

**Testimony of Fran Pollner, PeaceAction Montgomery
Background material for the Emergency Preparedness Panel**

To the Senate Education, Health and Environmental Affairs Committee

March 4, 2009

And to the House Health and Government Operations Committee

March 11, 2009

HB 907 -- Public Safety — National Guard Deployment — Governor's Powers

SUPPORT

EMERGENCY PREPAREDNESS AT HOME:

WHAT HAPPENS WHEN THE NATIONAL GUARD HAS LEFT THE NATION?

I'd like to begin on a little historical note: The notion that local officials can seek to deny the federal government access to local emergency personnel in wartime is not heresy. During World War II, in March of 1944, when the legality of the draft was unequivocal, NYC Mayor Fiorello LaGuardia declared that if one more NYC fireman were inducted into service overseas the city would burn down. His warning carried weight. Those NYC firemen in the midst of the induction process were sent cancellation notices by the Selective Service System, and no others were called upon for the duration of the war. ⁽¹⁾

We are not saying that our country is on the brink of coast-to-coast conflagration, but it is clear that the massive deployments of state National Guard units and equipment to Iraq and Afghanistan have compromised emergency preparedness at home.

**In the Eye of the Storm and the Eye of the Public:
Revelations of Hurricane Season 2005**

It took Katrina to expose the extent to which state readiness to protect its citizens had been undermined by the overseas deployment of Guard troops and equipment. The senior commander of the National Guard at the Pentagon contended that Iraq deployment did not affect hurricane response. But state Guard commanders cited the severe shortage of Louisiana Guard troops as a major factor in an initial response that was no match for the force of the hurricane — 3,200, or 36 percent, of the Louisiana Guard were in Iraq when Katrina hit in late August 2005. Additionally, the state Guard's communication and transportation equipment was woefully depleted, as was the equipment needed to transport reinforcement Guard troops from across the country, resulting in arrival delays by days when every passing minute brought additional tragedy. ⁽²⁾

In the wake of the hurricane's devastation, the co-chairs of the Senate National Guard Caucus — Patrick Leahy (D-Vt.) and Kit Bond (R-Mo.) — noted that "almost 50 percent of the force engaged in counter-insurgency operations" in Iraq were members of the Air and Army National Guard and that only 35 percent of Guard equipment was currently available for use in the United States. ^(3a) Testifying in support of a Leahy-Bond amendment to a defense appropriations bill, the head of the National Guard Bureau said that more than 70,000 Army National Guard were currently mobilized (compared to 4,000 the month before September 11, 2001) and that Guard supplies were down to one-third of the equipment needed to respond adequately to domestic disasters. He noted that Guard units deployed to Iraq and Afghanistan took the newest equipment with them and left it there. ^(3b)

Speaking for the amendment on the Senate floor, Sen. Leahy addressed the precarious nature of the country's civilian safety net in times of domestic crisis when National Guard resources have been dispatched overseas.

"Hurricane Katrina exposed glaring deficiencies in the equipment available for the National Guard to respond to such disasters. We had barely sufficient levels of trucks, tractors, communications, and miscellaneous equipment to respond to the overwhelming scale of this storm. If we have another hurricane – or God forbid – a large-scale terrorist attack, our National Guard will not have the basic level of resources to do the job right," Leahy said. ^(3c)

Time Marches On, but the Disparities Remain: The Facts on the Ground in 2007

A year and a half after Hurricane Katrina set off a nationwide alarm that homeland defense was dangerously deficient, the Commission on the National Guard and Reserves delivered an interim report to Congress in March 2007. ⁽⁴⁾ The situation was no less urgent. Policy and legislative changes to enhance the National Guard were needed to meet domestic emergency needs, which had taken a backseat to overseas military needs. Coordination, the Commission reported, was centered around responding adequately overseas, not at home. "We are, in fact, putting our citizens at greater risk and our economy at greater risk," said Commission Chairman Arnold Punaro, a retired Marine Corps major general. He referred to the "sandlot pickup team approach" of Guard response to domestic disasters in the face of the "huge paradigm shift" that had occurred since 9/11. *

Since that time, he said, the National Guard and Reserve have shifted from a "strategic reserve" to an "operational reserve," with an active-duty state of readiness. But that state of readiness revolves around overseas deployment, not homeland readiness, a situation that is "not sustainable." He cited equipment deficiencies in 88 percent of Army National Guard and 45 percent of Air National Guard units.

"[The Department of Defense] has long taken the position if they're ready for the away game, if they can fight the big one overseas, then they're ready for the home game, and that all of the homeland requirements can be met as a subset of their warfighting capabilities," Punaro said. But that's a "fatally flawed assumption."

Noting that there are 15 scenarios of potential domestic emergencies, including earthquakes, hurricanes, and terrorist attacks, Punaro asserted that "an M1A1 Abrams tank and a Bradley Fighting Vehicle [are] not going to help you in those types of situations. . . . We are not ready, we are not prepared," Punaro said.

