subtle, yet essential, changes to statute facilitated the Guard's adaptation while enhancing the agency's bureaucratic autonomy. The 1986 Montgomery Amendment further

enhanced the Guard's autonomy by preventing state governors from interfering with the Guard's federal mission. The Supreme Court decision to uphold the Montgomery Amendment staved off challenges to the Guard's dual mission and legal threats to its bureaucratic autonomy. Proposing that Congress amend Title 32 was even more important. The changes to the law allowed the National Guard to participate in the War on Drugs under state control and with federal funds. Without this change, the Guard would not have realized an expansion in its bureaucratic autonomy.

### *Reputation and Strategic Adaptation*

The National Guard's participation in the War on Drugs also led to an improvement in its reputation, similar to its enhancement in bureaucratic autonomy. This was achieved in two respects. First, the National Guard improved its standing among its interagency partners, including state and federal customs and law enforcement agencies. The remarks by agency leaders during congressional hearings and in contemporary media accounts underscore the value that law enforcement agencies saw in the Guard's counterdrug operations. Guard involvement meant an increase in resources otherwise unobtainable to federal and state law enforcement officers. National Guard participation in the drug war improved the supported agency's capabilities. This served to enhance the Guard's reputation as well as that of the supported agencies.

Second, the National Guard improved its reputation with Congress and the President. Members of Congress and the Bush Administration praised the Guard for its role in counterdrug operations. Members of Congress wholeheartedly embraced the Guard's plan to fight the drug war. They continued to increase funding for the National Guard's counterdrug plan throughout

the Bush Administration. Where the active component had demurred, the National Guard came forward to fight the drug war. The Administration made the Guard's efforts a cornerstone in its national drug control policy. In the eyes of Congress and the president, the National Guard was providing a useful capability that addressed a glaring need.

As Daniel Carpenter notes in *Reputation and Power*, an agency's leaders seek to manage the agency's reputation among multiple audiences (Carpenter 2010, 58–59). The National Guard's leadership is no different. When it comes to organizational reputation, some audiences are more important than others. Consider the Guard's reputation within the Defense Department. Military participation in the War on Drugs was something that most Pentagon leaders actively worked to avoid. Embracing this new role in the drug war did not enhance the Guard's stature inside the building (Marsh 2012). This is evident from Secretary Cheney and General Powell's reluctance to deploy large numbers of Guardsmen in the Persian Gulf War (Turregano 1995, 150–155; Duncan 1997, 71–73). If the National Guard had improved its reputation or approached parity in the eyes of active component leaders, we would expect to have seen National Guard units deployed to Saudi Arabia for Desert Shield and Desert Storm with far less hesitation.

National Guard leaders were more concerned with their multiple audiences across the Potomac from the Pentagon. There are several reasons for this. National Guard and National Guard Association leaders see legislation as a powerful tool for bringing about adaptation that favors the Guard. Codifying shifts in agency missions into statute mandates that DoD provide the Guard with the resources necessary to carry out their new or different mission. Negotiating within DoD is also more challenging for the Guard than with Congress. Budget authority for the National Guard, divided between the Army and the Air Force, makes coordination for resources

and advocacy for new missions problematic. This is compounded by the fact that DoD did not want the mission in the first place. There is a relationship between the audience that Guard leaders sought to please, and the audience with whom they negotiated with to take on a broader role in the drug war. Guard leaders would gain little traction from appealing to DoD to fight the drug war. Its support, and any gains in reputation, would come primarily from Capitol Hill.

### *Strategic Adaptation and Survival*

The National Guard's survival was not threatened at the time that its leaders proposed the counterdrug plan. The Guard was in no danger of being reorganized by DoD or Congress. As noted in Chapter 2, survival implies more than simply continuing to exist. It also means that an agency has a voice in its own future – that it is not reorganized from outside. In either sense, the Guard's plan helped to ensure its survival. There was no legislation requiring that the National Guard fight the drug war. The changes that the Guard's leadership proposed and implemented were of their own accord. At the same time, National Guard leaders did not sacrifice the Guard's role as a combat reserve in favor of the counterdrug mission. Guard leaders were careful to maintain the balance between the agency's dual roles.

Survival was a concern following the Soviet Union's collapse. Budget cuts loomed for both the active duty and reserve components, regardless of their presence or performance in the Persian Gulf War. Unlike the active component, the National Guard had defined a peacetime mission for itself. Congressional concerns over cutting National Guard force structure were tied to the drug war – not necessarily deployments for unforeseen contingencies. The National Guard's enhanced bureaucratic autonomy and reputation gave the agency an advantage over the federal reserves when it came time to reconsider the defense budget. The Guard lost some of its

force structure during the defense drawdown in the early 1990s. However, the Guard retained more than the active duty force or the federal reserves – due in part to its role in the War on Drugs.

# Chapter 6

## In Calamity's Wake: The National Guard After 9/11

*“Those who master or adapt to revolutions in military affairs control the course of history.”*  
–From “Principles for New National Security Strategy,” attributed to Major General Phil Killey, South Dakota Adjutant General, Adjutants General Association of the United States, May 2001.

To say that the September 11<sup>th</sup>, 2001 terrorist attacks changed everything is more than hyperbole. Within months, the United States invaded Afghanistan, the USA PATRIOT Act was passed, and a national security strategy was formed to preempt future terrorist attacks. Within a year, President Bush and Congress established the Department of Homeland Security (DHS). It was the most sweeping reorganization of the federal government since 1947. Soon thereafter, the Department of Defense (DoD) created U.S. Northern Command (NORTHCOM), a new combatant command focused specifically on managing the military response to future terrorist attacks and domestic emergencies. Prior to 9/11 such an organization was unfathomable. Concerns stemming from the use of active duty forces within the U.S. precluded the establishment of such an agency.

As profound as these organizational changes were, the National Guard was spared the fates of the Federal Emergency Management Agency (FEMA), the Coast Guard, the Secret Service, and a host of other agencies that were reorganized into the DHS (Kettl 2004). The National Guard seemed to be an obvious candidate to join them, either in whole or in part. It possessed the preponderance of capabilities’ designed to support civil defense and respond to emergencies. It has done so since the early years of the Cold War (Doubler 2003; Derthick 1965). Yet despite the pressure to reorganize or commit the National Guard to homeland security, its role did not fundamentally change. Despite a decade of force and budget cuts, along

with questions about its effectiveness, the executive and legislative branches did not mandate significant change to the Guard after 9/11. Why was this the case?

This chapter examines the National Guard's response to 9/11 at the national level. It focuses on the changes in reputation and autonomy that the Guard was able to achieve in the wake of the attacks. I contrast these changes with the lack of self-initiated, or strategic adaptation the Guard exhibited before 9/11. In doing so, the chapter examines three key questions. First, why wasn't the National Guard reorganized under DHS when it was created in 2002? Second, why wasn't the Guard's mission changed to privilege the organization's homeland security functions over its role as the nation's primary combat reserve? Third, what can the answers to the first two questions tell us about the National Guard's ability to enhance its autonomy, improve its reputation, and to survive?

In this chapter, I argue that the National Guard did in fact change after 9/11, but in a far more nuanced way than is normally depicted in the bureaucratic politics literature. The Guard bargained against a fundamental change in its dual-role as a combat reserve and military first responder at home. Instead, Guard leaders proposed key institutional changes that would complement internal initiatives to reorganize its missions within the context of its overarching roles. The Guard successfully bargained with Congress and within DoD for the type of change that its senior leaders sought at two key points. Immediately following the Persian Gulf War, the Guard negotiated to retain its dual mission in the face of a military drawdown. In the decade that followed, the Guard failed to display initiative in preparing for emerging threats, calling its autonomy into question.

After 9/11, the Guard's autonomy and reputation rose considerably. This was based in large part to its response in the immediate aftermath of the attacks, as well as the handling of

subsequent military deployments. It is also clear that the Department of Defense declined to involve significant active component military personnel in homeland security missions, maintaining the need for an agency to perform the domestic mission. The Guard's leadership, along with advocacy from the National Guard Association, stepped into this gap in capability, successfully negotiating for the Guard to determine its own method of adaptation.

The chapter proceeds as follows. I will evaluate where the Guard stood with regard to bureaucratic autonomy and reputation prior to 9/11. From the end of the Persian Gulf War until 9/11, defense and political leaders were skeptical of the Guard's efficacy and its uncertain of its future roles. Next, I will show how the events of 9/11 helped to enhance the Guard's legitimacy, and thus its reputation, in dealing with Congress, DoD, and the states, improving its bargaining position, which influenced both the type of adaptation that the Guard undertook and its ability to remain durable. Finally, I will show how the outcomes that stemmed from the Guard's strategic adaptation set the stage for future rounds of bargaining with institutional actors. Many of the consequences of the new bargain necessitated a significant renegotiation of previous arrangements. This will be demonstrated in the following chapter that examining Hurricane Katrina.

## **The National Guard Before 9/11**

### *The Guard Overseas: Building Reputation and Autonomy*

The National Guard's forays overseas during the 1990s were the result of both its own initiative and military necessity. The Guard participated in numerous overseas deployments between the Persian Gulf War and September 11<sup>th</sup>, 2001. Two missions stand out. The first of these, borne of necessity, was the National Guard's involvement in peacekeeping and

contingency operations overseas. These missions ranged from peacekeeping in Bosnia and Kosovo, intervention in Haiti, and enforcement of the no-fly zone over the skies of Iraq. When President Clinton ordered the U.S. Army into Bosnia, the Army National Guard was an integral part of the deployment. The initial force deployed to Bosnia included just over 2,000 Guardsmen (Doubler 2003, 355–357). In 1999, the National Guard began rotating a division-level headquarters to Bosnia for six months at a time, relieving and later being relieved by an active-duty division. By 2002, National Guard divisions would replace each other in Bosnia. What began as augmentation eventually led to a transfer of these missions to the exclusive control of the National Guard (Steven, 2000).

The second mission was considerably different. The National Guard began a new initiative called the State Partnership Program (SPP). Under the SPP, a state's National Guard would develop a relationship and train with a foreign military both at home and abroad. The program began in 1993 as a tool to better integrate the former Soviet states of Latvia, Estonia, and Lithuania into a broader theater security arrangement. Fearing Russia's reaction to a significant active duty deployment to these states, DoD approved of and supported the National Guard's initiative to improve cooperation with these newly independent states (Jansen 2010, 3). Since that time, the SPP has grown to include partnerships with over sixty countries (National Guard Bureau 2011).

Even as the National Guard's role expanded to include more overseas deployments, its autonomy did not improve relative to the active component. Perhaps the most significant hindrance for the Guard was a lack of control over its funding. Since the Guard was considered to be a combat reserve first and foremost, the active duty Army and Air Force maintained purview over the Guard's budget. The exchange below is illustrative of others throughout the

late 1990s. During a routine Senate Defense Appropriations Subcommittee hearing in 1997, Senator Thad Cochran asked whether or not the National Guard had adequate funding:

We do have some problems with the Guard budget. The others have mentioned it a little bit here. But is not there pretty significant risks in the underfunding of the Guard as far as your current policy of rounding out the regular divisions with Guard and Reserve? What is the risk in not funding the Guard, in effect?

In response, Army Chief of Staff General Dennis Reimer described how the Army prioritized its funding:

You are absolutely right, we would like to have more money for the Reserve component. However, what we have done in this budget is to fund the first to fight. I think you will find the enhanced brigades, in terms of the OPTEMPO money, are funded at the proper level...

You will also find that, as a percentage of total obligation authority, the amount of money we are spending on the Guard and Reserve is greater this year than it has ever been. If you compare it to the mid-1980's, it is about 17 percent versus 12 percent. So, we have tried to do the best we can to balance it. I think where you will find the concern is in, as I mentioned, the National Guard divisions, which are not in the CINC's war plan. Consequently, as we use the first-to-fight philosophy, they are the ones that end up being the billpayer.

Senator Ted Stevens' reply indicated his willingness to spend more on the Guard, if not in appropriations but certainly in spirit:

I do not know whether we can rely on a basis of the risk of the level we are undertaking, because this is becoming chronic. If we rely on the Guard and Reserve to be there when they are really needed, I mean in a real emergency, and they are the ones that are constantly chronically underfunded, they are not going to be there. I think we have got to think that one through. I do not know what the answer is. (United States Senate 1997, 366-367).

The Army's focus on the Guard to serve as a combat reserve outweighed its role as a domestic first responder. Budget allocations that focused on the Guard's role as a combat reserve hamstrung its ability to adapt of its own accord.

This thinking about the Guard pervaded the 1997 Quadrennial Defense Review. George Wilson recounts an interview with Army Lieutenant General Jay Garner, in which the general outlines the Army's view of the National Guard:

Reserves, I'm going to take you down in size some more and restructure your units to fit today's needs. The heavy National Guard divisions don't serve a purpose. I would make them light divisions where they could do more work for the governor and share in the Operations Other Than War real stuff that the active component is doing there (Wilson 2000, 55).

Garner's conceptualization of the Guard's role quickly became reality. At the turn of the century, the National Guard would assume complete responsibility for the Army's peacekeeping mission in Bosnia (Steven 2000). Through its performance of peacekeeping missions overseas, the Guard had improved its reputation for competence. However, its performance did not enable it to implement many new initiatives of its own accord.

#### *Autonomy Threatened: The Guard on the eve of 9/11*

In the legislation that authorized the 1997 Quadrennial Defense Review, Congress directed DoD to examine the future role of the reserve components in conducting homeland security missions. Secretary of Defense William Cohen commissioned the Reserve Component Employment 2005 study in April of 1998, which made several recommendations for changing the way in which the National Guard was employed. Among these recommendations, one key finding from the study was that:

Given the significant additional requirements for certain homeland defense tasks, it may be impractical and costly to maintain skills for both warfighting and specialized homeland defense missions in a large number of RC units. Remissioning or restructuring a certain number of RC units to focus solely on specialized homeland defense tasks could be a more cost-effective solution (Wormuth 1999, 4).

The report spurred further studies into the roles and missions of the Guard, but did not result in

any significant changes. The lack of change can be attributed to several factors. There was little consensus within the armed forces that dedicated units would be required for homeland security missions. The requirements for military support in the event of a catastrophe were also unclear, since, even in the aftermath of the Oklahoma City and World Trade Center bombings, there was no consensus regarding future threats.

Perhaps most importantly, bureaucratic turf was also at stake. In his introduction to the 1997 Quadrennial Defense Review (QDR), Secretary Cohen wrote, “The Army will also restructure its Reserve component. It will shed some combat structure that provided for strategic depth during the Cold War, but which is now excess... These adjustments will result in a Reserve component end strength reduction of some 45,000 personnel” (Cohen 1997, 4). Based on this guidance, homeland security scholar James Carafano notes that the National Guard’s leadership did not equate an expanded homeland security mission to an increase in funding. As such, “Leaders in the National Guard, already engaged in a concerted effort to stave-off the remaining personnel cuts mandated by the 1997 *QDR*, were reluctant to relinquish combat-related missions, which would be tantamount to admitting they had excess force structure” (Carafano 2002, 3).

Shortly before 9/11, the Hart-Rudman commission released a report that included a proposal for the creation of a new National Homeland Security Agency (NHSA). For the Guard, the key recommendation was that:

The National Guard should redistribute resources currently allocated predominantly to preparing for conventional wars overseas to provide greater support to civil authorities in preparing for and responding to disasters, especially emergencies involving weapons of mass destruction. (Hart and Rudman 2001, 25)

The report makes the argument that the Guard should reduce the number of forces that have dual domestic and overseas roles because those forces may be needed at home:

The United States will need to maintain a heightened deterrent and defensive posture against homeland attacks *during* regional contingencies abroad. The most likely timing of a major terrorist incident will be while the United States is involved in a conflict overseas. (Hart and Rudman 2001, 25)

The Hart-Rudman Commission generated the most substantial proposal for reorganization prior to 9/11. At its core, the NHSA would be formed from the Coast Guard, Customs, and Border Patrol services. The proposed reorganization had dramatic change for the Guard in mind:

The Secretary of Defense, at the President's direction, should make homeland security a primary mission of the National Guard, and the Guard should be organized, properly trained, and adequately equipped to undertake that mission (Hart and Rudman 2001, 26).

The report also proposes that the national homeland security agency create a crisis action center, led by a National Guard general officer, that would synchronize the federal government's response to a major natural disaster or terrorist incident (17). Although the report does not express any desire to remove the National Guard from DoD, it does recommend that its functions be coordinated through a military office in the proposed homeland security agency. As such, "NHSA will require a particularly close working relationship with the Department of Defense (18)". The proposal foreshadowed several of the initiatives implemented following the attacks, and some of the problems associated with implementing them.

The Bush Administration did not endorse the Hart-Rudman Commission plan. There was no immediate action taken to revise the National Guard's long-standing roles. However, there is some evidence that the administration was at least considering the role that the National Guard would have should a terrorist attack occur on American soil. In a speech to Guardsmen in February of 2001, President Bush noted that:

As threats to America change, your role will continue to change. The National Guard and reservists will be more involved in homeland security, confronting acts of terror and the disorder our enemies may try to create. I welcome the important part you will play in protecting our Nation and its people. (United States. The White House 2001)

At the conclusion of his remarks, the president also added a personal statement of support for the Guardsmen: “And I want you to know that you not only have a former guardsman in the White House; you have a friend.”

### **In Calamity’s Wake: The National Guard and 9/11**

The September 11<sup>th</sup> terrorist attacks made the potential threat of a terrorist attack into a reality. The National Guard responded both in the sky and on the ground. Guardsmen were a key component of the initial combat air patrols over the country. They also deployed to help secure the World Trade Center site, assisting law enforcement by providing security in much the same way they did during the Oklahoma City bombing (Cook 2009, 69–70). The New York National Guard provided security in and around Ground Zero, establishing an outer cordon and facilitating the flow of emergency responders into the area. It provided logistical support to first responders on the scene. The Guard also provided expertise in search and rescue that assisted with recovery operations on site, both at Ground Zero and the Pentagon (Doubler 2006, 42–46).

In the days that followed the attacks, President George W. Bush deployed the National Guard to secure airports and critical infrastructure. In doing so, President Bush utilized authorities devised a decade prior to fight the War on Drugs. On September 27, President Bush authorized state governors to deploy the National Guard under Title 32 status (The White House 2001a). This meant that the deployment would be federally funded, but that the Guard would operate under state control. He also authorized the deployment of over 1500 Guardsmen to augment the U.S. Border Patrol (The White House 2001b).

The president’s decision to expand the National Guard’s use following 9/11 resonated with the American people. A Gallup poll taken in October of 2001 indicates that two thirds of

those surveyed reported that the visible signs of increased security, such as National Guard troops at airports, made the respondents feel more secure (Gillespie 2002; Davenport 2001). The challenge that the administration had was that the rate of spending on the mobilization was not sustainable without emergency supplemental funding. While using the Guard was popular, “any indications that he was stinting on spending for the Guard and Reserves – who are a potent political force in state capitals and in Congress – might weaken that support.” (Dao 2002).”

Yet the dramatic portrayal of a rapid Guard response is only one part of the story. The key facilitators of the Guard’s response at the national level were not as critical to the relief efforts in New York as was publicly perceived. According to James Carafano:

The city (New York) requested few Defense Department resources and the task force soon withdrew, handing coordination for the civil support mission over to a Department of Defense regional Defense Coordinating Officer. New York’s WMD-Civil Support Team also deployed to the city, but did not play a significant role. What the city could not provide, New York could provide through its state National Guard. (Carafano 2002, 4).

The changes imposed from outside the Guard prior to 9/11, heavily critiqued by the GAO and scrutinized by Congress, were only marginally utilized. The more traditional template for emergency response prevailed. The Guard’s response to 9/11 contributed positively to its reputation, which in turn gave it the legitimacy it needed to negotiate the maintenance and expansion of its dual mission, and to stave off calls for it to focus exclusively on homeland security.

