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PRESIDENT'S MESSAGE

'YES' TO THE WAR ON DRUGS, BUT EASY DOES IT

During debate on the FY89 Defense authorization bills in the Senate and House of Representatives, one of the most visible and highly charged aspects of the debate was the proposal to involve the U.S. military in the war on drug trafficking.

The Senate and House adopted somewhat different approaches to the challenge. However, there was wide, bipartisan and nonideological agreement that the flow of illegal drugs across the United States' southern border had to be confronted and halted, if possible. Legislators from conservative Republican to liberal Democrat asserted that the situation represented a violation of U.S. borders akin to an invasion. They said the military services were the only appropriate force to deal with this invasion.

Illegal drug trafficking does represent one of the most serious, and certainly one of the most visible, evils in the United States today. As the plague of cocaine and "crack" has increased dramatically in the past several years, local officials and police agencies are discovering that they have lost control of some blocks and neighborhoods in their cities. Areas in many major cities are literally controlled by the drug dealers who dominate them with firepower and weaponry that challenge and sometimes overwhelm the police and which certainly dominate and intimidate the unfortunate residents of those neighborhoods.

Notwithstanding the conclusion, agreed to by most everyone, that drug trafficking is a growing menace to American society, several questions arise from the recent congressional debate on this question. One, of course, centers on the *Posse Comitatus* Act of 1878, which—put simply—prohibits federal military forces from enforcing civil laws without the president declaring a state of emergency.

A second major question involves money. Who is going to pay for the

use of these military forces in the war on drug trafficking?

A third question involves readiness. When a military unit is diverted from its normal training schedule to guard the border, spot drug traffickers at night or pursue suspected criminals, the unit's military training may suffer. How is this to be ameliorated? Or isn't it?

Finally, what about our citizen-soldiers? It goes almost without saying that if the Department of Defense is to be required to utilize military forces to staunch the flow of drugs across our borders, the National Guard will participate as a part of the Total Force. Any limitations to this would involve the part-time aspect of the Guard and Reserve. Our soldiers and airmen have civilian jobs, family obligations and private lives.

Taking these questions in order.

One. The *Posse Comitatus* Act is a century-old law that should not be thrown out or tampered with without some serious reflection. It stemmed from the Founding Fathers' well-justified fear of a large standing Army, which was reflected in the Militia Act of 1792 prohibiting the use of the regular Army to enforce laws. However, federal authorities learned to circumvent this prohibition by utilizing members of the regular Army as a *posse comitatus*, or "power of the county," or as a sheriff's posse. This process was particularly prevalent in the South after the Civil War when appointed sheriffs were attempting to enforce the laws of Reconstruction. Thus, the use of federal troops to enforce local laws became politically very unpopular, so unpopular that it led to the enactment of *Posse Comitatus*. However, the *Posse Comitatus* Act never applied to the National Guard in its state status.

It is true, of course, that the Congress could change or repeal the *Posse Comitatus* Act if it wishes. However, the whole American philosophy of civilian control of the military is

brought into some question if Congress should change this century-old statute. Utilizing the military to enforce drug or immigration or smuggling laws may have some merit if it is confined to sealing our borders. Utilizing the regular military forces to enforce civil laws beyond this limited role should be reviewed very carefully before any decisions are made.

Two. Four years ago, when the National Governors Association began a study of what to do about drug trafficking, the Guard and the NGAUS were asked for help and assistance. What was quickly discovered was that all hands wanted to use the Guard to stop the drug smugglers, but no one had much money. The National Guard Bureau did not have these kinds of resources. Neither did the states. Eyes naturally turn toward DoD, which is widely viewed as having great sums.

This is both true and not true. Defense budgets are necessarily large because the requirements of national defense are large. However, the money involved goes to pay for personnel, weapons, equipment and training. This does not include law enforcement or even the detection of law breaking in the community.

Three. Every AWACS or F-16 that is sent up to utilize its radar to detect illegal aerial drug trafficking probably would be diverted from training. This might impact on readiness. For every military police or infantry battalion assigned to border duty, there will be combat training subtracted or not accomplished because the unit was elsewhere. Any National Guard commander knows that time is his most precious commodity. With as few as 39 days a year for unit training, the training time must be guarded carefully. The available days are required for any unit to be combat ready—since we are asked to be nearly as ready as the most combat ready unit of the active services. The national

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National Guard

NATIONAL GUARD

JULY 1988

Volume XLII, Number 7

FEATURES

Maine Holds the Line at Gettysburg

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More than 2,800 Maine recruits and volunteers were engaged at the battle of Gettysburg in the first three days of July 1863. Two units in particular, the 20th Infantry Maine and the 16th Infantry Maine, have been recognized as key elements in the Union victory. The 20th Maine was at Little Round Top and the 16th Maine was the rearguard on Seminary Ridge.

Guardsmen Remembered at Normandy

23

In May, 26 National Guard general officers visited the site of the Battle of Normandy Museum in Caen, France, which was dedicated in an international ceremony on June 6, 1988, the 44th anniversary of the Battle of Normandy. The National Guard officers, representing the states that took part in the battle, presented commemorative stones from each state to be placed in the museum.

To Save a Life

26

The peacetime and wartime mission of the 129th Air Rescue and Recovery Group, California Air National Guard, is to save lives. During peacetime, it is civilian lives, during war, it is downed pilots and aircrews. It is a dangerous mission that takes highly skilled and competent Guardsmen. Since its inception in 1977, the 129th is credited with more than 175 saves.

Filipino Insurrection of 1899

32

When the U.S. armed forces, mostly National Guard, landed in the Philippines in 1899 they met little resistance from the Spanish, who were promptly ousted. But it took three years for them to quell the Filipino insurrectos. Through sometimes vicious guerrilla warfare and civic actions, the United States was able to win the hearts and minds of the Filipinos.

Training for Your P.T. Test

38

There are no more excuses. You can now design and maintain a physical fitness regimen that will help you pass the P.T. test and stay in shape.

July 1988



COVER:

A 129th Air Rescue and Recovery Group (ARRG), California Air National Guard, HC-130P refuels two HH-3E Jolly Green Giant helicopters during a routine refueling mission. The 129th ARRG has a peacetime mission that not only benefits the local citizens, but also has international requirements. Design, Johnson Design Group.

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NATIONAL GUARD, July 1988. The NATIONAL GUARD Magazine (ISSN 0163-3945) is published monthly, by the National Guard Association of the United States, with editorial and advertising offices at One Massachusetts Avenue, N.W., Washington, D.C. 20001. Telephone (202) 789-0031. Second class postage paid at Washington, D.C., and at additional mailing offices. Copyright 1988 by the National Guard Association of the U.S. All rights reserved. All members of the NGAUS receive NATIONAL GUARD. Nonmember subscriptions: \$10 per year. The Editor welcomes original articles bearing on national defense, with emphasis on application to or implications for the National Guard. Postmaster: Send Form 3579 to NATIONAL GUARD, One Massachusetts Ave., N.W., Washington, D.C. 20001.