Perhaps prompted by that dismal overview (and news reports of a letter May 4 to President Bush from Kansas Governor Kathleen Sibelius that her state's Guard could not respond adequately to a deadly tornado because it lacked the needed equipment), *USA Today* undertook a nationwide survey to document the toll that overseas deployment had exacted on the equipment of the National Guard in each of the states.

The majority of states reported depletions exceeding 40 percent, with 18 states reporting a loss of more than half the equipment needed to handle state emergencies. The Maryland National Guard, with 66 percent of its domestic emergency equipment on hand and 50 percent of its equipment overall, was in somewhat better shape than the majority. But it also stood on the threshold of a major deployment of 1,300 National Guard troops to Iraq. ⁽⁵⁾

Governors, including Maryland's Martin O'Malley, publicly expressed concerns that their states would be unable to respond to domestic disasters because so much of their equipment and personnel were overseas. In a memo, to Sen. Barbara Mikulski (D-Md.), O'Malley cautioned that the Maryland Guard's immi-

ment deployment and the state's "critical equipment shortfalls" could impede the state's ability to handle emergencies. ⁽⁶⁾

This situation was also the subject of a GAO Report, which stated that "the high use of the National Guard for federal overseas missions has reduced equipment available for its state-led domestic missions, at the same time it faces an expanded array of threats at home." ⁽⁷⁾

At a hearing to address these issues, Mikulski lamented the "serious equipment shortfalls, budget gaps" in Maryland and across the country. She asked Secretary of Defense Robert Gates to increase the National Guard budget to replenish the Guard's stocks and urged him to meet with the governors for firsthand information on what the states need to respond to emergencies at home. ⁽⁸⁾

A relatively small request by the then-adjutant general of the Maryland National Guard, Bruce Tuxill, to the state's Board of Public Works (the governor, treasurer, and comptroller) reflects the constraints under which the Maryland Guard was operating. Twelve of the 14 security guards required to secure the grounds of the state's Emergency Management Agency had been deployed to Iraq and had to be replaced. To do that, Tuxill said, he would need a \$200,000 emergency contract to hire private security guards for six months — and he added that he could not predict how long the state would have to resort to outside help because he couldn't predict the extent of future deployments to Iraq. ⁽⁶⁾

The Crystal Ball Isn't All that Hazy: Prospects for 2009 and Beyond

Continuing Guard call-ups are a given; last year specific units were placed on alert for deployment in 2009 and even 2010. In May 2008, the Pentagon alerted four Army National Guard brigades — 14,000 troops from Texas, Pennsylvania, Louisiana, and Tennessee — to prepare to deploy to Iraq beginning in the spring of 2009. And a 3,100-member brigade from Vermont was advised to prepare for deployment to Afghanistan in the spring of 2010 to train Afghan national forces. ⁽⁹⁾

Another Army National Guard brigade from Pennsylvania was included in a call-up announced June 28, 2008, and scheduled for early this year. They would be going to Iraq — or Afghanistan, depending on circumstances at the time. ⁽¹⁰⁾

Speaking at a conference of the National Guard Association in September 2008, Secretary of Defense Robert Gates acknowledged that without the National Guard mobilizations, the largest since World War II, the military could not perform its mission. Since Sept. 11, 2001, Gates said, 660,000 National Guard members had been mobilized. ⁽¹¹⁾

Citing the Guard's "dual use for overseas and homeland missions," Gates promised an "unprecedented" level of budgetary support for the Guard, such that "nearly 80 percent of Army National Guard equipment on hand will be fully modernized by the end of fiscal year 2013." ⁽¹¹⁾ What does it say about the state of National Guard resources now if it will take four more years of unprecedented support to bring 80 percent up to an appropriate fitness level. Consider also the shaky state of the economy — worse now than last September — and the prospects for National Guard domestic preparedness grow dimmer.

The need for National Guard domestic preparedness, however, may well grow greater. Speaking before the Senate Armed Services Committee in January this year, Gates noted that the "man-days" that National Guard members spent responding to homeland emergencies — such as fires, floods, and other rescue and recovery operations — had increased by almost 60 percent in 2008 compared to 2007. ⁽¹²⁾

Floods, ice storms, wildfires, and other natural hazards related to extreme climate conditions may indeed be on the rise, as forecast by “An Inconvenient Truth” and other scientific works on the dangers of unaddressed erratic climate changes.

These natural disasters, as well as major disturbances triggered by people, are precisely the events that each state relies on its National Guard to respond to with sufficient numbers of well-trained “citizen-soldiers” and up-to-date relevant equipment. And it’s not enough for one state to have sufficient emergency resources; all the states need them. Each state needs an additional safety net — the National Guard of other states for help in the oversized event, as epitomized by Katrina, which commandeered reinforcements throughout the country. Disasters of lesser ferocity that nonetheless require out-of-state assistance are common and are accommodated in Emergency Management Assistance Compacts, mutual aid agreements among the 54 states and territories.