The response to 9/11 demonstrated the Guard’s utility as a military first responder in the wake of a national level catastrophic event. Its ability to rapidly mobilize and provide a myriad of well-coordinated forms of assistance augmented New York’s already robust emergency response capabilities. At least as important, the National Guard’s response generated positive coverage by the media, recognition by politicians, and provided the public with a sense that the

government was taking decisive action to defend the United States from a subsequent attack (Chivers 2001; Gillespie 2002). All of this contributed to enhancing the National Guard's reputation as the Bush Administration and Congress were considering how to reshape the U.S. government to meet the new threat.

### *Strategic Adaptation after 9/11: Retaining the Guard's Dual Roles*

In the wake of 9/11, considerable debate over the Guard's future role ensued. Experts from inside and outside of government almost unanimously advocated for a shift in the Guard's role away from the dual mission structure towards a stronger focus on homeland security. Perhaps the most influential committee considering the issue, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, better known as the Gilmore Commission, proposed just such a shift in roles. The Commission recommended that the Secretary of Defense work with state governors to assess which Guard units should be assigned homeland security as their primary mission. It also advocated for increased federal funding for training and equipping these units to better serve in a homeland security role (Gilmore Commission 2002, 51–52).

Other experts weighed in. Retired General Dennis Reimer, the previous Army Chief of Staff, said: "I think they can have dual missions, but their primary mission ought to be on homeland security... If I was in charge, I would be arguing for a very heavy role for the Guard in Northern Command." (Reimer Date Unknown) Jack Spencer and Larry M. Wortzel of the Heritage Foundation advocated for a refocusing of the National Guard to homeland security missions. They noted that during the 1990s, DoD activated the Guard and Reserves to undertake non-combat missions overseas in an effort to offset reductions in the active components. To

them, the attacks on 9/11 illustrated the need for DoD to become less reliant on the Guard to operate in this capacity. “Given the immediacy with which America must respond to an attack as it unfolds,” they argue, “it is logical for the active forces to decrease their dependence on the Guard so that the Guard can concentrate on homeland security” (Spencer and Wortzel 2002).

DoD was reluctant to contribute resources to the emerging homeland security mission for the same reasons it was reticent in the 1990s. Secretary Rumsfeld did not believe that the domestic mission was a part of his portfolio, and should not distract from missions overseas. Former Pennsylvania governor Tom Ridge, director of what was at the time the Office of Homeland Security, recognized the problem early on. Increased security coincided with increased costs: “Governors expected OHS (the Office of Homeland Security) to pay. They were under the impression that I had money to distribute. I had none” (Ridge 2009, 87). Ridge noted that the Department of Defense was a logical place for the funds for increased use of the National Guard. When approached about the Guard’s use, Secretary of Defense Donald Rumsfeld, “always nodded, but never agreed to anything.” Ridge found that there was widespread fear within DoD that paying for the Guard’s homeland defense mission would set a costly precedent.

The Department of Homeland Security’s earliest operations illustrate the tension that resulted from the new agency’s request for DoD assistance. The National Guard would have fulfilled such a request. Prior to the American invasion of Iraq in March 2003, DHS began a program to prevent terrorist attacks in the United States. Liberty Shield was to be an interagency task force, coordinated through DHS, with a focus on domestic security. Ridge and his deputy found that when they requested that DoD contribute funds to pay for National Guard deployments supporting Liberty Shield, “the strings to this enormous purse were tightly held”

(Ridge 2009, 140). DoD provides modest analytical intelligence support to Liberty Shield, but otherwise chose not to participate with federal resources: “It became clear early on that the Pentagon was reluctant to use its resources within our borders. Ultimately they would again, but they weren’t happy about it”.

*The More Things Change... The National Guard’s Preference for Adaptation*

In the weeks that followed 9/11, DoD dealt with considerable uncertainty regarding how it should organize to secure the homeland. Contemporary media accounts indicate that each of the armed services were considering how to adapt in different ways:

The Army is considering the creation of a command for homeland defense. The Air Force is mulling whether it will have to permanently provide personnel and airplanes to help the Air National Guard carry out the combat air patrols being flown over New York, Washington and other U.S. cities. The Navy might be asked to occasionally deploy Aegis cruisers to provide antiaircraft defenses along the Atlantic and Pacific coasts, as it did immediately after the Sept. 11 attacks on New York and Washington (Ricks 2001).

Like its active duty counterparts the National Guard’s leadership also understood that they would need to adapt their organization to face a changed world. The key strategic issue that the Guard wrestled with before 9/11 – the balance between its dual roles as a combat reserve and a domestic response force – was again at the heart of the problem (Crane 2002, 13–14). Army Secretary Thomas White made the question clear: “One school of thought says we can still do both, but the other side says we can’t” (Graham 2001).

In light of these new demands, the National Guard sought to renegotiate its bargain with the federal government. But it did so in a unique way. Rather than advocating for the assignment of either homeland security or overseas combat missions, the Guard’s leadership advocated for the maintenance of its dual domestic and overseas mandate. They did not seek relief from the missions that it was assigned during the 1990s, most notably its peacekeeping role in the

Balkans. Instead, Lieutenant General Roger Schultz, sought to “align the Guard with the mission before us” (Bender 2001). Although he predicted that the Guard might convert some of its armored divisions into units more applicable to homeland security missions, it would later become clear that the Guard was advocating for an expansion of its responsibilities with little intent on compromise.

Key National Guard leaders used every mechanism at their disposal to advocate for their cause, and to shape the emerging bargain between themselves, DoD, and Congress. The National Guard Association’s president, retired Major General Ronald O. Harrison, was more blunt in his critique of the ongoing debates in the media about the Guard’s future role. In a letter published in the National Guard Association’s monthly magazine, he wrote that, “The Guard has much to offer to the mission of homeland defense, but not everything”. General Harrison made the Guard’s position on any potential re-missioning crystal clear: “We are still needed to augment the Army and Air Force, who cannot perform their responsibilities without us. We disagreed with the Hart-Rudman commission report earlier this year recommending that the Guard’s primary mission be homeland defense” (Harrison 2001). For the National Guard, retaining the dual role imbued the agency with a legitimacy that it could not gain from any other source. As Robert Goldich writes: “Recent past history (the post-Cold War drawdown) unquestionably indicates that attempts to make such changes will generate intense political combat, at the very least” (Goldich 2002, 6).

Congressional testimony regarding the role of the National Guard in homeland security is illustrative of efforts to maintain the Guard’s dual role. In a hearing before the Senate Judiciary Committee in December of 2001, both Senators and National Guard leaders agreed that the Guard could assume a larger portfolio of homeland security missions without a significant

redefinition of its roles. The Chief of the National Guard Bureau, Lieutenant General Russell Davis, strongly advocated for the codification of federal funding and state control of National Guard forces supporting homeland security missions. By expanding the use of Title 32 authority to include homeland security missions, General Davis advocated a position that would be extremely appealing to both state governors as well as the 54 adjutants general who head each state's National Guard. State governors would retain access to the capabilities that the Guard provides for disaster response. Adjutants General would retain the bureaucratic autonomy to pursue initiatives at the state level as they deemed necessary to fulfill missions within the Guard's dual role. Federal funding for such operations provided both the states and the National Guard the resources to implement such initiatives (United States Senate 2002, 11–16).

The Senate Judiciary Committee's Subcommittee on Technology, Terrorism, and Government Information held a hearing on December 13<sup>th</sup>, 2001 to investigate the role that the National Guard would play in homeland defense. During the hearing, the subcommittee members were laudatory of the Guard's performance in the immediate aftermath of 9/11. More importantly, every senator who testified indicated a preference for retaining the Guard's dual role. Senator Orrin Hatch of Utah said that, "I would encourage a very judicious study of any new architecture proposed for the National Guard that would not preserve this dualism" (United States Senate 2002, 2). Senator Hatch cited the Guard's ongoing preparations for the 2002 Salt Lake City Winter Olympics as evidence of its ability to coordinate effectively both with state, municipal, and national-level agencies.

Senator Christopher Bond of Missouri also expressed concern over the National Guard's role in homeland security. Senator Bond noted ongoing discussion in the Department of Defense related to the creation of a military command focused on homeland security and the role that the

Guard would play in such an outfit. “I am not suggesting that the Guard force structure should not be adaptable to a changing threat environment...But I would caution anyone who would seek to alter the traditional dual role of the Guard” (United States Senate 2002, 3). Senator Bond’s rationale for supporting the dual role instead of a focus on homeland security related directly to the Guard’s role as the Nation’s only combat reserve. “We have no draft,” he stated, “Our only bench, our only emergency call-up forces are the strategic Guard and Reserve. The strength of the strategic reserve remains the flexibility of the National Guard to shape our forces and respond to any threat either at home or abroad. This is the Guard’s stated mission, and I truly believe that any attempt to change it would be shortsighted (United States Senate 2002, 4).” Senator Feinstein advocated for legislation that would, “Establish in each state homeland security forces that, in their non-federalized role, would have homeland security as their primary mission. That is in only one part. We are not taking the other part of providing people for our military.”

Given the support for the dual mission, witnesses before the committee faced little intensive scrutiny. Lieutenant General Russell C. Davis, Chief of the National Guard Bureau, indicated that change to the Guard might be required. But rather than advocating for one role over another, he argued that retaining the dual mission was essential to the Guard’s future. “The resources, personnel, equipment, and training provided to accomplish the war-fighting allow the National Guard to support their local and state missions,” noted Davis. Retired Major General Richard Alexander, Executive Director of the National Guard Association, echoed these comments and noted that, while some units may need to be dedicated to homeland security, it was inadvisable to relinquish the dual mission (United States Senate 2002, 16).

In making his recommendation, General Alexander made reference to the Hart-Rudman Commission's Phase III report on the Guard's future role. Both he and Senator Feinstein indicated that the Guard's support for homeland defense should be handled in a similar fashion to its participation in counterdrug efforts. Reaching further into the organization's history, General Alexander cited the Guard's role in responding to civil disturbances under Operation Garden Plot – the DoD's controversial plan to deal with violent protests during the Vietnam War. "Oversight of the homeland security mission should be provided by the National Guard Bureau based upon long-standing garden plot models in which National Guard units are trained and equipped to support civil authorities in crowd control and civil disturbances" (United States Senate 2002, 16).

The National Guard's leadership also indicated their support for a few select provisions of the Hart-Rudman Commission's recommendations for homeland security. For example, General Davis was a strong proponent establishing a national watch center for domestic incidents, with leadership drawn from the Guard. However, he was insistent that the Guard retains its ability to deploy in support of both state-level missions and overseas contingencies (United States Senate, 2002a, 10-12). Retired Major General Richard Alexander, the executive director of the National Guard Association, appealed to the committee to empower the Guard with additional resources to undertake an expansion of the Guard's homeland security responsibilities (15-17).

There was no daylight between the National Guard Bureau and its advocacy organizations as to what the outcome of the bargain should be. In early 2002, the Adjutants General Association advocated for retention of the dual combat and homeland security mission, stating that "Congress and the sovereign states (acting through the National Governors

Association) must actively engage in defining the national strategy, and, in doing so, preserve the essential dual mission of the national Guard in providing our security (Lynch 2002, 3)”.

In September of 2002, Major General Timothy Lowenberg, Adjutant General for Washington State, made an impassioned plea to his fellow adjutant generals to use their influence to sway members of Congress in the conference committee on the 2003 Defense Authorization Act. At issue was whether or not Congress would mandate that federalized National Guardsmen under Title 10 or under state control would provide enhanced border security. Guardsmen were federalized for their border security augmentation immediately after 9/11. The Guard sought to change this, placing control of the Guard back under state control but using federal funding through Title 32. General Lowenberg wrote to his colleagues that:

The House conferees are offering to resolve the conference dispute by withdrawing both bills. The result would be perpetuation of a status quo controlled by OSD/RA (Office of the Secretary of Defense for Reserve Affairs); that is, for at least the duration of the Bush administration the National Guard would be federalized under FORSCOM (Forces Command) and/or NORTHCOM command and control for all domestic security missions. This dispute is at the very heart of the AGAUS (the Adjutant General’s Association of the United States) legislative agenda and is central to defining the Guard’s role in homeland security (Lowenberg 2002).

Despite General Lowenberg’s efforts to rally support, the conferees did compromise and leave the status quo in place. The changes to Title 32 that the National Guard sought would not take effect until the fiscal year 2005 National Defense Authorization Act.

### *Change and Stability in the National Guard*

Efforts to comprehensively reorganize America’s institutions for national preparedness left the National Guard’s dual role unchanged. The Bush Administration’s proposed Department of Homeland Security (DHS) involved the Guard only tangentially. According to the President’s proposal for DHS, “The Department would also coordinate the involvement of other federal

response assets such as the National Guard in the event of a major incident (Bush 2002, 11)”. The Guard was in no way subordinated to the new agency or removed from the Department of Defense (DoD). Nor was the National Guard’s relationship with DoD or DHS altered in the subsequent National Response Plan, which outlined the federal plan to support state and local authorities during large-scale incidents or crises (Department of Homeland Security 2004).

Within its freshly reinforced dual role, the Guard increased the frequency of domestic deployment. The Administration’s reliance on the Guard for homeland security missions represented a clear departure from their use primarily as a reserve or augmentation for active duty troops. The National Guard was shifting its mission from a strategic reserve held for use in emergencies to an operational reserve. After 9/11, the Guard is much more likely to be called up for domestic civil defense missions. To support this shift the Bush Administration found itself mobilizing the National Guard under Title 32. Although the authority to use the Guard under Title 32 had been previously established, its implementation had outstripped the original intent behind the bargain. Operation Iraqi Freedom exacerbated this problem dramatically. The initial ground campaign called for the mobilization of several thousand Guardsmen under federal control to support the deployment (Doubler 2006).

The National Guard also retained autonomy within the DoD. Under the updated Unified Command Plan signed by President Bush in April of 2002, a new joint command, the NORTHCOM, was established to coordinate military support for homeland security and defense. Despite what appear to be closely aligned mandates, the National Guard was not subsumed under NORTHCOM. Instead, the new command would only be responsible for Guard units placed under federal control for domestic missions. Its relationship with non-federalized Guard forces (Title 32 or state active duty) would be one of coordinating federal resources in support of civil

authorities (Haskell 2002). Due to Congressional concerns regarding the Guard's integration into the new command, NORTHCOM's chief of staff was mandated by statute to be a National Guard general officer in the grade of major general. The new command would gain insights from the National Guard on the domestic use of military capabilities, but no authority to mobilize or manage it. In the debate over how best to organize for homeland security, the National Guard retained its autonomy. However, the new command created command and control relationships that were untested and unclear at the time that NORTHCOM was established. The effects of this reorganization would not become clear until NORTHCOM was pressed into action following Hurricane Katrina.

While the form of government reorganization was taking shape, the National Guard set out to further enhance its ability to execute homeland security missions under its existing structure. The National Guard's efforts to retain autonomy were not confined to the National Guard Bureau itself. The National Guard Association of the United States (NGAUS) advocated on behalf of the Guard for the same institutional changes and resources that the Guard itself requested. The NGAUS annual legislative posture statements from 2003 and 2004 highlight the Guard's strategy on Capitol Hill. The 2003 statement makes the argument that:

While there is a need for selected units and personnel to be dedicated primarily or even exclusively for homeland security, that mission can be most effectively and efficiently accomplished as a dual mission that complements, enhances, and draws its essential strength from the National Guard's continued combat force structure, training, and experience (National Guard Association of the United States 2003, 3).

To accomplish the Guard's homeland security mission, NGAUS advocated for expanded use of Title 32. This recommendation to Congress is derived from the organization's 2004 posture statement:

Keep soldier under governor's control... Recommends that Congress Resolve that the National Guard should be allowed to perform this mission, and other Homeland Security Missions, as they are currently doing the counter-drug mission at the borders (in Title 32 status) with appropriate reimbursement from the federal government (National Guard Association of the United States 2004, 3).

Once again, the National Guard presented its case to retain its dual role on Capitol Hill.

Lieutenant General Steven Blum, Chief of the National Guard Bureau, argued for institutional changes and resources that would allow the Guard to improve its ability to respond to domestic and foreign contingencies. Although the National Guard had demonstrated its ability to react quickly in the immediate aftermath of 9/11, General Blum made it clear that further changes were necessary to make the Guard more successful:

We have to change the National Guard however because it is not exactly optimized for the current threat that we're facing right now and future threats that we foresee on the horizon. As a modern-day National Guard we can answer no notice calls by our governors to respond to catastrophic events created by either Mother Nature, man-made accidents or acts of terrorism here at home. *But we have to change the National Guard in the way we train it, organize it and, most importantly, the way we resource it so that it can be an operational Reserve force that can be used in a joint and expeditionary overseas warfighting, and to supplement our active components when necessary. We are not structured correctly to do that today* (emphasis added) ... (U.S. House of Representatives 2004).

The Department of Defense was also on board with maintaining the dual roles of the Guard and expanding its capacity to support homeland security missions. Paul McHale, who served in the newly created position as the Assistant Secretary of Defense for Homeland Security, also testified in favor of the Guard's retention of the dual roles.

State governors also expressed support for the Guard's preference through the National Governor's Association. In a series of letters to the House and Senate Armed Services and Defense Appropriation Committees, Governors Dirk Kempthorne of Idaho and Michael Easley of North Carolina wrote that:

...The nation's Governors appreciate and fully support the National Guard as a dual-missioned force for both domestic and outside the continental United States peacetime and wartime missions. The Guard's effectiveness in responding to state and federal domestic emergencies is a direct result of its combat, and combat service support missions, training, equipping, and deployment experience (Kempthorne and Easley 2004).

Advocacy for expanded use of Title 32 authority was not limited to NGAUS. In testimony before the House Committee on Government Reform, Major General Timothy Lowenberg, the Adjutant General for Washington State, made a detailed case for changes in the U.S. Code. These changes would expound on the authorities granted to the Guard for providing counter-drug support to state and local law enforcement:

Whether Congress expands the current 32 USC 112 authorization or authorizes an expanded scope of National Guard Homeland Security missions through a separate statute patterned or modeled after 32 USC 112, the important thing is for Congress to empower the National Guard to be used in Title 32 status to meet the growing homeland defense and homeland security needs of the several states and of the federal government itself (U.S. House of Representatives 2004).

Ultimately, The Guard and its advocates were successfully changed Title 32 in favor of their proposed institutional change. On October 28 2004, President Bush signed the National Defense Authorization Act of 2004 into law. Section 512 of the act amended Title 32, adding a chapter that institutionalized an operational active duty status similar to that created to fight the War on Drugs fifteen years prior. Governors were now able to activate their National Guardsmen for a period of up to 180 days to support homeland security missions. If coordinated with and approved by the Department of Defense, the federal government would reimburse the costs associated with these activations.

*Change within the National Guard: Organizational-level Components of Strategic Adaptation*

The National Guard also exhibited characteristics of organizational adaptation that complemented its efforts at institutional adaptation. As early as 2002, the Army National Guard re-designated several units, totaling approximately 21,900 soldiers, from combat formations such as artillery into support units more closely aligned with homeland security missions (United States Senate 2002, 182). The Guard also formed interagency partnerships with federal, state, and local agencies to protect critical infrastructure. One of these initiatives focused on improving security in New York State. The New York National Guard, in conjunction with the New York Police Department and myriad agencies, established Joint Task Force Empire Shield to reinforce transit nodes in the city. Empire Shield also provided security assistance to the Port Authority of New York and New Jersey and to the Indian Point nuclear power plant north of the city (Riley 2012).

General Blum and the state adjutants general launched a series of initiatives to internally adapt the National Guard (Blum 2005; National Guard Bureau 2005). Two are particularly notable. The first of these was to reorganize the National Guard Bureau (NGB), the coordinating authority for the Guard at the federal level, into a joint service headquarters. In doing so, General Blum was bringing the NGB into the formation as the active component combatant commands over 20 years prior under the Goldwater-Nichols Department of Defense Reorganization Act of 1986. The Guard had been left out of the previous round of reform; General Blum sought to bring the National Guard up to date. He also mandated that state-level National Guard headquarters be reformed in the same manner (Doubler 2008, 54-60).

A second key initiative, directly related to state-level reorganization, was the establishment of a dual-hatted command structure for large, planned events. The National

Guard's leadership understood the challenges inherent in coordinating federal and state-level military support for domestic events. The Guard sought and gained approval for authority to place a National Guard general officer in charge of both active duty military personnel operating under Title 10 of the U.S. Code and of National Guardsmen operating under state control. The arrangement was put into practice for security operations at the 2004 G8 Summit at Sea Island, Georgia (Doubler 2008, 69–70).

The National Guard's initiatives were not necessarily an unqualified success. Despite its initiative, the Government Accountability Office (GAO) noted that the Guard was caught in between its federal and state roles. To the GAO, it seemed that DoD wanted to tap the National Guard as a resource irrespective of its effect on the states' needs:

Since September 11, 2001, the extensive use of both the Army and Air National Guard in recent operations has resulted in a steady decline in the warfighting readiness of non-deployed units. The greatest negative impact has been on the Army National Guard because it is not structured or funded to meet the demands of recent operations (St Laurent 2004, 12).

The report indicates that the Guard has few forces left stateside that have any deployment capability. It concluded that, "DoD generally organizes, trains, and equips the National Guard for only the federal missions it leads...As a result, National Guard forces that may have to take on homeland security missions are not organized, trained, or equipped specifically for these missions (p 14)." Even as the Guard adapted to the new requirements of the post-9/11 world, it was clear to the GAO that challenges lay ahead:

Unless DOD, Congress, and the states work closely to address these challenges, Guard units may continue to experience a high pace of operations and declining readiness that could affect their ability to meet future requirements both at home and overseas (United States 2003, 23).

## **Assessing the National Guard after 9/11**

The National Guard that emerged from the post-9/11 debates over how to organize for homeland security looked similar in many ways to the one that existed before. This was not due to drift; it was by design. The National Guard was able to maintain its dual roles as America's primary combat reserve and as the first military responder to domestic emergencies. In doing so, it improved its bureaucratic autonomy and enhanced its reputation in the aftermath of the most calamitous attack on American soil since Pearl Harbor. The Bush Administration undertook the most sweeping reorganization of the federal bureaucracy since the National Security Act of 1947, but did not change the Guard or its dual role in any appreciable way. The Department of Defense revised the Unified Campaign Plan, creating a new combatant command for the first time in decades, but did not subsume the National Guard within it. The Guard undertook its own organizational-level initiatives to improve its performance. More importantly, the Guard succeeded in persuading lawmakers to provide it with expanded authorities under Title 32 of the U.S. code, restructuring the rules that governed the agency. In this case, the Guard was able to get what it had bargained for.

A positive relationship with Congress in conjunction with presidential empathy undoubtedly benefited the National Guard's desire for continued independence. However, this relationship was not serendipitous. The Guard's leadership portrayed a coherent message about its desire to retain its dual mission. They clearly articulated the changes to statute that would enable them to expand their missions without jeopardizing or favoring one of their roles over another. The Guard's leadership exhibited expertise not only in terms of mission performance but also in terms of the initiatives it undertook to make it a more responsive agency.

### *The National Guard and Bureaucratic Autonomy*

The National Guard displayed considerable autonomy after 9/11. The Guard went from an agency that was at the mercy of the active duty Army and Air Force to one that was able to influence institutional and organizational arrangements. Key adjutants general and the National Guard Bureau's leadership rapidly identified their role in the changing context of 9/11. Unlike the active duty military, which exhibited considerable disarray, the National Guard leadership articulated a clear and cohesive vision for their organization. They exhibited no dissent among their leadership. Although their recommendations flew in the face of the conventional wisdom about the National Guard and homeland security that had been presented by various commissions and policy experts, the Guard prevailed. They did so in part because the solution to the homeland security dilemma that they proposed required little restructuring or change to their overarching role. No new agency had to be created. No expensive new weapon system had to be purchased. All that had to change was the letter of the law.

### *Reputation and Strategic Adaptation*

Much of the Guard's success in negotiating a new bargain was tied to the agency's performance on and immediately after 9/11. The Guard was able to make claims as to its expertise and utility that many other departments and agencies in the federal government could not make: that when it was called, the Guard had done its job. The 9/11 Commission Report does not give the National Guard special praise for doing its duty that day. But unlike the intelligence community and other agencies charged with protecting the United States against terrorist attacks, the Guard was not subject to criticism. Their ability to rapidly secure airports, the borders, and

critical infrastructure also raised the agency's reputation in the eyes of both the public and policymakers.

As a component of the armed forces, the Guard also received the reputational gains that the armed forces did writ large. The Guard would contribute significant numbers of soldiers and airmen to operations in Afghanistan and later Iraq, improving their reputation even further. Arguably, the Guard's performance of duty at home in response to natural disasters also contributes to a positive reputation among state and local officials. But the Guard's performance during a national catastrophe gave the agency a reputational boost from which it still benefits.

### *Strategic Adaptation and Survival*

The National Guard bargained for a very specific form of institutional and organizational change. In the process of doing so, the Guard insulated itself from Congressional and executive pressures for government reorganization. It avoided the Coast Guard's fate – reorganization under DHS – for a number of reasons. Some of these can be traced directly to its Constitutional role and the Dick Militia Act a century earlier. Clearly, the Guard's dual role as a force provider for the active duty Army and Air Force played a role in keeping the agency under DoD. With operations in Afghanistan ongoing and the Iraq war looming, the Guard would be needed to augment the active components. Still, elements of the National Guard could very easily have been included in DHS, as the Hart-Rudman and Gilmore Commissions both proposed. The concept of a militia is, at its core, a force intended to secure the homeland.

The way in which the National Guard adapted also kept it from being placed under NORTHCOM's control. By balancing its capabilities between overseas deployments and domestic response, the Guard could not be pigeonholed into homeland security functions.

Instead, the Guard would embed a senior officer into the NORTHCOM command structure to assist in integrating its expertise and perspective into the command's operations. Certainly, concerns over the military's infringement on civil liberties came into play (Brooks 2005). Inhibiting the state governors' role in controlling their state's National Guard also undoubtedly factored into this calculus. Most importantly, the Guard was able to straddle the line between the federal need to reorganize and demonstrate that it was changing on the one hand, while balancing the states' need for access to military capability on the other. Their solution allowed them to resist sublimation and reorganization. In this case, the National Guard changed by adapting a position that allowed them to stay almost exactly the same.

## Chapter 7

# The Perfect Storm: The National Guard and Hurricane Katrina

*“Within a few hours, the entire National Guard compound was sitting under three feet or more of floodwater... If there had been any doubt that the state of Louisiana would need federal help to cope with Katrina, the point had just been hammered home.”*

–From “Disaster: Hurricane Katrina and the Failure of Homeland Security,” p. 126.

*“Hurricane Katrina provided a real-life test of the National Guard’s ability to carry out its constitutional role as both a state and federal military force. The National Guard passed the test with flying colors.”*

–From “In Katrina’s Wake: The National Guard on the Gulf Coast, 2005,” p. 35.

The National Guard’s response to Hurricane Katrina is an example of its ability to build reputation, bureaucratic autonomy, and survive under conditions that would put most other federal agencies into receivership. The epigraphs above are indicative of how the Guard was able to adapt to new or qualitatively different demands. On the one hand, the Guard’s initial response to Katrina was inadequate. The National Guard’s leadership failed to recognize the storm’s scope and scale until the levies in New Orleans failed. The Louisiana National Guard, and the National Guard more broadly, was poorly positioned and ill equipped to rapidly respond to the ensuing disaster. Nearly a third of the Louisiana Guard’s soldiers and even more of its equipment had been deployed overseas to Iraq or Afghanistan. Most importantly, coordination between the National Guard, the Federal Emergency Management Agency (FEMA), the Department of Homeland Security (DHS), U.S. Northern Command (NORTHCOM), and other Department of Defense (DoD) agencies was found to be wanting.

The National Guard’s failure to mount a faster and more effective response cast doubt on its effectiveness (Shane and Shanker 2005). President Bush and some members of Congress

considered a greater role for the active duty military after a catastrophe (United States. House of Representatives 2005, 3). President Bush pressed Congress and his administration to expand the military's role (VandeHei and White 2005). Bush expressed his views in a nationally televised address:

It is now clear that a challenge on this scale requires greater Federal authority and a broader role for the Armed Forces, the institution of our Government most capable of massive logistical operations on a moment's notice (United States. The White House 2005).

Investigations after the storm cast doubt on the Guard's ability to manage a complex relief operation, calling its reputation into question. The push for greater centralization in disaster response threatened the National Guard's autonomy. Katrina challenged the National Guard's core institutional premise: that a military organization under state control can adequately respond to a large-scale regional or national disaster.

On the other hand, the Guard's performance after the storm subsided has been touted as a success. The National Guard deployed over 50,000 Guardsmen from across the country to the Gulf Coast in support of the rescue effort. The Guard provided food and medical aid, rescued tens of thousands of survivors, and saved innumerable lives. The response to Katrina was the largest domestic relief operation that the Guard ever mounted (Boehm, Hylton, and Mehl 2010).

These competing narratives of the National Guard's performance inform our understanding of how the Guard adapted after Hurricane Katrina. The response to the storm generated considerable outrage and called the Guard's role in disaster preparedness and response – as well as its role overseas in Iraq and Afghanistan – into question. Under these circumstances, one would expect that Congress would step in and take a more prescriptive role in how the Guard operates. If nothing else, Katrina was what Mathew McCubbins and Thomas Schwartz would consider a fire alarm – a signal that something was wrong, and that Congress had to

intervene (McCubbins and Schwartz 1984). This is what happened to FEMA. In 2006, Congress mandated a host of specific reforms to the agency to depoliticize disaster response and improve its performance in the next crisis (Jenkins 2008).

Congress treated the National Guard differently. Unlike FEMA, the Guard proposed its own methods of adaptation. It sought changes to existing statutes that would allow it to retain its bureaucratic autonomy. Congress backed the Guard's initiatives, codifying them into law. In doing so, the Guard improved its ability to coordinate across states, bolstered its standing with state governors, and strengthened its bureaucratic autonomy in the Pentagon. Where FEMA was compelled to reform by mandates, the Guard had its own initiatives written into law. What explains these different adaptation processes?

This chapter explores the National Guard's response to Hurricane Katrina. Focused primarily at the national level, it examines how the Guard operated at the storm's outset and its adaptation in the storm's wake. In doing so, the chapter examines three key questions. First, why was the National Guard inadequately prepared to respond to Katrina – particularly when domestic disaster response represents one leg of its dual role? Second, how was the Guard able to overcome its early missteps during the response and adapt after Katrina? Third, what can the answers to the first two questions tell us about the National Guard's ability to enhance its autonomy, improve its reputation, and to survive?

In this chapter, I argue that after Katrina, the National Guard's leadership – particularly the chief of the National Guard Bureau, the director of the Army National Guard, and several key state adjutants general – recognized the Guard's performance gaps and successfully bargained with Congress and DoD to close them. National Guard leaders identified gaps in two key areas: coordination with DoD and FEMA, and shortfalls in equipment and personnel readiness. To

close these gaps, they sought changes to institutional and organizational arrangements that would enhance the Guard's ability to coordinate and implement a more effective response to future disasters. Guard leaders accomplished this through extensive advocacy to Congress, state governors, DoD, and a key commission that examined the National Guard's roles and missions. In doing so, the National Guard avoided proposed cuts and reorganization that DoD sought to impose after Katrina. The Guard's lobbying of and negotiation with Congress and state governors led directly to institutional changes that enhanced the Guard's autonomy. Most importantly, the National Guard maintained the agency's dual role as a combat reserve and domestic military first responder.

The chapter proceeds as follows. I evaluate where the National Guard stood with regard to bureaucratic autonomy and reputation prior to Hurricane Katrina. From the initiation of the Iraq War in 2003 until Katrina made landfall in 2005, the Guard's dual role was a product of the bargain that was struck after 9/11 (see Chapter 6). This reaffirmation of its dual role had negative implications for the Guard at Katrina's outset. Next, I show how the events surrounding Katrina helped to enhance the Guard's reputation in dealing with Congress, DoD, and the states, which improved its ability to bargain for the type of adaptation that the leadership of the Guard preferred. Finally, I show how the Guard leadership's efforts at strategic adaptation improved bureaucratic autonomy, enhanced its reputation, and ensured survival.

### **The Guard's Disaster Role Before Katrina**

The National Guard had long been the nation's military first responder during natural disasters (Doubler 2003). Even after 9/11, when the Department of Homeland Security (DHS)'s roles and functions were being forged, the Guard remained the military's first responder for any

number of domestic contingencies. Locally based and responsive to a state's governor, the Guard provided both specific military capabilities such as aviation, engineering, and logistical support as well as general-purpose forces useful for everything from crowd control to filling sandbags. The National Guard provided the states with a capability that existed within no other agency at their disposal: a trained and disciplined force capable of responding to a variety of disasters and other scenarios. Hurricane Katrina tested the limits of the National Guard's ability to respond to a storm of unprecedented scale, as exacerbated by the two wars abroad.

### *Implications of 9/11 and the changing security environment on the National Guard*

The National Guard's response to Hurricane Katrina was conditioned by the nation's response to 9/11. Prior to 9/11, the approach to catastrophes could be summarized in an aphorism: "all disasters are local". The expertise for disaster response tends to be localized, even though an event's impact may be national in scope (Birkland 2006, 129). Defending the country from future terrorist attacks, protecting critical infrastructure, securing the borders, and improving air transit security dominated the newly formed DHS's agenda and represented a different approach (Kettl 2004; Kettl 2007; Thaler 2005; Noftsinger 2007). The change represents a shift from what May and Williams (1986) label as shared governance – a partnership between state, local, and federal experts and agencies – to a more hierarchical approach with the DHS asserting federal control (Perrow 2006; Scavo, Kearney, and Kilroy, jr. 2007).

This increased centralization, combined with an absence of an overarching homeland security strategy, undermined the federal government's previous focus on collaboration with state and local first responders for disaster mitigation and crisis response. Anne Khademian

(2004) observed the lack of a coherent strategy for connecting DHS to local emergency responders:

A fundamental challenge for the DHS is to find a way to conceptualize and communicate the relationship between emergency all-hazards management and homeland security priorities to state and local governments (110).

DHS was unable to solve this problem prior to Katrina. the tools that the federal government used to support local agencies focused on combating terrorism rather than responding to natural disasters (Reese 2009, 13).

In contrast to the DHS, the DoD leadership tightly restricted the department's role in homeland security. The 2004 *National Military Strategy*, a Pentagon document that articulates how the armed forces fit into the president's broader national security strategy, makes only a passing reference to the domestic use of military capability:

When directed, the Armed Forces will temporarily employ military capabilities to support law enforcement agencies during special events. During emergencies the Armed Forces may provide military support to civil authorities in mitigating the consequences of an attack or other catastrophic event when civilian responders are overwhelmed (United States. Department of Defense. 2004, 10).

The strategy ends its brief treatment of domestic emergencies by emphasizing the role that DoD will play in combating Weapons of Mass Destruction (WMD):

Effective defense in the face of adaptive adversaries will also require the exploitation of future technologies to improve capabilities to rapidly detect, assess and interdict WMD/E and emerging threats (United States. Department of Defense. 2004, 10).

The DoD provided more details regarding its approach a year later in the *Strategy for Homeland Defense and Civil Support* (2005). In that document, the DoD role is mainly focused on deterring potential adversaries, detecting potential threats, and assisting in managing the consequences of an attack using WMD. Although the strategy emphasizes cooperation and joint planning with the DHS, this coordination is exclusively focused on responding to terrorist attacks that employ WMD. Responding to large-scale natural disasters is mentioned only in passing in

the 2005 document.

DoD made considerable organizational changes after 9/11. Creating United States Northern Command (NORTHCOM) was among the most substantial. NORTHCOM was chartered with managing DoD's response to future terrorist attacks on American soil. NORTHCOM was the most substantial reform that DoD made to its command structure since the Goldwater-Nichols act in 1986. The 9/11 Commission report recommend that NORTHCOM focus its efforts predominately on mitigating the terrorist threat (National Commission on Terrorist Attacks Upon The United States 2004). What the Commission and DoD left unclear were NORTHCOM's role in disaster preparedness and its relationship with the National Guard ambiguous (Bolkom, DeSerisy, and Kapp 2005, 109). This left the new command with little experience in planning and executing disasters response operations prior to Hurricane Katrina (United States Northern Command 2011, 6).

U.S. military doctrine made clear that the department's focus was on deterrence – the “away game”. The military's *Joint Publication 3-26*, which provides the doctrinal basis for using the military for homeland security (United States. Joint Chiefs of Staff. 2005), articulates the DoD approach to domestic missions as follows:

DoD contributes to HS (Homeland Security) through HD (Homeland Defense) and CS (Civil Support). DoD support to HS is global in nature and is often conducted in depth beginning at the source of the threat. Applying military power at the source of the threat furthers the present strategy of deterrence (I-8).

The DoD doctrine codified the difference between the concepts of homeland defense and homeland security as:

Homeland Defense is the protection of US territory, sovereignty, domestic population, and critical infrastructure against external threats and aggression.

Homeland Security, as defined in the National Strategy for Homeland Security, is a concerted national effort to prevent terrorist attacks within the United States, and minimize the damage and recover from attacks that do occur (I-3).

Doctrinally, the DoD largely wrote itself out of the homeland security equation. Managing the consequences for a terrorist attack would only fall to DoD under the direst circumstances.

There were valid reasons for separating homeland security and defense missions.

Concerns over civil liberties, and in particular the proper use of military capabilities within the United States certainly informed the DoD strategy and policy. Risa Brooks (2005) writes:

One of the consequences of expanding the military's organizational roles in internal security is that it subverts this normative ethos and alters the existing basis of professional conduct for United States military personnel (145).

Brooks' concern is representative of broader fears associated with an expanding military presence in domestic affairs.

This brief overview contextualizes the National Guard's role prior to Katrina. Three themes become readily apparent. First, the civilian authorities in the DHS and its subordinate agencies were still suffering from the bureaucratic birthing pains endemic to the sweeping reorganization that brought the agency together. Second, the leadership of the DoD gave its domestic response mission scant attention relative to operations overseas. DoD's organizational culture, combined with legal and historical precedent, influenced its civil support strategy and doctrine. At the same time, combat operations in Afghanistan and Iraq drew resources and attention away from homeland security and defense. Third, the only common theme that the DoD and the DHS shared in their domestic response plan was a focus on terrorism. This signaled for the National Guard that there would be little emphasis on integrating their disaster response mission at state level into a more comprehensive, national framework.

### *The National Guard before the Katrina Storm*

The National Guard did not share the DoD's bifurcated approach to homeland security and defense. Instead, the Guard continued to do both. In responding to disasters, the National Guard's strength is that it can bring a large number of disciplined and organized units to bear on any problem quickly (Doubler 2003). Domestic disaster response was at the heart of its state-level mission, and had been so for decades (Rich and Burch Jr. 1956). The 2005 *Strategy for Homeland Defense and Civil Support* clearly articulated that the Guard would be at the forefront of any DoD response to domestic incidents:

Homeland defense and civil support are Total Force responsibilities. However, the nation needs to focus particular attention on better using the competencies of National Guard and Reserve Component organizations. The National Guard is particularly well suited for civil support missions (United States. Department of Defense. 2005, 35).