Last year, for instance, in anticipation of Hurricane Gustav, the state of Louisiana turned to eight other states to replace Louisiana Guard members and equipment that were in Iraq and for general reinforcement. The Maryland Guard was among the responders, flying medical evacuation missions in advance of Gustav’s landfall and aiding in the relief and recovery efforts afterwards. ^(13a,b)

The mechanism of emergency compacts won’t work, though, if the state National Guards are “stretched thin,” which is how several outspoken state Guard commanders described their condition in response to the 2007 *USA Today* survey mentioned above. Some said their own stocks were so deficient, they would have to decline requests for aid from other states. ⁽⁵⁾

Back in 2005, one governor — Montana’s Brian Schweitzer — actually requested that his state’s National Guard contingent in Iraq be returned home in anticipation of a particularly fierce wildfire season. Unlike Mayor LaGuardia’s wartime request 61 years earlier to keep NYC firemen at home, Schweitzer’s request was denied. ⁽¹⁴⁾

During World War II, to keep those home fires from burning, the federal government exempted a local front’s first responders from the legal draft that they were bound to comply with. Today, we are facing a “paradigm shift” * that is taking away our states’ first responders under the guise of an authority that not only is no longer valid but is serving as a backdoor draft.

* This “paradigm shift” is generally acknowledged by the military and is reflected in legislation to elevate the position of the National Guard Bureau at the Pentagon vis-à-vis the armed forces departments; in budgetary proposals to provide the Guard with equipment equivalent to that of the active forces; and in bureaucratic measures to smooth the Guard mobilization process. ^(15, 12)

Army Chief of Staff George Casey commented in January this year on the transformation of the Guard from a strategic reserve to an operational force. “It’s an amazing statistic, but (more than) 40 percent of the Army Guard are combat veterans. That’s a fundamentally different Guard than just a few years ago.” ⁽¹⁶⁾

FOOTNOTES

1. Original documents that (1) summon a NYC fireman to report for his preinduction physical examination (from the President of the United States, sent by the Selective Service System, March 14, 1944), and (2) rescind the previous order (sent by the Selective Service System, March 28, 1944). These documents are supplemented by the fireman’s oral history, as told to his daughter, a member of our coalition to keep the Maryland Guard home.

2. *New York Times*, September 28, 2005: "Storm and Crisis: When Storm Hit, National Guard was Deluged Too"
- 3a. Leahy and Bond, in a letter to President Bush, September 13, 2005
- 3b. *New York Times*, September 28, 2005, "At hearings, states and National Guard make appeals for aid"
- 3c. From Leahy's statement on the Senate floor, September 29, 2005
4. The National Guard Bureau news story, March 2, 2007, "Commissioners: Enhance National Guard, Homeland Defense"
5. *USA Today*, June 15, 2007, "Guard Running Low on Equipment"
6. *Baltimore Sun*, May 12, 2007, "Md. National Guard says it lacks guards for state emergency base; Iraq call-ups force need to hire private security company"
7. GAO Report, "Reserve Forces: Actions Needed to Identify National Guard Domestic Equipment Requirements and Readiness," January 26, 2007
8. Southern Maryland Online, May 9, 2007, "Senate questions DoD Secretary Gates on Maryland National Guard Readiness"
9. Associated Press, May 19, 2008, "Pentagon announces Iraq, Afghanistan troop deployments"
10. Associated Press, June 28, 2008, "Officials: 30,000 troops heading to Iraq in 2009" (Note: 30,000 includes three active-duty Army brigades and two Marine combat teams, in addition to the Guard component)
(Note: these call-ups continue, of course. Late last month, for instance, it was announced that the Georgia National Guard's 48th Infantry Brigade would be sending 2,400 of its 4,000 troops to Afghanistan for a one-year deployment, beginning this month through June.)
11. National Guard Bureau News, September 22, 2008, "Gates salutes Guardsmen for missions at home, abroad"
12. National Guard Bureau news, January 27, 2009, "Gates" Guard's domestic missions must not suffer"
- 13a. National Guard Bureau news, August 30, 2008, "States supporting states: National Guard gears up for possible hurricane"
- 13b. Governor O'Malley press release, September 2, 2008
14. *Chicago Tribune*, May 1, 2005, "Montana wants National Guard troops in Iraq back to fight fires"
15. National Guard Empowerment Act of 2008 (S.2760), as an amendment to the FY09 National Defense Authorization Act (S.3001); passage reported by the National Guard Bureau, January 31, 2008, "National Defense Authorization Act empowers the National Guard"
16. National Guard Bureau news, January 25, 2009, "Army Guard 'fundamentally different' now"