Although the National Guard formed the preponderance of a state's disaster response force, states were not provided guarantees that the right numbers and types of units would be available to respond to a crisis. The Guard was and continues to be manned and equipped for its wartime mission, not for domestic emergencies. To fill this gap, state governors could request assistance from National Guard from other states through the Emergency Management Assistance Company (EMAC). The law allows states to send non-federalized National Guardsmen and civilian emergency responders and equipment to aid another state during a crisis. The EMAC describes the procedures necessary to manage another state's resources, prepositioning assets prior to an impending disaster, and to reimburse costs associated with such deployments (United States. House of Representatives 1996). Under the EMAC, National Guard state adjutants general make recommendations to their governors regarding the number and type of units to request from other states. Informal coordination between neighboring states ensures that the right tools are available in the event of disaster.

### *The Guard Overseas: Building Reputation in Iraq and Afghanistan*

After 9/11, the National Guard successfully retained the combat half of its dual mission (see Chapter 6). This victory had consequences for the National Guard that related directly to its performance during Hurricane Katrina. Three stand out. First, by retaining the combat role, the National Guard would make up an increasing share of forces in Iraq and Afghanistan. As discussed in Chapters 3 and 4, this was a result of the Total Force Policy that integrated the reserve components with the active duty military. This made the active component dependent on National Guard for the manpower necessary to prosecute a protracted military campaign. DoD's need for troops to deploy to Afghanistan and invade Iraq pressed the National Guard into a more prominent role. The Guard's dual role and the military's overall composition did not change after 9/11. This caused some senior DoD leaders to feel that the Guard was being overstretched to compensate for a shortage of active duty soldiers (Shanker 2003). Likewise, state emergency response officials and state governors feared that the Guard would not be able to respond adequately to domestic emergencies (Kershaw et al. 2004; Cook 2004).

Despite these concerns, National Guard combat deployments increased every year from 2001 through 2005. Guardsmen were involved in nearly every aspect of operations in Iraq and Afghanistan. Guardsmen trained the Afghan National Army, conducted combat patrols, and provided logistical support (Doubler 2008, 28–32). The National Guard became an indispensable component of operations in Iraq. As Risa Brooks (2005) notes:

In July 2003, 48 percent of the active duty military was deployed overseas (with 167,000 in Iraq alone) as was 30 percent of the Army Reserve force and 21 percent of the Guard (Brooks 2005, 137).

By mid-2004, 51 percent of the Army National Guard and 31 percent of the Air National Guard had been called up to serve in Iraq, Afghanistan, or in some aspect of the Global War on

Terrorism at home or abroad (St Laurent 2004, 2). By 2005, the Army National Guard made up 41% of the American military presence in Iraq, down from over 50% the year before (Graham and White 2005). The Guard's deployment represented its largest overseas commitment since World War II (Doubler 2008, 48).

A second consequence of retaining the dual mission after 9/11 was that, with more frequent use, the National Guard's reputation improved. As Guard deployments increased, so too did attention from elected officials. No longer "weekend warriors", the National Guard gained prominence and improved its reputation (Pappalardo 2004). President Bush, the keynote speaker at the NGAUS annual conference, expressed his appreciation for the Guard:

The National Guard has played a critical role in every aspect of Operation Enduring Freedom and Operation Iraqi Freedom. More than 185,000 Guard members have been called up to serve on every front in the war on terror. You are a vital part of our strategy to defend America. You're fighting terrorist enemies in Iraq and Afghanistan and across the globe, so we do not have to face them here at home. America is safer because of your service, and we are grateful (United States. The White House 2004).

Secretary Rumsfeld noted that the Guard was an indispensable part of the Total Force. The military could not deploy to war without them. This was particularly true of high-demand units that were almost exclusively in the National Guard or the reserves, such as military police and civil affairs personnel. Rumsfeld acknowledged the stress that this placed on the reserves:

They signed up to be a civilian and help out when needed. But if 'when needed' becomes every two, three years, then that changes the circumstance for them and that's not necessary (United States. Office of the Secretary of Defense 2004).

As the National Guard gained prominence and reputation from their combat deployments, they also garnered more influence. Senior government officials ignored or underplayed National Guard-related issues at their peril. Secretary Rumsfeld discovered this firsthand. In what would become perhaps the most infamous remark of his tenure as defense secretary, Rumsfeld acknowledged that the Guard did not have equipment comparable to the active force:

He (Rumsfeld) said all organizations had equipment, materials and spare parts of different vintages, but he expressed confidence that Army leaders were assigning the newest and best equipment to the troops headed for combat who needed it most.

Nonetheless, he warned that equipment shortages would probably continue to bedevil some American forces entering combat zones like Iraq. "You go to war with the army you have, not the army you might want or wish to have at a later time," Mr. Rumsfeld said (Schmitt 2004).

This remark netted the Guard attention and sympathy from lawmakers. The National Guard internally reorganized its equipment, sending its best materiel overseas to Iraq and Afghanistan.

The Guard's more frequent use and improved reputation led to a third consequence – it would be out of position to rapidly respond to Katrina. Fulfilling its commitments overseas came with significant costs. When Katrina made landfall, 30 percent of the Louisiana National Guard's soldiers were serving in Iraq. It is easy to overstate the importance of this figure, since the Louisiana National Guard still had roughly 7,000 soldiers available to respond to the disaster. Nevertheless, the Chief of the National Guard Bureau, Lieutenant General H. Steven Blum, noted that the deployment did inhibit the initial response:

Lt. Gen. Steven Blum, chief of the National Guard Bureau, said that "arguably" a day at most of response time was lost due to the absence of the Mississippi National Guard's 155th Infantry Brigade and Louisiana's 256th Infantry Brigade, each with thousands of troops in Iraq. "Had that brigade been at home and not in Iraq, their expertise and capabilities could have been brought to bear," said Blum (The Associated Press 2005).

In addition to fewer soldiers and lost time to respond, the deployment also cost the Guard some of its local knowledge of the effected areas and the equipment to respond to a disaster:

Rep. Gene Taylor, D-Miss., whose waterfront home here was washed away in the storm, told reporters that the absence of the deployed Mississippi Guard units made it harder for local officials to coordinate their initial response. "What you lost was a lot of local knowledge," Taylor said, as well as equipment that could have been used in recovery operations. "The best equipment went with them, for obvious reasons," especially communications equipment, he added.

At the time Katrina made landfall, Louisiana and Mississippi felt the impact of combat deployments disproportionately compared to other states. Across the National Guard only 15 percent of the aggregate force had been mobilized, demonstrating that burden placed on the Louisiana Guard was nearly double the average across the states at that time (United States National Guard Bureau 2005). Just as importantly, the National Guard only had a third of its total inventory of military equipment available when Katrina made landfall (Bender 2005). The burden of fighting the wars in Iraq and Afghanistan would leave a gap in the Guard's ability to respond to any natural disaster ranging from forest fires to floods (The Associated Press 2004). As Senator (and National Guardsman) Lindsay Graham noted, Katrina would illustrate the stress being placed on the National Guard:

You're going into the hellhole of combat in Iraq, and now you're in the middle of one of the nation's deadliest natural disasters. Just as levees break, the force is going to break (Moniz 2005).

Combat deployments to Iraq and Afghanistan both helped and hindered the Guard's reputation. On the one hand, the deployments justified the Guard's dual mandate. Combat operations brought positive attention from lawmakers and increased support. On the other hand, combat deployments meant that the National Guard's response to Katrina would begin shorthanded.

### **The Perfect Storm: The Guard and Katrina**

From the start, the National Guard was challenged to adequately respond to Hurricane Katrina. Jackson Barracks in New Orleans' lower ninth ward, the Louisiana National Guard's command post inside the city, flooded at the onset of the storm. In describing the scene, Christopher Cooper and Robert Block (2006) wrote that, "If there had been any doubt that the state of Louisiana would need federal help to cope with Katrina, the point had just been

hammered home (126)". Although much of the city had been evacuated prior to Katrina's landfall, key elements of the city's response had been rendered useless. The Louisiana National Guard's Joint Operation Center, the nexus for coordinating emergency relief efforts in and around New Orleans, was also flooded.

Even as Jackson Barracks flooded, the National Guard Bureau began to implement what would become the largest domestic disaster relief mission in the Guard's history. Much like its response to 9/11, Guardsmen performed a multitude of heroic acts. Guardsmen patrolled New Orleans block by block, by foot, boat and helicopter, evacuating citizens trapped by the storm (Manuel 2005). They provided security in conjunction with the New Orleans Police Department and active duty forces that arrived a week after the storm. They cleared debris from storm-damaged roads as the waters receded. In all, over 50,000 Guardsmen from every state participated in the relief effort at its peak (Boehm, Hylton, and Mehl 2010).

From afar, the images of rescues and soldiers patrolling the streets gave the appearance that calm and order were rapidly being restored. Those images belie the challenges that the National Guard faced in assembling and deploying Guardsmen to the Gulf Coast (Whoriskey and Levine 2005). The military's bifurcated command structure, with distinct statutes, policies, and roles for the federal, active duty military and the National Guard under state control, complicated the response (Cooper and Solomon 2005). Coordinating a relief effort through EMAC, while a valuable assistance tool, proved to be inefficient for large-scale disasters. Personnel and equipment shortages caused by deployments to Iraq and Afghanistan made a complicated coordination task even more challenging (Borger and Campbell 2005).

The National Guard's rescue operations in and around the New Orleans Superdome are representative of the challenges associated with the broader relief effort. After the storm began to

subside, the Louisiana National Guard was able to secure the Superdome, a refuge for citizens with no other place to go. The stadium provided shelter for 15,000 displaced New Orleans residents. Guardsmen were able to keep backup generators running while awaiting rescue. The National Guard was able to maintain order, even after the air conditioning and main power source went out and conditions inside deteriorated. However, the Guard was unable to mount an evacuation effort until several days later due to the lack of transportation assets. As the delay grew from hours to days, more citizens sought refuge at the Superdome, nearly doubling the number of people awaiting rescue (Wombwell 2009, 62–65).

Knowing that the situation in the Superdome was increasingly dire, Louisiana Governor Kathleen Blanco submitted a request to FEMA for buses to move civilians out of the Superdome. FEMA was unable to provide buses for over two days, and only then after several requests from the governor (Lipton et al. 2005). Unbeknownst to Governor Blanco, the Regional Transit Authority had over 200 working buses available the entire time. A U.S. Army history of the response to Katrina encapsulates the Superdome rescue mission best:

The absence of a unified command negatively affected the Superdome evacuation mission. Although all agencies involved no doubt sought to carry out the evacuation as soon as possible, the mission did not go smoothly, suggesting a lack of unity of purpose as well (Wombwell 2009, 64).

The National Guard's response to Katrina was decidedly mixed. Its initial response was haphazard. As the relief effort unfolded, the narrative of paralysis and bureaucratic bungling competed for media attention with positive accounts of the Guard's rescue and recovery operations. Katrina illustrated the lack of coordination between DHS, DoD, NORTHCOM, and the National Guard in response to large-scale disasters (Jaffe 2005). For the National Guard, Katrina called the military's bifurcated command structure into question:

The fact that the National Guard may act under state control or may be federalized and brought under command of active duty forces at the President's discretion creates a decision-point with political, cost, and coordination/command implications. It is not yet clear the extent to which, if any, these issues may have affected the speed and quality of response to Katrina. They do, however, present a core concern in the balance of state and federal control in disaster situations (Bowman, Kapp, and Belasco 2005, 1).

In the storm's aftermath, the National Guard's leadership worked to fix these coordination issues while defending the Guard's institutional roles and force structure.

### **The National Guard after Katrina: Bureaucratic Autonomy, Reputation, and Survival**

Hurricane Katrina raised fundamental questions about how the U.S. would prepare for and respond to future disasters. How would Congress and the White House improve coordination between federal and state disaster response agencies? What would the military's role be in future responses? Would response efforts become more centralized or remain decentralized? The investigations, hearings, and commissions that followed Katrina shaped policymakers' answers to these questions. For the National Guard, the answers could affect the balance between its dual roles as a combat reserve and domestic response force. Centralizing authority or enabling robust active duty military presence would threaten the National Guard's autonomy.

The balance of the chapter examines how the National Guard adapted following Katrina. After the storm, the Guard's leadership rapidly assessed their agency's shortcomings. They developed a strategy to improve coordination while retaining the Guard's dual role and bifurcated federal/state organizational arrangement. The Chief of the National Guard Bureau, Lieutenant General Blum, state adjutants general, and the National Guard Association used the post-Katrina investigations and hearings to advocate for their preferred institutional and organizational changes. Unlike changes to FEMA, where lawmakers were prescriptive as to how

the agency would change (United States. House of Representatives 2006c), the Guard's leaders successfully bargained for the changes that they sought.

### *The National Guard's Self-Assessment*

Almost immediately after the storm passed, a bevy of investigations into the response to Katrina began. The National Guard conducted a series of internal After Action Reviews (AAR) that highlighted what Guard leaders felt were the successes and deficiencies in the agency's response. Perhaps the most striking aspect of the Guard's AAR was its honesty. While the Guard was lauded for its overall performance from the outside, Lieutenant General H. Steven Blum, the Chief of the National Guard Bureau, and the adjutants general who contributed to the AAR recognized that key performance gaps existed in their response effort.

The AAR outlined myriad issues in the Guard's response to Katrina. Perhaps the most significant deficiency that the adjutants general noted was the lack of coordination between NORTHCOM's Joint Task Force (JTF) Katrina and the National Guard headquarters in the affected states, as well as with the National Guard Bureau (NGB). Active duty forces deployed to the region operated in a parallel chain of command, whose path never crossed with the National Guard at the operational level. This led to the inefficient, overlapping allocation of active duty soldiers and Guardsmen within the same areas, while others were left uncovered. Another consequence of this was the lack of timely imagery support for search and rescue operations. Assets from the active duty military, such as unmanned aerial systems that could detect thermal signatures of survivors, were unavailable. When active duty assets were deployed, the National Guard did not receive the information that these systems gathered (United States. National Guard Bureau 2005, 201–203).

The lack of coordination extended to the Guard's relationship with myriad federal and state agencies supporting the relief operation. Some of this was due to the absence of interoperable communications equipment. Every adjutant general who contributed to the AAR cited this challenge (233-234). Beyond the mechanics of passing information, federal and state agencies did not coordinate their activities with the National Guard. The Red Cross began to set up aid distribution points without coordinating with the National Guard for security. The Department of Veterans Affairs set up a displaced persons refuge in Georgia (203). The AAR clearly indicates the challenges associated with integrating agencies that are not normally a part of a state-level disaster response effort.

The Guard was well practiced in coordinating responses within each state and between states through the Emergency Management Assistance Compact (EMAC). Under the EMAC, state-level National Guard leaders could lend units or capabilities to neighboring states when needed for disaster response. However, Katrina placed far more extensive demands for interstate and interagency coordination than any one state was able to manage or had rehearsed in the past:

The process works but requires immediate attention. An improved process, especially pre-strike, will eliminate duplicity of effort and more effectively utilize National Guard resources. The EMAC appears to be a cornerstone of inter-operability between the Guard and the State (United States. House of Representatives 2006a, 216).

Although NGB stepped forward to manage this coordination at the national level as the crisis unfolded, Katrina highlighted the gap in large-scale coordination mechanisms and training to implement them between the state and federal level.

Equipping the National Guard was also highlighted as a critical issue. Combat deployments to Iraq and Afghanistan exacerbated the problem (Walker 2005). Under-resourced prior to 9/11, Guard leaders found themselves cobbling together adequate equipment for Guardsmen headed overseas. The Army in particular required that units deploying to a combat

theater leave their equipment in place for the next unit to use. Directives relating to stay-behind equipment applied to both active duty and National Guard units, since the federal government purchased the equipment to support the Guard's role as a combat reserve. Leaving equipment in theater had a profound effect on Guard units at home. The Guard counted on the same equipment used in combat to respond to natural disasters. Trucks, heavy engineering equipment, generators, and other dual-use items were in short supply (United States. House of Representatives 2006a, 227–228). These issues would also become apparent in subsequent investigations by the White House and Congress.

### *The Congressional and Presidential Investigations*

Two simultaneous investigations into the federal response to Hurricane Katrina echoed the National Guard's AAR in many respects. The bipartisan commission from the House of Representatives focused its efforts on finding flaws in the federal response. The White House investigation, led by President Bush's homeland security advisor Fran Townsend, made a series of recommendations for changes to policy and statute. Both reports pointed at the challenges in coordinating the response to such a wide-ranging disaster. Neither report found the Guard's actions to be the key cause of the federal government's failure to mount an effective response to the storm. The House report noted the inherent difficulties of dealing with large-scale disasters:

It would not be possible to anticipate all problems and prevent all the difficulties that ensued from a storm of this magnitude, but better planning, more robust exercises, and better engagement between active forces and the National Guard both before and during disaster response would have helped prevent human suffering (U.S. House of Representatives 2006, 201)

The House report echoed many of the same deficiencies that the National Guard AAR identified.

The report highlighted difficulties in coordination, communication and integration between the

Guard, DoD, DHS, and state agencies (4). Of particular note was the schism between NORTHCOM and the National Guard:

At the time of Katrina landfall, however, the National Guard did not have adequate knowledge of DOD planning guidance developed at Northern Command, including concept of operations plans and functional plans for military support to civilian authorities (219).

A report by the Senate Committee on Homeland Defense produced nine months after the storm echoed this critique, stating:

There is, in fact, no established process for the large-scale, nation-wide deployment of National Guard troops for civil support. In addition, the deployments of National Guard troops were not coordinated with the federal Northern Command, which was overseeing the large-scale deployments and operations of the active-duty military (11).

The military's response to Katrina was a symptom of the Defense Department's institutional approach to homeland security and defense. By divesting itself of responsibility to assist in a large-scale domestic incident, the combined DoD and National Guard response was poorly coordinated and integrated.

The White House report made a series of recommendations to improve future responses. Several focus on the National Guard. The report recommended better integration and planning between DHS, DoD, and the Guard. Specifically, the report called for better integration with NORTHCOM:

DOD should consider assigning additional personnel (to include General officers) from the National Guard and the reserves of the military services to USNORTHCOM to achieve enhanced integration of Active and reserve component forces for homeland security missions (95).

The report also called on DoD to assist the National Guard in accelerating the Guard's internal integration of land and air elements at the state level – an initiative that the Guard implemented of its own accord following 9/11. Perhaps most importantly, the report also recommended that NGB itself be considered a joint activity of DoD. In this capacity, the Guard would:

Serve as the focal point in developing, managing, and integrating employment of joint National Guard capabilities for the Joint Staff and the Departments of the Army and Air Force in support of the Combatant Commands (96).

Designation as a joint activity and a force provider to combatant commanders would further enhance the Guard's clout within DoD.

Despite the critiques for the Guard's performance during Katrina, some aspects of the decentralized response were judged to be a success. By keeping control of the National Guard at the state level, Governor Blanco had wide discretion in directing military capabilities within the state. The EMAC facilitated the deployment of resources from states across the country. The National Guard Bureau directed Guard units from every state to Louisiana. Search and rescue assets alleviated suffering and saved lives (Derthick 2007). The challenge for Lieutenant General Blum and the National Guard adjutants general was to maintain the benefits of decentralization while improving the Guard's ability to coordinate for large-scale catastrophes. Doing so required General Blum to advance a strategy that would be acceptable to the administration, Congress, DoD, and state governors.

### *Preparing for the next storm*

The National Guard's leadership began addressing the concerns noted in these reports almost as soon as the storm subsided. In a National Guard Bureau (NGB) white paper, Guard strategists articulated a strategy for and a renewed focus on the domestic side of their dual role. In it, the Guard declared that "Homeland Defense is mission one for the National Guard" – a marked departure from the Guard's stance immediately after 9/11 (National Guard Bureau 2005, 11). The paper also outlines a commitment to state governors that no more than 50 percent of any of 10 critical dual-use capabilities would be deployed out of state at any given time. These

included aviation assets, engineer support, and communications capabilities (p. 12). The Guard would also keep a battalion-sized rapid response force on standby, with the ability to bring over 350 soldiers to bear on any disaster in under 24 hours. Perhaps most importantly, the report continued to uphold the Guard's dual role at home and abroad:

The HLD (Homeland Defense) requirements do not demand dedicated Homeland Defense force structure – rather, they require enhanced capabilities to existing warfighting force structure (8).

In a very short amount of time, the National Guard leadership had recognized key performance gaps in its response to Katrina. It wasted little time in working to fill them.

Congress paid considerable attention to how the DoD leadership would implement the lessons it had gathered from Katrina to respond to the next storm. This was especially true at the beginning of the 2006 hurricane season. Congressman Jim Saxton, in a hearing before the Terrorism, Unconventional Threats and Capabilities Subcommittee, cited coordination within DoD and between state and interagency partners as his central concern:

The military ability to complete its mission rests on the level of coordination between the Department of Defense, the National Guard, Northern Command (NORTHCOM), the Department of Homeland Security, and State and local entities as well. In many ways, mission success will be determined by the level and quality of interagency coordination (United States. Congress. House of Representatives 2006, 1–2).

Assistant Secretary of Defense for Homeland Defense Paul McHale outlined a host of initiatives to better integrate the DoD, NORTHCOM, DHS, and National Guard response. DoD permanently assigned active duty military personnel to each FEMA region headquarters. These personnel would have a detailed knowledge of newly designed and pre-planned force packages that could be deployed to support civilian authorities. McHale also noted that NORTHCOM increased its involvement in joint and interagency exercises with FEMA and the National Guard (United States. House of Representatives 2006, 3–7; 24-25).

The National Guard had also made significant efforts to close the performance gaps identified in its AAR. General Blum reported that the post-Katrina emergency supplemental appropriation that Congress authorized led to the purchase of nearly a billion dollars worth of interoperable communications equipment. He also noted the improvements in coordination between NGB, the states, NORTHCOM, and DHS, which had been non-existent in the past: “I can tell you that the National Guard and Northern Command constantly, the communication between us is constant and is continual and it is ongoing. It never quits (25)”.

Perhaps most importantly from the Guard’s perspective, Secretary McHale reaffirmed the Guard’s central role in disaster response:

*With two-thirds of our force likely to be drawn from the National Guard, the military portal into the State is through the adjutant general. Two-thirds of the military response for a natural disaster will likely be drawn from the National Guard, and so to find out how we can best employ those guardsmen, many of whom will be coming from other States, this gentleman seated on my right, General Blum communicates constantly with the adjutant general of the State so that we can be informed as to how those forces can be best employed under the command and control of the governor.*

*Bear in mind two-thirds of the response though paid for by DOD will be under command and control of the governor so the adjutant general of the State becomes the critical player in enabling most of the military response (emphasis added)(26).*

Secretary McHale’s statement is notable for several reasons. First, he reaffirms the Guard’s role, noting that the National Guard will provide the bulk of any future response. This would likely come from a combination of indigenous state National Guardsmen and others brought in from neighboring states through the EMAC. Second, McHale squarely placed responsibility for coordinating military aspects of the response on the state adjutant general. This reinforces the existing institutional arrangement of a dual-role National Guard. Third, McHale’s comments help to cement the Guard’s autonomy. Active duty forces will enhance the Guard’s response, and by using the Guard under Title 32, the federal government will fund the operation.

*DoD, the QDR, and the fight for bureaucratic autonomy and survival*

Despite efforts to improve coordination for domestic response, the DoD's focus remained squarely on combating terrorist threats from overseas. This was clearly articulated in the 2006 Quadrennial Defense Review (QDR), the congressionally mandated report that articulates DoD's long-term strategy and funding priorities. Examining the QDR, it becomes clear that DoD focused very little attention on its role in disaster assistance. Instead, the document shifted the preponderance of responsibility for disaster response away from the department:

Capabilities to mitigate attacks on the U.S. homeland may also play a role in responding to natural disasters, as the response to Hurricane Katrina demonstrated. Over time, the goal is that the capacity of other agencies and state and local governments to respond to domestic incidents will be sufficient to perform their assigned responsibilities with minimal reliance on U.S. military support (United States. Department of Defense 2006, 25).

The QDR outlines a framework that describes how the DoD will "lead, support, and enable" other agencies to respond to catastrophic events. The report outlines two ways in which the DoD will adapt to future challenges:

In order to respond effectively to future catastrophic events, the Department will provide U.S. NORTHCOM with authority to stage forces and equipment domestically prior to potential incidents when possible. The Department will also seek to eliminate current legislative ceilings on pre-event spending (26).

Despite the failure to adequately coordinate with other agencies for an integrated response to Katrina, the QDR did not propose significant institutional or organizational change in DoD's approach to disaster relief operations.

The most striking aspect of the 2006 QDR is that it did not propose an expansion in the National Guard's role to respond domestic contingencies. It proposed the opposite. The QDR called for the elimination of six Army National Guard brigade teams and a cut to the Guard's authorized strength by 17,000 soldiers (United States. Department of Defense 2006, 43). Because

the Guard was not operating at its authorized strength, these reductions did not change the number of Guardsmen. Instead, the lower authorization capped the Army National Guard at its then-current strength (Tyson 2006). For National Guard leaders, the QDR impinged on the agency's ability to respond to future disasters. It inhibited the Guard's reputation with respect to the clout that combat brigades gave the Guard on Capitol Hill and at the state level. Unilateral cuts National Guard forces without consultation threatened the Guard's autonomy.

The QDR cuts immediately drew opposition from Capitol Hill, state governors, the National Guard Association of the United States (NGAUS), and the Guard itself. The Guard had no shortage of advocates in its fight to retain its force structure. The Senate National Guard Caucus sent a letter signed by 75 senators to Secretary of Defense Donald Rumsfeld in opposition to the cuts (Tyson 2006). State governors were especially critical of the decision, given the role that the Guard played domestically and overseas. Michigan Governor Jennifer Granholm's insight is representative of the attitudes that governors held about the Guard:

We all feel very connected with them and very protective of the Guard. You layer upon that the Katrina situation, and I just think that right now [governors are] especially sensitive to protecting our defense at home and military families (Balz 2006a).

The Governor's sentiments are indicative of the support Guard leaders had to fight the QDR cuts.

The National Guard's leadership, in conjunction with NGAUS and The Adjutants General Association (TAGUS), also fought back against the proposed cuts. To the Guard, the cuts represented an attack on their autonomy and in spite of their performance in combat:

Important decisions concerning end strength and force structure were taken at the very end of the 2006 QDR process. The Army National Guard clearly felt it was informed, rather than consulted about these decisions. Perhaps because the Army reserve components have made such a substantial contribution to Operations Enduring Freedom and Iraqi Freedom over the last three years, resentment levels in the National Guard community about the perception of being "cut out of the process" seemed to run even higher than they have in past (Wormuth et al. 2006, 44).

The National Guard's appeals against the QDR-mandated cuts were rooted as much in emotion ties to their military heritage as much as to the logical calculus of force management. The Director of the Army National Guard, Lieutenant General Clyde Vaughn, emphasized the need for collaboration to bring about the most effective force structure possible.

I think there might be some goodness in a transition from heavy to light in a couple of instances, and at the end of the day, the adjutants general have committed, along with the Army, to get the best possible force structure for the nation (DiMascio 2006b).

Comments by Major General Stanhope Spears, the adjutant general for South Carolina, and Major General Roger Lempke, head of TAGUS, are illustrative of these two arguments. General Lempke noted the contradiction of reducing combat forces while the Army sought to convert existing support units into provisional infantry units. General Spears declared that the QDR cuts were unexpected, labeling them as "a total ambush" by the active component. He argued that the Guard should hold on to its combat units due to their emotional appeal and the money they bring into a state rather than their efficacy:

Soldiers "like driving and riding in tanks -- shooting tanks. They like riding in the old M113 and the Bradley Fighting Vehicle," Spears told *ITA*. But, more importantly, an HBCT brings in dollars, and that's why the states are hanging on. "You lose people, you lose the dollars and the funding. It's the same problem with us and the other states that they're looking at," Spears said (DiMascio 2006b).

DoD and Army leadership hastily retreated from the proposed end strength reductions.

Secretary Rumsfeld sought to reassure governors that the cuts proposed in the QDR would not be implemented:

Acutely aware of the dual role the Guard is now being asked to play, the governors reacted negatively to any suggestion of cutbacks, and their reaction appeared to catch the Pentagon by surprise. Pentagon officials have been doing damage control since, highlighted by Rumsfeld's extraordinary appearance yesterday at the National Governor's Association winter meeting (Balz 2006a).

After a speech at the National Press Club, Rumsfeld argued that the issue was not that the Guard would be cut, but that its leadership feared change:

What we're doing with the Guard -- first of all, anytime anything is done to the Guard, people get concerned. Change is hard for people, and we understand that. Unfortunately, the world changed under us and we have to make changes. What we're doing is making substantial changes, and so people look at that and they say, oh, my goodness, it's always been this way; oughtn't it continue to be that way? And the answer is, no, not necessarily.

But we'll get through this. They'll understand eventually because what we're basically doing to the Guard is we're maintaining the levels, for all practical purposes, and we are changing skill sets within the reserve component -- the Guard and Reserves -- so that the kinds of skills sets that will exist there will be vastly more valuable to the governors and the states for the kinds of homeland security or various missions that occur, than they are today. I mean, what good is air defense or artillery or tankers if you have a Katrina or a Rita or a fire of some kind or a forest fire?

So they're going to be happy. When it's all over, when they understand what's being done, they're going to have more capable guardsmen with skill sets that are appropriate than they do today, and the numbers will be, for all practical purposes, roughly the same. Now, that is not to say that we're not going to have to go through a period where people are going to say, oh, my goodness, it's changing and this is going to be this way and that's going to be that way. We'll work our way through it, and when it's all over, the country will be better off for it (United States. Office of the Secretary of Defense 2006).

This lengthy excerpt illustrates an underlying assumption that Secretary Rumsfeld held about the National Guard. Rumsfeld's comments assert that the DoD leadership could reorganize the Guard as it saw fit. As Robert McNamara, Elihu Root, and other secretaries of defense and war had done before him, Rumsfeld had underestimated the Guard's ability and willingness to defend its autonomy.

The Army's response also involved a retreat from the QDR. General Peter Schoomaker, the Army Chief of Staff, attempted to reframe the cuts mandated in the QDR as a product of recruiting shortfalls. He offered his support to retaining the higher authorization if the Guard could fill it (Tyson 2006). When the Army's chief of operations testified before Congress about

the cuts, he noted that the QDR recommendation was not coordinated with National Guard Bureau's leaders or staff:

To explain the situation, Lt. Gen. James Lovelace, the Army's chief of operations (G-3), suggested that the Guard and Reserve weren't consulted because those who worked on the QDR signed nondisclosure statements.

“It seems almost embarrassing,” Lovelace said. “At the same time the QDR is coming to a culminating point and the decisions that then now can be made public, what we did was we introduced to the Guard and Reserve at that moment, at that same time that the program review was supposed to be unveiled. So it was a very awkward moment in time as you can now talk to the Guard and Reserve” (DiMascio 2006a).

The lack of communication between the active Army and the National Guard Bureau is a striking example of the broader coordination issues experienced during the response to Katrina.

The end result of the QDR debate was that the National Guard would retain its original authorization of 350,000 soldiers. The Guard was also able to negotiate with the Army to retain the five brigades that were to be cut under the QDR. The compromise involved the type of brigade that the Guard would retain. Rather than retaining five infantry or armored units, the Guard converted them into four combat engineer and two intelligence brigades – a net increase for the Guard (Association of the U.S. Army 2008). The combat engineer units provided states with additional equipment with a dual combat and disaster response capability.

The most striking aspect of the proposed cuts to the National Guard is that they came on the heels of the most devastating natural disaster in nearly a century. Certainly, the ongoing wars in Iraq and Afghanistan drew attention away from the department's role in supporting domestic relief operations. Yet it is clear that Hurricane Katrina did not provide a catalyst for significant adaptation within DoD. Instead, DoD focused its attention primarily on its overseas mission. This drew considerable criticism from analysts at the Center for Strategic and International Studies (CSIS):

Despite the compelling need to field a robust set of civil support capabilities, as well as the recommendations of numerous high profile blue ribbon panels for DoD to play a more active role in this area, DoD has long viewed civil support as a drain on forces needed for more important overseas missions and as a threat to the defense budget (Wormuth et al. 2006, 63–64).

Despite the fact that DoD is the only federal department that has substantial capabilities to respond to catastrophic or multiple, simultaneous events, the military has not organized, trained, or equipped its active or reserve forces to reflect civil support as a priority mission (Wormuth et al. 2006, 65).

These observations, and others like them from think tanks across the ideological spectrum, underscored the dearth of attention that DoD paid to domestic relief efforts.

Generals Blum and Vaughn, in conjunction with the state adjutants general, prevented DoD from dictating how the Guard would adapt after Katrina. These leaders made factual and emotional appeals to members of Congress and state governors. To garner their support, the Guard traded on the reputation that it built in Iraq and Afghanistan. These public officials were eager to take up the Guard's cause on its behalf. Secretary Rumsfeld and General Schoomaker were left with little choice but to compromise on the cuts proposed in the QDR.

#### *From Defense to Offense: The Guard, the Punaro Commission, and Adaptation*

The QDR fight demonstrated how the Guard defended itself against threats to its force structure survival. This section chronicles how the National Guard asserted its preference for adaptation. Following the Bush administration and congressional investigations into Hurricane Katrina, Congress mandated a commission to explore the future of the reserve components. Headed by retired Marine Major General Arthur Punaro, the commission made 95 recommendations to Congress, DoD, and DHS regarding the Guard's role in homeland security. The commission considered testimony from over 115 witnesses – most of who were members of the National Guard, the reserves, state governors, and members of Congress sympathetic to the

reserve components (Commission on the National Guard and Reserves 2008a, J-1 – J12). This arrangement gave National Guard leaders an influential stage on which to recommend their preferred institutional changes. Of the Punaro Commission’s myriad recommendations, five stand out as pivotal to the Guard’s adaptation to future emergencies: Expanding the use of a dual-hatted command structure for domestic emergencies; institutionalizing DoD’s role in response to domestic incidents; raising the Chief of the National Guard Bureau’s rank from three stars to four; creating a council of governors to link the states more directly to the Secretary of Defense; and making the Guard into an operational rather than a strategic reserve (Commission on the National Guard and Reserves 2008a). Each of these recommendations contributed to enhancing the Guard’s autonomy, reputation, and ability to survive.

The commission recognized and reinforced the claims that the National Guard Bureau made regarding the necessity of employing a “dual-hatted” commander. The commission found: “That dual-hating has been a useful tool in coordinating federal and state civil support missions and believes it should be expanded for use in appropriate circumstances (p. 110).” Lieutenant General Blum, Chief of NGB, had made the dual-hatted commander a key plank in the white paper that outlined the Guard’s adaptation following Hurricane Katrina (National Guard Bureau 2005, 6). This arrangement was codified barely a month before Hurricane Katrina made landfall.

Joint Publication 3-26, *Homeland Security* describes the potential relationship:

There are special circumstances when the President and the governor of an affected state both authorize a state National Guard commander to be placed on Title 10 status and retain Title 32 authority. In this case Title 10 forces may be placed under the control of this commander who reports to both the governor (for state requirements) and the supported combatant commander (for DOD mission assignments) through an interplay of 32 USC 315 and 325 and 10 USC 104 (United States. Joint Chiefs of Staff. 2005, IV-1).

The White House reinforced the Guard’s preferred method of adaptation. Such an arrangement “Streamlines the command structure exercising command and control over all assigned forces

supporting civil authorities” (United States. The White House 2006, 95). This recommendation became law when President Bush signed the National Defense Authorization Act for fiscal year 2008 (Commission on the National Guard and Reserves 2008b).

The report also called for Congress to institutionalize the DoD’s role in supporting civil authorities. The commission found that without a change to statute, the leadership of the DoD would not commit the necessary attention to better plan, coordinate, and respond to disasters:

Homeland security policies and plans depend on the Department of Defense to provide support to civil authorities. Yet Congress has not clearly charged the Department with this responsibility. Until Congress does so, it is not clear that civil support will become the priority it deserves to be (Commission on the National Guard and Reserves 2008a, 91).

At first glance, codifying the DoD’s role in domestic operations may appear to threaten the National Guard’s autonomy by encroaching on its primacy in domestic response operations. If DoD is mandated to participate, it may push the Guard further to the sidelines. Yet the advantages to such a requirement are considerable. Congress would press DoD leaders to maintain the Guard at a high state of readiness. The Army and Air Force would have to man and equip the Guard for both of its roles as equally important, rather than favoring the combat role over the domestic one (Lowenberg 2011). A statutory role for DoD could mean more resources for the Guard by mandating that the units most likely to be deployed for disaster response. This would necessitate a corresponding increase in funding.

The Punaro Commission also recommended that NORTCOM increase the National Guard’s role in disaster planning. The commission found that NORTHCOM leaders did not have a very clear understanding of the Guard’s capabilities, either in total or at any given time. They did not seek out information from each state, nor were the coordination mechanism sufficient to establish the relationships necessary to successfully partner with the Guard at the Adjutant

General level. The commission recommended that either the commander or deputy commander at NORTHCOM be a serving National Guard general officer (Commission on the National Guard and Reserves 2008a, 100). This recommendation was implemented almost immediately, as the Chief of the NGB, Lieutenant General Blum, was the first National Guardsman to serve as the NORTHCOM deputy commander (National Guard Bureau 2010).

The commission strongly recommended that the Chief of NGB should be promoted from three star general to four. The recommendation was made in light of the expanded duties that the reserve components, and in particular the National Guard, faced in providing support both at home and overseas. The promotion would also position the Chief of NGB to better advise senior DoD officials on how best to employ the Guard:

Once given a four-star rank and increased responsibilities as an advisor to the Secretary of Defense on matters related to the National Guard forces in non-federal status, the CNGB should retain the ability to influence decisions regarding such matters and ensure that the needs of states and their governors are addressed in policies formulated by the Secretary of Defense (Commission on the National Guard and Reserves 2008a, 358).

The addition of the fourth star would make the chief a peer with the service chiefs and combatant commanders rather than a subordinate. Perhaps most importantly, promoting the Chief of NGB would lend greater authority to future Guard initiatives.

Another recommendation by the Punaro Commission was the establishment of the Council of Governors. The purpose of the council was to provide an institutional link between state governors, the National Guard Bureau, and the Departments of Defense and Homeland Security. President Obama signed Executive Order 13582 on January 11, 2010, formally establishing the Council. On March 1, 2011, the Council of Governors made their first significant policy recommendation. They advocated for, and Secretary Gates and Homeland Security Secretary Janet Napolitano agreed to, a new Joint Action Plan whereby National Guard

general officers would be trained and appointed as dual-status commanders. These commanders would have control over both federal and state level forces assigned to respond to an emergency (Daniel 2011).

The commission's final recommendation was the most sweeping. The recommendations made throughout the report dealt with the institutional and organizational changes necessary to shift the Guard from a strategic reserve to an operational reserve. The difference is significant. A strategic reserve is rarely used, lightly maintained, and relegated to long-term national emergencies of existential proportions. By contrast, an operational reserve is a force-in-being that is capable of deploying with relatively little notice. The commission noted that the demands placed on the reserves exceeded the institution's ability to manage the increased operational tempo (Commission on the National Guard and Reserves 2008a, 321). The commission recommended that DoD and Congress address the cultural and organizational gaps between the active and reserve components.

### *Centralization Rejected: The White House and the Insurrection Act Rider*

While the Punaro Commission was still formulating its recommendations, the Bush Administration worked to centralize authority over future National Guard mobilizations during disasters. The National Defense Authorization Act (NDAA) of 2007 amended the insurrection act to federalize the National Guard to respond to "any serious emergency" rather than to an attempted armed overthrow of the government. This redefinition resulted in a significant outcry from state governors and congressional delegations. The amendment meant that the federal government would be able to federalize the National Guard under almost any pretext that could constitute an emergency. In a letter sent to Congressional leaders, 51 governors of states and

territories expressed their displeasure, noting that, "This provision was drafted without consultation or input from governors and represents an unprecedented shift in authority from governors as commanders and chief of the Guard to the federal government" (Balz 2006b). Although the 2007 NDAA passed, the amended insurrection clause was repealed in the 2008 NDAA by an amendment sponsored by Senator Patrick Leahy, co-chair of the Senate National Guard Caucus (Schumacher 2011, 3).

The National Governor's Association pressed the control issue further in favor of the states. Writing to Paul Stockton, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, on August 9 2009, Governors Douglas and Manchin advocated strongly for the establishment of a dual-status National Guard commander to be appointed over both Title 10 and Title 32 soldiers assigned to respond to a catastrophic event:

Without assigning a governor tactical control of Title 10 forces assisting in a response, and without the use of a dual-hatted National Guard commander to ensure coordination between Title 32 and Title 10 forces, strong potential exists for confusion in mission execution and the dilution of governors' control over situations with which they are more familiar and better capable of handling than a federal military commander.

The Guard and its allies had successfully advocated for the form of adaptation that the National Guard's leaders desired. The first dual-hatted general officers would be four National Guard general officers selected to lead by federal and state forces to respond to Hurricane Irene in August of 2011 (National Guard Association of the United States 2011).

### **Assessing the Katrina Legacy for the National Guard**

This chapter began with a paradoxical observation – that the National Guard's response to Hurricane Katrina can be seen as both a success and as a failure. Failure best describes the chaotic early days after the storm. This chapter has shown the conditions that led the Guard to be

underprepared for the disaster. The National Guard was ill equipped and poorly positioned to deal with the storm's aftermath. Some of this was due to the Guard's deployments overseas. Interagency coordination between federal and state authorities was also lacking. DoD's myopic focus on overseas warfighting, both in doctrine and in practice, also contributed to the inadequate response. Two agencies created to better prepare the U.S. for calamities – DHS and NORTHCOM – were both found wanting. Just as DoD was overly focused on fighting wars overseas, so too was DHS overly focused on combating terrorism.

For all of its initial failings, the National Guard was able to make the short and long-term adaptations necessary to achieve a measure of success after Katrina. This includes both on the ground along the Gulf Coast and inside the Beltway. The chapter illustrated the ways in which the Guard's senior leadership rallied support for its preferred method of adaptation. After Katrina, this combination of adjutants general and National Guard Bureau leadership sought to achieve several goals to improve their agency. They worked to retain the Guard's decentralized structure. At the same time, General Blum and the Adjutants General worked to improve interagency coordination with DHS and NORTHCOM. These Guard leaders also sought to elevate the domestic response mission within DoD. This would help the Guard's leaders tap into the resources necessary to better respond to future disasters. Their efforts resulted in a rise in rank for the Chief of the National Guard Bureau and a more robust role in managing NORTHCOM. Guard leaders sought expanded authorities to place active duty units under their command in times of crisis. The Guard successfully enlisted support from state governors and congressional leaders to achieve these goals.

### *The National Guard and Bureaucratic Autonomy*

Unlike FEMA, The National Guard retained its bureaucratic autonomy after Katrina. This was not a forgone conclusion in September of 2005. The Guard weathered considerable criticism for being inadequately postured for the storm. In Katrina's wake, the Chief of the National Guard Bureau and the state adjutants general set out to improve communication capabilities, upgrade the Guard's equipment, and improve interagency coordination for future disasters. While it was fighting cuts proposed by DoD in the 2006 QDR, the Guard laid the foundation for improvements to its autonomy. It did so through advocacy on the Hill and its testimony to the Commission on the National Guard and Reserve (CNGR). Members of Congress and the CNGR commissioners made arguments on the Guard's behalf for maintaining or improving its autonomy.

The five key recommendations that the Punaro Commission made raised DoD's attention to domestic emergency response operations. By adopting these recommendations, DoD helped secure the Guard's bureaucratic autonomy. Dual-hatted command authority permitted the Guard to better tap into federal resources unavailable to them during Katrina. It also gave the National Guard a new, unprecedented capability – the ability to control active duty forces in a domestic setting. This change to statute was designed to improve coordination between the Guard and active duty force by streamlining the chain of command during a disaster. It is the opposite command arrangement from the one the Bush Administration proposed to Governor Blanco during Katrina. It was also the opposite of the Insurrection Act rider that the administration sought in 2006.

Another key recommendation, improved integration into NORTHCOM, also contributed to the Guard's bureaucratic autonomy. National Guard integration with NORTHCOM did not

mean subordination to it. Instead, integrating a senior Guard leader into the NORTHCOM staff improved coordination between the two agencies. It provided a new means to advise the active component on its capabilities while insuring that the National Guard would remain distinct from the active duty force.

Promoting the Chief of the National Guard Bureau to four-star general had a similar effect. The fourth star brought the Guard's chief into a peer relationship with the service chiefs and combatant commanders. Elevating the Chief of the National Guard Bureau to 4-star rank was not a high priority for DoD. As noted in the dissertation's introductory chapter, it was not a popular decision with the Joint Chiefs of Staff or with the whole Senate Armed Services Committee. Nevertheless, the Guard was able to maintain or expand its bureaucratic autonomy by advocating for this statutory change.

In sum, the National Guard successfully maintained, and in some ways enhanced, its bureaucratic autonomy after Hurricane Katrina. The actions that it took to shield itself from external influence were inconsistent with Bush Administration policies. The administration wanted to increase centralization after Katrina. The Guard fought to maintain a decentralized approach and won. Daniel Carpenter (2001) notes that, "Bureaucratic autonomy prevails when a politically differentiated agency takes self-consistent action that neither politicians nor organized interests prefer but that they either cannot or will not overturn or constrain in the future" (17). By that definition, the Guard succeeded in maintaining its bureaucratic autonomy.

### *Reputation and Strategic Adaptation*

Much as it did after 9/11, the National Guard built its reputation from the bottom up. Overseas, the Guard used its rotations in Iraq and Afghanistan to establish its reputation as a

combat reserve that could perform when called on to do so. At home, the Guard built its reputation through individual and unit-level acts of heroism in the rescue effort following Katrina. After its initial failures to prepare for the storm, the Guard's leadership at both state and federal levels worked to deploy to the Gulf Coast as quickly as possible to prevent further loss of life and damage to property. The Guard salvaged its reputation with its post-Katrina rescue operations.

The Guard's reputation could have been further damaged in the storm's aftermath. Congressional hearings and fact-finding reports after the storm were critical of the federal government's response to the storm. This included the Guard's actions. Yet the National Guard did not receive the same degree of negative attention that FEMA did. The Guard leadership's candid after action review played a role in maintaining the agency's reputation. The report detailed the agency's faults in planning and mounting its response to Katrina. When called to testify before Congress, General Blum and the adjutants general did not obfuscate. Nor did they place blame on other agencies for their mistakes. Instead, Guard leaders identified the institutional and organizational changes that they felt would improve the agency's performance during future disasters. The Guard and its advocacy organizations presented a thorough plan for change to members of Congress on the House and Senate Armed Services Committees, as well as those on the House Committee on Homeland Security. This coordinated effort enhanced the Guard's credibility, improving its reputation and facilitating greater autonomy.

One of the National Guard's key reputational aspects was its service overseas. Guard leaders never used the fact that it had a significant amount of force deployed to Iraq and Afghanistan as an excuse for its response to Katrina. This was for good reason. The Guard's deployments were in keeping with its dual role as a combat reserve and as a domestic first

responder. Begging out of those overseas missions would have jeopardized its dual role. Shattering the expectations from military and political leaders that the Guard could “do it all” would have diminished its reputation. In the Katrina case, the Guard’s combat role was a double-edged sword. Its integration into the Total Force pressed the Guard into action overseas. It tied up troops and equipment that could have sped the response at home. Without the combat commitment, the Guard may have lost credibility in the eyes of politicians and military leaders who had been its chief advocates in budget battles.

Ultimately, the National Guard rebuilt a positive reputation after Hurricane Katrina. The good will that the Guard generated through its relief operations certainly helped. The Guard’s leadership did this by clearly identifying its shortfalls and proposing solutions to fix them. Acknowledgement from members of Congress that the Guard was stretched thin by its overseas commitments also shielded it from harsher criticism than it endured. The Guard’s shortcomings helped spur the creation of the Punaro Commission, which gave the Guard the opportunity to make its case for institutional and organizational adaptation. Because of the Chief of the Guard Bureau and the adjutants’ generals’ candor and credibility, the Guard’s reputation rebounded after the storm.

### *Strategic Adaptation and Survival*

To simply state that the National Guard survived after Katrina is a bit disingenuous. After all, FEMA survived as well. Yet the National Guard’s survival is far more consistent with my definition of the term from Chapter 2. Unlike FEMA, the Guard was not mandated to reform or reorganize. Instead, the National Guard survived in a form of its own choosing. This is reflected in the retention of its dual mission and bifurcated state and federal command structure. After

Katrina, the Guard continued to provide military forces to support the wars in Iraq and Afghanistan. It also responded to natural disasters through the United States.

Like any other bureaucratic agency, the Guard worked diligently to defend itself against the cuts proposed in the 2006 QDR. Unlike FEMA, which had little reputational standing after Katrina, the Guard successfully survived attempts from the DoD leadership to reorganize or reduce its capabilities. The National Guard was able to parlay the reputation that it had built during Katrina and in Iraq and Afghanistan into support for its continued existence in a form of its choosing. The National Guard lobby played a key role in supporting the Guard's fight against the QDR cuts and externally imposed reorganization from DoD. The emotional connection that congressional delegations and governors felt with "their National Guard" was instrumental to maintaining the Guard's authorized end strength at 350,000 soldiers instead of the QDR-mandated 335,000.

The National Guard lobby alone does not explain how the Guard adapted in this case. Guard leaders had a clear vision for the future of their agency when they negotiated with Army and DoD leaders over the QDR cuts. Rather than maintain the status quo, the director of the Army National Guard, Lieutenant General Clyde Vaughn, bargained with the active duty Army's senior leaders for the resources to change the way the Army National Guard was organized. General Vaughn accepted changed in the type of brigade combat teams that the Guard would field – so long as it was to the Guard's benefit. In exchange, several of the existing brigades would be upgraded and reconfigured, receiving the latest engineering and intelligence equipment that the Army was fielding to active duty units. The Guard not only survived, but also reformed itself organization to better meet the demands that it may face in the future.

# Chapter 8

## The Changing of the Guard: Understanding Strategic Adaptation

*“As in the past, the future of the military profession rests on a balance between organizational stability and adaptation to rapid technological and political change.”*  
– Morris Janowitz, *The Professional Soldier*, 1960

Government agencies constantly face changes in their environments. Occasionally, agency leaders are confronted with new demands that require them to adapt their agency to change the way their agency does business. Sometimes this involves taking on a new or qualitatively different role. Many government agencies face demands that are equally disruptive at one time or another as what the National Guard faced over the past century. Like the 9/11 terrorist attacks or Hurricane Katrina, some of these demands are borne of crisis. Nuclear power plant disasters force a reconsideration of energy policy. Damaging storms or drought beyond the normal ebb and flow of seasonal weather patterns generate public pressure for policymakers to reconsider longstanding agriculture policies. Like the War on Drugs, broader societal problems have a longer event horizon. One current example is the obesity “epidemic”, which will require public health officials at multiple levels of government to rethink their approach to the problem. Regardless of their immediacy or intensity, policymakers will continue to face these types of pressing issues that beg for new solutions. Many of these solutions will require agency leaders to make changes to their organization, bureau, or department to meet these new demands. As discussed in Chapter 2, scholars share a degree of pessimism regarding the prospects for agency adaptation. This project has shown that there are reasons to be more hopeful that strategic adaptation can occur in positive ways than the received wisdom suggests.

The research has examined how one government agency, the National Guard, has responded to new or qualitatively different demands brought on by a variety of causes. What can scholars and policymakers learn from the cases considered here? To what extent can the National Guard's mode of adaptation inform our understanding of responses to new demands in other government agencies? This chapter considers what we have learned about strategic adaptation from the National Guard's experience. It is divided into four sections. Looking across the cases, I consider the factors I theorized as influential in strategic adaptation. I couch this analysis in terms of the three goals of strategic adaptation discussed in Chapter 2: Bureaucratic Autonomy, Organizational Reputation, and Agency Survival. In the second section, I consider the implications of my findings for the National Guard. In the third section, I consider the implications for understanding organizational adaptation and change more broadly. Within this section, I consider several propositions drawn from the cases. These propositions encapsulate the trends across the cases that can be extrapolated for use beyond this research. In the fourth section, I consider directions for future research.

### **Factors affecting Bureaucratic Autonomy, Organizational Reputation, and Survival**

In Chapter 2, I outlined the questions that guide this research. I was interested in not only how agencies strategically adapt, but also the role that bureaucratic autonomy, organizational reputation, and the quest for survival would play. To what extent can strategic adaptation influence an agency's achievement of these three goals? I asserted that these three concepts were the goals that leaders pursued when making strategic adaptations in response to new or qualitatively different demands. I theorized that agency expertise, allies, and stability would facilitate strategic adaptation, while institutional structure, tension between principals, and shirking would inhibit it.

I also asserted that organizational culture and learning played a significant role in promoting or damaging the prospects for strategic adaptation.

**Table 3: Changes in National Guard bureaucratic autonomy, organizational reputation, and prospects for survival across cases. The table shows the results of strategic adaptation at the conclusion of each period**

	<b>Bureaucratic Autonomy</b>	<b>Organizational Reputation</b>	<b>Agency Survival</b>
<b>Chapter 4: Campus Unrest</b>	Eroded	Eroded	Eroded
<b>Chapter 5: The War on Drugs</b>	Enhanced	Enhanced	Enhanced
<b>Chapter 6: 9/11</b>	Retained	Enhanced	Retained
<b>Chapter 7: Hurricane Katrina</b>	Enhanced	Retained	Retained

Table 4 summarizes my finds across the cases with regard to bureaucratic autonomy, organizational reputation, and agency survival. Precise metrics are illusive. That said, it is clear that in each case, the National Guard faced a new or different challenge. What stands out immediately is that when the National Guard’s leaders did not strategically adapt to new demands (Chapter 4, Campus Unrest), the Guard’s attainment of all three goals was hampered severely. There is also variation in the remaining cases. The Guard does not necessarily improve bureaucratic autonomy in every case. In these cases, maintaining the status quo may be a significant achievement and an end unto itself.

The outcomes in each the three concepts in the columns of Table 8-1 represent my assessment of how strategic adaptation influenced the National Guard’s prospects for improvement, retention of the status quo, or losses in each of the three categories. What factors across the cases remain consistent as influences on the attainment of these goals? The balance of

this section considers the impediments and facilitators associated with each of these three goals across all four cases.

### *Bureaucratic Autonomy*

The National Guard's bureaucratic autonomy was threatened in three of the four cases. The results of these threats to autonomy varied across cases. After Kent State, the National Guard saw its autonomy eroded as the Department of Defense (DoD) imposed considerable changes from the outside. The National Guard's leadership exercised very little autonomy to reshape the agency in any fundamental way, either before or after Kent State. The President's Commission on Campus Unrest did not yield calls for National Guard reform, as its performance in other venues did. Unlike the extensive reforms that Elihu Root undertook following the Spanish-American War, no major changes took place after this tragedy. Changes to the Guard were directed by DoD and took three forms: the end of the draft; the establishment of the All-Volunteer Force; and the end of the Vietnam War.

The campus unrest case provides a stark contrast between the subsequent cases. The Guard's participation in the War on Drugs reflects a significant enhancement to bureaucratic autonomy. The National Guard's leaders, particularly the border state adjutants general, the National Guard Association (NGAUS), and the Chief of the National Guard Bureau helped the Guard to gain bureaucratic autonomy by formulating a plan to extend the Guard's participation in the War on Drugs. They presented their plan to Congress, and found themselves implementing that exact plan just a few years later. As noted in Chapter 2, Daniel Carpenter writes that, "bureaucratic autonomy prevails when a politically differentiated agency takes self-consistent action that neither politicians nor organized interests prefer but that they either cannot or will not

overturn or constrain in the future” (17). The Guard’s overseers in DoD wanted to keep their organization out of the drug war; the Guard volunteered to do so anyway, and convinced Congress to give them the job. This is a clear case where the Guard exercised bureaucratic autonomy, which was enhanced in the process.

The 9/11 and Katrina cases represent periods where National Guard leaders successfully defended, and ultimately advanced, the Guard’s bureaucratic autonomy. In both instances, bureaucratic autonomy was threatened. Prior to September 11<sup>th</sup>, the gains in bureaucratic autonomy made in the late 1980s and early 1990s had eroded due in part to the post-Cold War military drawdown and budget cuts. Just prior to 9/11, the Hart-Rudman Commission made a recommendation to reorganize the Guard and shift its focus from balancing between combat reserve and domestic response force to a more domestically oriented force. After 9/11, NGAUS and the National Guard’s leaders exercised initiative to prevent this from happening. They propose a manner of strategic adaptation that fit with their image of the agency’s role in the War on Terror. They did not advance a novel concept for change; the opposite is true. NGAUS and National Guard leaders argued that the current institutional arrangement needed only minor modifications to prosecute the War on Terror. Their form of strategic adaptation did not seek changes to the dual roles of primary combat reserve and domestic first responder. Fighting for stability in the face of change, Guard leaders were able to retain the agency’s bureaucratic autonomy.

In the Katrina case, we see a similar trend, but the results are more significant. The Chief of the National Guard Bureau, Lieutenant General H. Steven Blum, made great strides in improving coordination between the National Guard and its interagency partners, as well as DoD and U.S. Northern Command. Initially, the changes to the Guard after Katrina were at the

margins. They came from a combination of Guard initiatives and commission recommendations by the Punaro Commission on the National Guard and Reserves. In some cases, these were one in the same. National Guard leaders gained dual-hatted command authority over active component forces when authorized by the president. The Chief of the Guard Bureau was also promoted, receiving a fourth star. The addition of the Council of Governors, approved by Secretary of Defense Robert Gates, gave Guard leaders another avenue through which to defend their bureaucratic autonomy. Formalizing the link between DoD and the Guard's most powerful advocates, state governors, provided the National Guard with an important venue to bargain for future strategic adaptation. Those improvements represent important enhancements in bureaucratic autonomy. This is particularly true if one considers the Chief of the National Guard Bureau's ascension to the Joint Chiefs of Staff depicted in Chapter 1 as a result of the Hurricane Katrina case.

What explains the changes in bureaucratic autonomy across the cases? Some of the factors that I theorized about in Chapter 2 were instrumental to positive enhancements in the National Guard's bureaucratic autonomy. In the War on Drugs, National Guard leaders cultivated alliances with members of Congress to bring about their preferred form of adaptation, which enhanced bureaucratic autonomy. These alliances with Congress also played a key role in shielding the Guard from the Department of Homeland Security reorganization in 2002. Other alliances were important. Following Hurricane Katrina, the Punaro Commission was sympathetic to the Guard's preferences. The Council of Governors was particularly influential in expanding the dual-hat authority that National Guard leaders sought after the storm.

These alliances were less useful following Kent State. While the Nixon Administration and several members of Congress held the protestors responsible for the events at Kent State, the

Guard did not receive overwhelming sympathy from a majority in Congress or from the President's Commission on Campus Unrest. Congress did not intervene to foist changes on the Guard. The Nixon Administration mandated no significant change to the National Guard as a result of Kent State. Likewise, DoD took little interest in National Guard reform. Most importantly, the National Guard's leaders do not appear to have reached out for assistance in strategically adapting the agency after Kent. There is no evidence that NGAUS or Guard leaders attempted to bargain for any sort of changes to the rules that govern the National Guard. With two parties uninterested in negotiating, no new bargain could be struck.

Two mediating factors, organizational culture and learning, played an important role in facilitating strategic adaptation and improving bureaucratic autonomy. Organizational culture came into play as a guiding force for National Guard leaders. The dual-role of combat reserve and first responder is as much deeply engrained cultural characteristic as it is a statute. As noted in Chapter 2, organizational culture refers to the shared knowledge of how things get done within an agency. In every previous American war, the Guard or its previous militia incarnation was always a large part of the nation's military response. The dual role is the Guard's touchstone – its leaders jealously protect this function at every turn. When the dual roles became unbalanced during Vietnam, with very few Guardsmen deployed overseas, the National Guard's bureaucratic autonomy suffered as a result.

Organizational learning also played a key role in facilitating the enhancement of bureaucratic autonomy. In Chapter 2, I used Julianne Mahler's definition of organizational learning: "A collection of processes by which organizations improve their ability to accomplish their objectives by analyzing past efforts" (Mahler and Casamayou 2009, 16). In the Kent State case, organizational learning was notable for its absence. Consider the role that the various

commissions and investigations into the Guard's performance played on the agency's ability to adapt to new circumstances. Before Kent State, there were Watts and Detroit. Congress and the Kerner Commission investigated the Guard's performance at length and made a series of recommendations. These related to both task performance and organizational change. The Guard was unable to implement these recommendations prior to Kent State, despite the fact that campus unrest was still a regular occurrence. The Guardsmen at Kent were armed with M-1 Garand rifles for crowd control. They lacked riot control equipment beyond tear gas. National Guard leaders were unable to adapt the agency to the challenges that they faced in the years between Watts and Kent. There appears to be very little evidence of organizational learning in the intervening years. In contrast, the Hurricane Katrina case provides evidence that agency leaders can learn and implement strategic adaptation from commissions and investigations.

Expertise played less of a role in expanding bureaucratic autonomy than I had theorized. Demonstrating expertise did not enhance the National Guard's bureaucratic autonomy. However, ineptitude could deal the Guard's autonomy a crushing blow. Kent State is a clear example of this trend. When the National Guard was perceived as a failure, it was subject to more intensive scrutiny from DoD, the press, and Congress. When it performed well, it gained little in the way of bureaucratic autonomy. If anything, the Guard's accessibility and inherent military capabilities were more important features in advancing both bureaucratic autonomy and efforts at adaptation. When called to act in any capacity, the Guard would respond.

Several other conditions did not significantly impact bureaucratic autonomy. I saw little evidence that the Guard's institutional stability enhanced its bureaucratic autonomy. The fact that the militia's role is written into the Constitution, and that the Guard evolved from these roots, had little bearing on the particulars of each case. The National Guard and its militia predecessor

achieved varying degrees of bureaucratic autonomy. More pressing were the exigencies of the nation and the Guard's role in filling in the gaps. Similarly, here is little direct evidence of shirking. Even under the worst conditions that the National Guard faced when dealing with campus unrest, the National Guard was there. This is not to overlook individual failures to muster when called; every army has its share of deserters. Yet in the main, the Guard did its job, no matter how unpleasant. This has been the predominant theme of the Guard's history. Finally, disagreement between principals did not appear to erode bureaucratic autonomy. In the three later cases I examined, there was particular uncertainty among policymakers in Congress and the executive branch as to how best to deal with the War on Drugs, the War on Terror, and the aftermath of Katrina. Campus unrest produced less uncertainty about the response, but more tension over the underlying conditions that had led to violent confrontations between law enforcement and protestors.

### *Organizational Reputation*

National Guard leaders in every case were motivated to improve, or at least protect, the agency's reputation. As noted in Chapter 2, Patrick Roberts (2006) defines the concept as "the belief among a segment of the public, and then among politicians, in an agency's ability to anticipate and address public needs" (82). Even when the Guard failed to improve its reputation, it is clear that protecting the reputation engendered into Guard and National Guard Association (NGAUS) efforts to adapt to new demands. During the Vietnam War, the Guard's domestic use adversely impacted the agency's reputation with no prospect for improvement gained by demonstrating warfighting prowess. Similarly, despite the gains that the Guard made in organization in prosecuting the War on Drugs, these improvements could have been greater had

the National Guard played a more instrumental war in the 1991 Persian Gulf War. Conversely, the Guard received tremendous reputational gains from its service after 9/11. Responding quickly at the crash sites, and along the border and in airports soon after, reassured the public and helped to improve the Guard's reputation for dependability and competence.

Efforts at military reform after the Vietnam were important to improving the Guard's reputation. The Guard's leaders did not initiate these reforms, but benefited from them nevertheless. Stretching into the Reagan defense build-up in the 1980s, the increase in funding, improvement in pay and recruitment standards represented a push to improve the armed forces organizational reputation. This is evident in everything from Congressional testimony and secondary sources to the recruiting advertisements of the time (after all, the claim that you can "Be all you can be" in the Army has to have some legitimacy to make an effective recruiting pitch). What is particularly interesting is how the National Guard's leadership used their improving organizational reputation. Unlike the active component, however, National Guard leaders used this increase in organizational reputation to involve the Guard in a new mission in the drug war. The active component used its reputational gains to shield itself from tasks unrelated to warfighting.

Organizational reputation and learning are also intertwined in affecting reputation. National Guard leaders demonstrated a lack of organizational learning following Watts and Kent State. The National Guard was no better prepared for campus unrest in 1970 than it was in the years leading up to Kent. Certainly, the events leading up to the tragedy is not the National Guard's responsibility alone; there is plenty of blame to go around. Yet it is clear that there were no significant institutional or organizational changes implemented that would have prevented a repeat of Detroit or Watts in the future. The recommendations were there; they were not

implemented. To some degree, the lack of learning among National Guard and DoD leaders, legislators, and the President reflect the belief that campus unrest and social strife were either symptoms of a bigger problem or that they were not a problem in and of themselves. Vietnam colored perceptions of the relationship between these problems and any solutions.

Learning plays a different role in the remaining cases. National Guard adjutants general used their experience working with local law enforcement officials and federal agents to inform their plan to contribute to the drug war. These leaders were receptive to Congressional demands for an expanded military role in the War on Drugs. They proposed a solution in line with their capabilities while remaining respectful of American military tradition. The Guard initiative raised its reputation with members of Congress. The result was an increase in funding and an improvement in the agency's bargaining position in later negotiations regarding the Guard's roles and missions.

The outcome of the 9/11 case is the direct result of the Guard's ability to capitalize on its reputation. Had National Guard soldiers been absent from the initial response or objected to their expanded role in the initial response, this case would have ended much differently. Instead, the responsiveness to new demands that the National Guard showed gave the agency credibility when it came time to bargain for its place in the homeland security structure. Guard leaders were able to reject the Hart-Rudman Commission's recommendation to shift the agency away from its role as a combat reserve and into homeland security. Instead, the Guard's reputation allowed it to make the argument that institutional stability was more important than change. Since the National Guard responded well to the attacks and their aftermath. There was no need for fundamental change.

When the National Guard was perceived as failing to respond adequately after Hurricane Katrina, its leadership took steps to improve interagency coordination and task proficiency. The lessons that Guard leaders learned from Katrina directly influenced the ways in which they adapted the agency. NGAUS and National Guard leaders staved off reductions in manpower authorizations while securing new statutory authorities – including the ability to lead active duty troops in domestic disaster response. The biggest reputation-based change was the promotion of the Chief of the National Guard Bureau to four-star general, with a seat on the Joint Chiefs of Staff. Had the National Guard’s leaders failed to adapt their agency both organizationally and institutionally, the Guard’s reputation would not have been strong enough bring about this expansion of authority.

What also becomes clear from the Katrina case is the importance of institutional memory and stability in bringing about reputational gains. From the time Katrina made landfall to General Craig McKinley’s appointment to the Joint Chiefs of Staff is a period of over six years. This timeframe exceeds the lifespan of most presidential appointees, administrations, and Senate terms. Consider the tenure of a state’s adjutant general in contrast to an active duty officer’s career timeline. Both officers hold the rank of major general. A similar position in the regular army as a two-star general is as the commander of a 23,000-soldier Army division. Typically, the term of service for a division commander is approximately two years. This is not the case with an adjutant general. In most cases, an adjutant general is appointed by a state governor and serves at his or her pleasure. Typically a non-partisan position, adjutants general routinely serve beyond the terms of the governors that appoint them. Some have served for over a decade. Combined with the institutional memory resident in the National Guard Association, the National Guard’s

leaders have a unique advantage in adapting their agency that most others do not possess: they have seen it all before.

With stability also come opportunities to build alliances in the federalist system “vertically” between Guard leaders and state and federal elected officials and policymakers. Similarly, National Guard leaders have incentives to build relationships across state lines with other National Guard leaders and federal agencies that operate across state lines. Once forged, these relationships allow the various state National Guard leaders to interact repeatedly and reciprocate with assistance when necessary. This network helps build the National Guard’s reputation with politicians who depend on the Guard to provide critical capabilities under stressful conditions. National Guard expertise in acquiring and employing these military capabilities serves to enhance reputation, improve alliances, and facilitate the Guard’s efforts at adaptation.

Some of the conditions factors that I theorized might undermine organizational reputation did not influence it as much as I had anticipated. Again, I witnessed little shirking of missions in this research. There is an important distinction to be made between agency shirking and expression of preferences for adaptation. In principal-agent theory, “shirking” (disregarding a task assigned by a principal) contrasts with “working” – an agency is doing one or the other when faced with a requirement from it’s principal. The Guard’s leadership showed very little evidence of shirking. Instead, Guard leaders tended to advocate for their own solutions, based on strategic adaptation. The National Guard would accomplish its assigned mission, but its leaders would seek to negotiate the terms under which the agency would do so.

Tension between principals over how best to respond to the demands imposed by a crisis or new mission did not harm the National Guard’s reputation or ability to adapt. In fact, the

opposite may be true. To some extent, National Guard leaders turned the policy uncertainty caused by 9/11 into an opportunity to reinforce its dual-role and prevent sublimation, reorganization, or re-missioning into the Department of Homeland Security. If anything, the tensions over how best to respond represented an opportunity to capitalize on previously earned reputational gains and parlay them into a role that the agency's leadership preferred.

### *Agency Survival*

As I theorized in Chapter 2 and as the cases have shown, agency survival is far from certain under conditions that require agency adaptation to new or different demands. My definition of survival is the continued appropriation of resources to an agency without mandated reorganization. For an agency to simply remain on the federal government's line-and-block chart is not enough to meet the threshold for survival. Failure is among the biggest threats to agency survival. The National Guard's performance at Kent State called into question the ways in which the Guard responded to campus unrest. The results of this tragedy were a focus on the deep seeded social and political issues at the root of campus unrest. American withdrew from Vietnam. The draft ended. The All-Volunteer Force came into being. None of these changes had anything to do with the National Guard's initiative or attempts to strategically adapt. The National Guard survived, but not in the same form as existed prior to Vietnam. Institutional change was imposed from the outside. Public sentiment demanded it.

The other cases paint a different picture of survival when adapting to new or different missions is necessary. The National Guard not only survived, but also was able to shape institutional arrangements and bring about organizational change to adapt to the demands of the War on Drugs and after 9/11 and Hurricane Katrina. Although these changes helped the Guard

respond to new demands, the later three cases differ from the Guard's response to Kent State. Each of the later cases was in response to existential threats from outside actors. Drug cartels, terrorists, and devastating natural disasters are not the product of social unrest or mass political sentiment. They are more "us against them" than "us against ourselves". The origin of the problem may influence how solutions are presented. This perception of problems may help to explain why the National Guard was able to exercise bureaucratic autonomy and build on its organizational reputation to adapt itself to new missions.

An important counterargument to debates over the status of the National Guard is that its existence is assured by the Militia Clauses in the Constitution. Unlike many other bureaus that are not enshrined by the Constitution, the Guard is a creation of the Founding Fathers. If the Guard is written into the nation's institutional fabric, how can claims that its survival is in jeopardy be taken seriously? This objection has some validity. Yet it is important to remember that the Militia Clauses specify the existence of a militia without prescribing the manner in which it will be employed. Like most of the Constitution, the Militia Clauses have been the subject of interpretation by Congress, the President, and the Supreme Court. War and Defense Secretaries from Root to Rumsfeld have changed the size, structure, and allocation of Guardsmen across the country. The Guard's history is one of expansion and contraction at behest of the War and Defense Departments. The Constitution may ensure that there will be a militia. The actors that occupied the institutions that it created have imposed their own diverse opinions of the militia's form and function on the National Guard for generations.

There are some factors that I did not theorize initially that also appear to be important to agency survival. One aspect is funding. Federal money for training and readiness is an important element in providing this capability, since most National Guard funding comes from the Defense

Department. Perhaps more important, although related, is what the states get for the money. There are very few agencies at any level of government that possess the capabilities that the Guard does. When it comes to crowd control and disasters, the National Guard is the only game in town – short of the regular Army.

Another factor that improves the Guard's prospects for survival is its malleability. Soldiers are accustomed to doing what they are told. Regardless of any training in a specialty that a Guardsman may have, any Guard unit is valuable for its ability to put large numbers of soldiers and airmen between their fellow citizens and a problem. The National Guard's use as a general-purpose force gives state governors considerable flexibility for calling up and employing the Guard. Regardless of training, every soldier in the Army, be it a regular soldier or a Guardsman, knows how to take and execute orders; they know how to provide security and basic medical aid; they respond to orders well, and are trained to operate in chaotic conditions. Cuts to National Guard force structure erode a state's ability to fend for itself in the event of a crisis. This is one reason why governors speak with a loud voice when "their" National Guard is cut or reorganized without their consent.

### **Implications for The National Guard**

The past two decades are illustrative of the National Guard's pattern of behavior when presented with demands to fulfill a new or different mission. In each case, the Guard successfully bargained to retain its dual-role as the nation's primary combat reserve as well as its status as the nation's military first responder in times of domestic strife. In doing so, the Guard put itself in position to receive an influx of resources to accomplish its newly negotiated mandate. In a broader sense, the Guard shaped and was in turn shaped by the politics surrounding these and

other key events. The National Guard changed in its effort to remain durable as an institution. When the budget ax falls, the National Guard appears to serve two functions – it fills the gap in capabilities when active forces were unavailable, and it seeks out missions to demonstrate its relevance and maintain funding for training, operations, and maintenance in preparation for these missions (Fautua 1999). While it is certainly not completely immune from budget reductions, the Guard’s presence in nearly every congressional district in America is a powerful vaccination against wholesale reductions in manpower authorizations by Congress.

For National Guard leaders, this research should provide some comfort. As described in the introduction of this project, the ascension of the Chief of the National Guard Bureau to the Joint Chiefs of Staff represents a crowning achievement not only of bureaucratic or interest group politics, but also of agency adaptation. The National Guard’s leadership was able to articulate the agency’s role in homeland security without Congressional direction for the Guard to undertake a greater role in the field than it already has. The seat on the Joint Chiefs is emblematic of the Guard’s bureaucratic autonomy and organizational reputation in the eyes of Members of Congress. The seat was gained over the objection of the Guard’s Army, Air Force, and DoD overseers – a considerable achievement.

Yet, this success is not the end of the story. As the time of this writing, there is considerable uncertainty as to the effect that budgetary sequestration will have on the armed forces. Regardless of the debates over sequestration itself, the defense budget will face increased scrutiny and reduction going forward. With the Iraq war concluded and the war in Afghanistan nearing some form of conclusion, DoD will have a hard time justifying the maintenance of a large active duty force. The effect of active component force reductions on the Guard is uncertain. On one hand, the Guard could benefit tremendously from an infusion of combat

veterans separating from the active force and joining the Guard. The Army National Guard in particular could also find itself awash in equipment from the war zone that has been refurbished and fielded to Guard units.

On the other hand, the drawdown of the regular army to or below pre-9/11 levels could place additional strain on the Guard. The American military has played an instrumental role in maintaining international security abroad. It does this through training exercises with partner nations, deterring potential adversaries, and maintaining a presence overseas. The military may shrink, but these commitments will not. Fewer active duty units means that Guardsmen will be called upon more frequently for these types of operations. This may provoke a further re-examination of the National Guard's balance between homeland defense and deployment in combat. As the Guard's reputation has improved over the past decade, due in no small part to its contributions to the wars abroad, it may be difficult for Congress or DoD to re-orient the Guard toward domestic activities and away from its role as a primary combat reserve.

The changing nature of the threats that America faces will also shape the National Guard. Consider the challenges of enhancing cyber security. Although the Department of Homeland Security is the federal agency charged with protecting critical infrastructure physically and in the cyber domain, the preponderance of the nation's cyber capabilities reside within DoD. The active duty military is also circumscribed by Posse Comitatus as to how it can legally operate within the United States in ways that the National Guard is not. It would not be unprecedented to see the National Guard expand its role into the cyber domain; in at least one state, this is already the case (Lowenberg 2011). Much like the Guard's participation in counterdrug operations, the politics of the times may reshape the relationship between the Guard, DoD, and the intuitions of governance

at the federal and state levels. The outcome of this reshaping, or renegotiation, remains an open question.

In balancing these emerging demands with its part-time status, the Guard face two related challenges. First, Guard leaders will also have to prevent their agency from becoming a more specialized force that is optimized for homeland security. As the overall federal budget decreases, Guard leaders may be called upon to perform more homeland security functions than they would otherwise like. Second, as the active duty military moves more of its complex, technical equipment into the reserve component, Guard leaders must find new ways to maintain readiness for their role as a combat reserve while at the same time remaining prepared for disaster response. The Guard must find a way to retain the flexibility of the Minuteman while gaining new capabilities and shouldering an increasing share of the national defense.

### **Implications for Understanding Organizational Adaptation and Change**

This research has shown that despite considerable institutional, organizational, and cultural barriers that agencies face can be overcome in order to meet new or qualitatively different demands. Change at the margins – Lindblom’s “muddling through” – are not the only ways that agencies can adapt to new demands. Significant agency adaptation is possible, though not necessarily in the short term. Efforts at adaptation are not always ad-hoc responses to the unexpected. Instead, strategic agency adaptation tends to be more successful when agency leaders exercise initiative. These leaders propose and oversee adaptation to new roles in a manner consistent with their agency’s overarching role and the expectations of policymakers, allies, and clients.

The mere fact that good leadership is an important facilitator of agency change is not original or striking. What can be inferred from my research is that a leader's goals should not be focused narrowly on the acquisition of one piece of equipment, a dollar figure, or a specific number of employees. Acquiring resources is important, but it is a means to an end. That end is to adapt the agency strategically to new demands. Consider the difference between the annual budget cycle and strategic adaptation. Every year, the National Guard's leaders ask for more money to purchase more helicopters and to modernize those already in the inventory. This is a constant, regardless of the demand for helicopters. The Guard's request isn't about the helicopters. It is about bargaining for a capability that will allow the Guard to perform well during the next crisis. The more important bargain being struck outside the annual appropriations cycle concerns the rules that govern the Guard's employment. The hardware is not central to agency adaptation. It is how National Guard leaders plan to employ that capability that matters most.

Strategic agency adaptation is about more than protecting turf or expanding their agency's authority. It would be naive to suggest that these concerns are not important or that they do not drive agency leaders' behavior. They certainly do. However, if these were the exclusive reasons for agency adaptation, we would see a much less effective or efficient bureaucracy that we currently experience. We would also have to ignore the oversight role that members of Congress and appointed officials play in checking the expansion of agency power. Electoral politics also play a role in limiting the bureaucracy's scope. Debates over fiscal policy have been particularly poignant in the 2012 election cycle. Agencies adapt to new missions because they are responsive to the demands of the public and elected officials. When considering what actions to take when faced with a new demand, agency leaders also consider the exigencies of the

situation. In some cases, these leaders will need to negotiate for an expansion of their authority to address the problem. They may also request an expansion to their agency's budget, size, or scope. This research has shown that agencies are not always out to expand their budget, protect their turf, and expand their authority in every case. Bureaucratic autonomy is not synonymous with agency authority.

Like autonomy and authority, adaptation and learning are not interchangeable. In Chapter 2, I wrote that organizational learning shapes an agency leader's response to problems and provides input into how roles are renegotiated. For learning to have this impact on agency adaptation, several things must also be true. The prevailing attitude after a tragedy or failure of "never again" must be institutionalized to have a lasting impact. Undoubtedly, processes or mechanisms must be in place to gather lessons to learn. In this research, Presidential and Congressional commissions provide a visible and powerful platform for doing this. Yet not all commissions are equal in terms of their impact on agency adaptation. The Kerner Commission and the President's Commission on Campus unrest made clear and specific recommendations about the National Guard and its role in civil disturbances. So too did the post-Katrina commissions and the Punaro Commission on the National Guard and Reserve. The later set of commissions had a more lasting impact on agency adaptation than the two Vietnam-era ones. Part of the reason for this may be the large number of social and political issues competing for attention in the earlier period.

A more important aspect of learning from these commissions has to do with the lessons that agency leaders choose to learn from them. Organizational learning is a selective process. It is based on the beliefs that agency leaders have in the implications that these lessons may have for their agency. Critical appraisals may not be taken seriously, or seen as unjustified. Agency

leaders may view them as offering unrealistic solutions to problems that cannot be solved by their agency. This research has shown that agency adaptation is directly affected by the ways in which agency leaders interpret new knowledge from commission reports and other opportunities to learn. In different eras, National Guard leaders applied lessons learned as they saw fit. In Chapter 4, commission reports went largely unheeded. In Chapter 6, they garnered more attention but did not drive adaptation, as the National Guard remained largely outside the homeland security apparatus. In Chapter 7, the Guard's leadership began to gather lessons as soon as the storm subsided. Guard leaders doggedly pursued efforts at strategic agency adaptation. They used the Punaro Commission as a platform to espouse their preferences to Congress and the Department of Defense. The resulting changes to the Guard were increases in bureaucratic autonomy and authority that have better postured the National Guard for future large-scale disasters.

This research has also shown that strategic adaptation is not a panacea. Agency adaptation to one new demand may leave the agency ill prepared to adapt to a different requirement. Consider the changes that the National Guard made to fight the War on Terror. By changing the statute that governed the Guard, Congress accepted National Guard leaders' argument that the best way to fight terrorism was to continue the Guard's dual role. When Katrina hit, a large portion of the Louisiana National Guard was deployed to Iraq. The Guard could have been postured better for the storm had more of its units been dedicated to the home front. Fighting the War on Drugs certainly improved the Guard's organizational reputation. Yet these gains did not prevent its capabilities from eroding during the 1990s, when National Guard units were the bill payer for active duty readiness.

My findings also have implications for our understanding of American federalism. Typically, crises and disasters result in the centralization of power in the executive branch of the federal government. Chapters 6 and 7 discuss two of the most significant recent events that illustrate this trend. However, 9/11 and Hurricane Katrina were not merely power grabs by the national government. The states retain a critical role in disaster response that the federal government cannot override. The expansion of authority for the National Guard is an example of this. The key changes to Title 32 for the War on Drugs and after 9/11 permit the Guard to receive more federal funding while operating under state control. Similarly, the key adaptations stemming from Katrina were dual-hatted command authority over federal forces and the creation of the Council of Governors. Both initiatives give the states more authority in disaster and crisis management. This may suggest a return to a more cooperative form of federalism from an earlier time. State budgets have eroded considerably since the 2008 financial crisis. As their budgets have shrunk, demands on state and local government have remained constant, if not grown. Increased federal funding for the state-controlled National Guard is one way in which the federal government has avoided overreaching into local affairs. As Tocqueville observed:

When the central government which represents that majority has issued a decree, it must intrust the execution of its will to agents, over whom it frequently has no control, and whom it cannot perpetually direct (Tocqueville 1956, 122).

State governments remain important implementing agents for national-level initiatives. The National Guard can be considered another cases of this trend, joining education and health policy.

The mode of adaptation that I have considered also raises important normative questions. Chief among these is the question of who is best served by the type of change I have illustrated. Some of the implications may be problematic. On the one hand, agency adaptation should

produce benefits to that agency's overseers and clients, improving that agency's response to a new demand. On the other hand, these changes could also be self-serving. Consider the role of agency leaders in my conceptualization of adaptation. Strategic adaptation is an approach to new demands that places a premium on the initiative of agency leaders. The goals those agency leaders have – enhancing or retaining bureaucratic autonomy, organizational reputation, and the prospects for agency survival – reflect an inward focus on the agency itself rather than on its clients or overseers.

Without appropriate safeguards to ensure accountability, agency leaders can exploit the advantages conferred through strategic agency adaptation. They may seek out new problems with an eye towards agency gains rather than the resolution of complex policy problems. This concept, known as “mission creep” in military circles, can lead agencies to exceed their mandate. In doing so, leaders expend political capital on inconsequential efforts that do not fundamentally enhance their agency's ability to respond to new demands.

One underlying assumption in this research is that agency leaders have the authority to pursue agency adaptation. Certainly, agency leaders have the authority to improve their organization's task proficiency – those functions that they are specifically chartered to perform. What is unclear in this research is the degree to which agency leaders can adapt their agencies to new demands that fit within their purview in a very loose sense. I infer that the prospects for a foray into a new function is predicated on the availability of resources to complement changes to institutional rules. These resources must be authorized and appropriated by Congress or committed in a state's budget; they are not automatically available to agency leaders. The power of the purse remains a powerful check on strategic adaptation and bureaucratic autonomy.

A final normative concern stems from the military's role in all of this. The normative implications military officers, in this case National Guardsmen, advocating for changes to statute are numerous. When efforts at persuasion are centered on changes to military policy pursuant to improved agency efficacy, there is little to fear from such an exchange. Senior officials and military officers are routinely asked to provide their best military advice on operations and organizations. However, the potential exists for open disagreement with respect to efforts at agency adaptation. Changes to law and policy sought by military officers may place them at odds with elected and appointed officials. Military officers may have a narrow view of their role in the broader policy dynamics affecting agency adaptation. They are experts in the application of military force; their understanding how their efforts affect American politics and society in a broader sense are understandably limited.

Civilian agency leaders are not immune from this myopia. One way to limit the potential for overreach is for agency leaders to understand the historical and societal context surrounding their policy domain. Agency adaptation should be consistent with these traditions whenever possible. Policymakers and agency leaders have a shared responsibility to properly seat agency adaptation in the context of American social and political traditions. The investigational and oversight role of Congress, along with oversight by leadership in the executive branch remain of paramount importance in adapting agency initiatives to their environment.

### **Implications for Theory: Propositions Derived from the Cases**

This section considers some broader propositions for theorizing about strategic agency adaptation. Several themes emerge. The first has to do with the locus of change. An agency that concentrates its efforts solely on internal reorganization in response to new missions is less likely to adapt successfully than one that combines organizational changes with institutional adaptation.

Second, the driving force behind successful agency adaptation cannot be solely top down or bottom up. Nor can it be only internally or externally driven. None of these forces can be considered mutually exclusive. Third, the presence of absence of competition for a new role does not have the same effect on government agencies as a monopoly has for a private firm. My last proposition considers the role that agency stability plays in facilitating adaptation. Conventional wisdom tells us that stability tends to bring on ossification. The rallying cry in many agencies faced with new demands is not “how do we change?” but “that’s the way we’ve always done it”. My fundamental argument is that this received wisdom is not always the case. Structure, history, and tradition can be powerful facilitators of change rather than inhibitors of it.

*Proposition #1: The direction of change, from the inside, the outside, or both, affects the shape that agency adaptation takes.*

This proposition is central to my claims about strategic adaptation. Successful agency adaptation to new missions requires a campaign mentality on the part of agency leaders to exert influence at within, above, and across government agencies to facilitate change. When adapting to a new or different mission, agency leaders must be concerned with more than their agency’s organization chart. Internal change alone tends to be insufficient for bringing about improvements in agency performance. The ability to develop plans, build political alliances, and help to ensure agency survival are all enhanced by changing the rules that govern an agency. Without enduring support for the manner in which an agency adapts to a new role, change may be fleeting.

Agency leaders that work to reshape their agency’s internal structure and the rules that guide them are more likely to retain autonomy, enhance reputations, and survive than those that

do now. Consider the relationship between internal reorganization and reputation. An agency may make some reputational improvements by reorganizing. Without durable changes to statute or policy that help to codify these changes, enhancements to reputation may be ephemeral.

Similarly, agencies that exercise bureaucratic autonomy depend on the skill of their leaders in building alliances with interested parties. For a government agency, these parties are ultimately elected officials, typically legislators. Agency leaders ask for money to support their preferred adaptation that addresses a new problem. Budgets may be indicative of government priorities. Like these priorities, funding levels change or can be changed from year to year based on public and policymaker perceptions of a problem. Rules are different. They are more durable than dollars. Codifying adaptation helps to reinforce bureaucratic autonomy by providing a statutory foundation for durable agency change.

*Proposition #2: Efforts at strategic adaptation from inside and outside an agency can be mutually supporting.*

Agency adaptation is not a sequential process. The pressures that agency leaders face from principals, subordinates, or other government agencies to respond to a new demand are simultaneous. Agency leaders find themselves having to please multiple constituencies at varying levels of government, as well as public and private stakeholders. As with Proposition #1, agency leaders have to recognize the competing interests that work to influence their agency's response to a new demand. Political actors may place conditions on an agency that inhibits adaptation. Public pressure may render an agency leader's solution to a problem unacceptable. Some forms of adaptation may be more acceptable to the agency's mid- and low-level employees than others. Internal tensions may cause friction that will doom agency adaptation from the start.

No government bureau can please everybody. None should try. However, assessing the prospects for adaptation from inside and outside the agency ahead of efforts at change is a critical first step in bringing about agency adaptation. Agency leaders must understand their environment and consider its effects before proceeding on a path toward agency adaptation. In doing so, it is important for these leaders to assess new demands in terms of their origins. Is the nature of the new demand derived from macropolitical pressure and electoral politics? Is it the result of an emergency? How technical or niche is the problem? Macro-level problems differ from niche ones. For example, the war on drugs is a macro problem, with more players. So too are Katrina and the Post-9/11 attacks. Campus unrest is different, because it is symptomatic of a bigger problem. This leads to different agency behavior than merely defending turf or building an empire. Agency leaders should consider these questions when determining how their agency should change when faced with a new or different mission.

Strategic adaptation is not the only way, or even the best way, to respond to new roles and missions. In many cases, strategic adaptation may not be necessary or even feasible. Minor modifications to existing organizations or processes may be enough to achieve the desired result. However, when an agency faces a requirement that exceeds the scope and scale of its previous activities, agency leaders should consider how best to adjust institutional and organizational rules and structures to meet the new demand. By recognizing and assessing the internal and external imperatives for change, agency leaders can better shape their response.

*Proposition #3: Competition among agencies for a new role is not necessarily a facilitator of agency adaptation.*

One aspect of agency adaptation that I did theorize initially is the role of competition between agencies for new roles. One would think that the fight for funds between agencies would help to facilitate change and improve agency performance. This is how innovation tends to be viewed in firms. Yet in the cases that I examined, competition has not been a factor in promoting agency adaptation. Even after 9/11 and the creation of the Department of Homeland Security, there is little evidence of a turf battle between federal or state-level agencies seeking out a piece of the new mission. Despite the lack of competition, the National Guard adapted itself to the post-9/11 world. Monopoly does not prevent adaptation.

Agency adaptation is possible without competition, due in large part to the quest for bureaucratic autonomy and organizational reputation. Maintaining reputation depends on the perception that policymakers and the public have of an agency's performance. If one or both perceive that an agency should take on a new role, and an agency's leadership resists, organizational reputation could erode. Agency leaders face corresponding losses in bureaucratic autonomy due to inaction. Exercising bureaucratic autonomy to pursue a new role is not necessarily about gaining or protecting turf. It is also about maintaining agency relevance. Agency leaders that do not adapt their agency to new demands could disrupt the alliances with policymakers and organized interests that provide the basis for bureaucratic autonomy.

*Proposition #4: Agency stability can be a powerful force that facilitates agency adaptation*

On its face, this proposition seems counterintuitive – how can stability promote change? This proposition seems to defy conventional wisdom. This wisdom suggests several reasons why stability would inhibit adaptation. Long-serving agency leaders may lose the desire to push their subordinates to bring about change. Internal agency politics, policies, and processes are difficult

to change, making adaptation unlikely. Agency leaders may have a vested interest in stability. The status quo becomes comfortable. Change becomes unthinkable.

Stability implies something other than ossification. I infer stability to mean that agency leaders have the opportunity to build durable alliances through repeated interaction over time. The argument that I have made about strategic adaptation requires agency leaders that are able to build and manage the alliances necessary to bring about institutional and organizational adaptation. These alliances help agency leaders to bargain for changes to the rules that govern their agency, facilitating agency adaptation to new roles. Cultivating these relationships takes time. So too does developing agency leaders that understand the agency's relationship with its clients, its superiors, and other agencies in the same policy domain. Political appointees and senior military officers tend to hold their positions for approximately two to four years. Bright, capable and energetic as they are, this short timeframe does not permit these leaders to manage agency adaptation over the longer periods of time necessary to institutionalize their plans for change. They may not have a sense of what lessons agency leaders have learned from previous efforts at adaptation, frustrating efforts at change.

Stability may enhance an agency's bargaining position. In the popular literature, the goals of any negotiation are threefold: to reach a wise agreement in an efficient manner that improves (or does not damage) the relationship between the two parties to the negotiation (Fisher and Ury 1991, 4). Stability can improve the possibility of achieve all three of these outcomes. Turnover within bureaus can leave members of Congress uncertain as to how an agency will respond to a new or different demand. Confirmation hearings can give some sense of a new leader. Yet these forums are singular events; alone, they provide little evidence as to how an agency's leader will steer their bureau. They do not necessarily provide all of the information necessary to establish

expectations for agency performance during the stressful periods associated with agency adaptation.

Bargaining is based on the results of an interaction between people with some sort of common interest or concern. An agency with a consistent set of positions and a stable group of leaders has a unique advantage when bargaining for changes to rules that will improve their agency's ability to act. When leaders change, alliances between interagency partners may also need to be renegotiated. This becomes much easier with leaders who are already familiar with each other, and have shared expectations of how their relationship will continue in the future. Rather than trying to figure out how an agency will respond to new demands with each new administration or administrator, stable leadership reduces uncertainty among policymakers, allies, and interagency partners. This may improve the prospects for gaining or maintaining alliances necessary to promote agency adaptation in response to new demands.

### **Directions for Future Research**

Improving government performance is a universal theme in campaigns and elections. These concerns are particularly poignant in the current era of fiscal austerity. I briefly consider three areas of future research stemming from this work. The first direction involves applying my conceptualization of strategic adaptation to other government agencies. One area of considerable interest is the U.S. Intelligence Community (IC). Given the National Guard's experience in adapting to new roles, what are the prospects for the IC in successfully meeting new demands?

The barriers to successful adaptation in the IC are high. Like the National Guard, the IC faces new or qualitatively different demands with high stakes attached to them. The IC has received considerable criticism for its failure to adapt to these new demands, but also for its

failure to understand changing geopolitical conditions (Zegart 1999; Zegart 2005; Keegan 2003; Jervis 2006). Building support for agency adaptation under conditions of poor organizational reputation adds another dimension of difficulty to an already arduous task.

Intelligence agencies also suffer from a bifurcation of their efforts and attention between their analytical and direct action divisions – two domains with very different requirements among its leaders. Coordinating efforts at agency adaptation across a large number of disparate agencies – each with its own budget authority, principals, and stakeholders – represents a pressing challenge. That the intelligence community has realized success in supporting wars overseas and intercepting threats to America’s security is fascinating. What conditions explain the IC’s success in doing so?

Admittedly, the intelligence community is a difficult subject to study. In addition to the fragmentation that is its hallmark (the IC is divided between six cabinet-level departments), most information about the community is classified. Only in recent years has the IC’s budget been made public; and this is just the overall figure. It is unclear what that figure actually represents. Nevertheless, a study of agency adaptation is more feasible than it would seem. The machinations of agency adaptation are unrelated to the sources and methods used in gathering, analyzing, and producing secret intelligence. There is also a considerable amount of publically available data, largely from Congressional and executive branch documents that can be brought to bear on the subject. Reconstructing the IC’s adaptation to new roles would be of tremendous value to the discipline, particularly to scholars and practitioners dealing with issues of coordination and interagency collaboration.

A second area of research interest is in federalism studies. Earlier in this chapter, I considered the role that the National Guard plays in the relationship between federal and state

governments. Even as federal dollars have supplanted state funds, the Guard remains primarily a state agency. Its efforts in counterdrug operations are largely supplemental to state and local law enforcement. Medicare, Medicaid, and other federal programs administered by the states face increasing pressures to do more with less. To what extent will federal funding supplant state money in the provision of government services going forward? What do these shifts mean in terms of agency adaptation to new demands from the states? Tip O'Neill's often-repeated aphorism that "all politics is local" seems to apply. But can all politics remain local while states become even more dependent on federal funds?

A third direction would focus attention squarely on contrasting active duty efforts at agency adaptation with the National Guard's efforts at change. This is a natural progression, given that this research has considered this at numerous points. This research direction leads to a number of interesting questions for investigation. What are the prospects for the regular Army, Navy, and Air Force in applying some of the same elements of strategic adaptation to their own situations? In particular, the Army faces considerable challenges in adapting itself to new roles. The conclusion of combat operations, set for 2014 at the time of this writing, will force Army leaders to reconsider not only force size and structure, but roles and missions as well. What do these leaders see as the Army's key contribution to American national security going forward? To what extent can Army leaders advocate for changes to institutional rules that govern the Army? What are the prospects for agency adaptation under uncertainty?

## **Conclusion**

I began this dissertation by offering a different take on the Chief of the National Guard Bureau's ascension to the Joint Chiefs of Staff (JCS). At face value, this event was politics as

usual. It involved a concerted lobbying effort by a powerful interest group, the National Guard Association. The promotion seems to reinforce the perception that the Guard gets whatever it wants because of its relationship with Congress. However, my research has shown that this is only a small part of the story. If this expansion of authority were only about the relationship between Congress and the National Guard, we would expect to see the Guard exercise far greater autonomy with far less effort on the part of Guard leaders. If it were about the fight for an expanded budget, we would see the National Guard's budget increase, along with a corresponding increase in authority over its budget. This was not the case.

The fundamental claim that I have made is that this episode, and the cases presented in Chapters 5 through 7, represents an effort at strategic agency adaptation. The National Guard's broader historical and institutional context helps us to understand what Guard leaders are after, and not just in this isolated case. The Chief of the National Guard Bureau's promotion is just one aspect of a larger effort to adapt that National Guard to the new demands of homeland security that the agency has faced since Hurricane Katrina. Lobbying Congress is a tactic in a campaign to enhance the Guard's bargaining position in the future. The seat on the JCS represents an achievement, not merely of lobbying, but in the exercise of bureaucratic autonomy. The seat on the JCS is also a product of the enhanced organizational reputation that the National Guard has gained on account of its adaptation after Katrina and the terrorist attacks of September 11<sup>th</sup>. With the promotion, the prospects for the National Guard to come through the defense budget cuts that loom on the horizon are promising. The push for changes to institutional rules is a purposeful effort on the part of agency leaders to complement organizational initiatives that promote agency adaptation to new demands.

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