



# CURTIS E. LEMAY CENTER

FOR DOCTRINE DEVELOPMENT AND EDUCATION



## ANNEX 3-27 HOMELAND OPERATIONS

### **HOMELAND SECURITY RELATIONSHIPS**

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#### **JOINT AND MULTINATIONAL ENVIRONMENT**

The majority of recent military actions within the homeland have been executed by a joint or combined command structure. Traditional Air Force homeland operations, even if still executed by a [commander, Air Force forces](#), are normally executed within a joint organizational structure. Understanding partner roles and missions, as well as supported command direction, is paramount for successful actions.

Geographic combatant commanders (GCC) support [homeland defense](#) (HD) through a layered defense construct (in the forward areas, the approaches, and the homeland itself). [US Northern Command](#) (USNORTHCOM), [US Pacific Command](#) (USPACOM), and the [North American Aerospace Defense Command](#) (NORAD) provide HD in the US, and USNORTHCOM and USPACOM also accomplish [defense support of civil authorities](#) (DSCA). The GCCs typically serve as the joint force commanders for their respective areas of responsibility (AORs).

The NORAD treaty established the alliance to conduct airspace warning, [airspace control](#), and maritime warning for a defined portion of North America. USNORTHCOM's AOR also encompasses a defined portion of North America with a broad spectrum of missions assigned in the Unified Command Plan (UCP). Deconflicting the NORAD, USNORTHCOM, and USPACOM missions within the overlapping geographic areas is accomplished by Secretary of Defense (SecDef) orders and the UCP.

Various other alliances may be a source of additional HD support. For example, Article 5 of the North Atlantic Treaty states: "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence . . ." When the US was attacked on 11 September 2001 the North Atlantic Treaty Organization invoked Article 5 and provided NATO Airborne Warning and Control System to help patrol US airspace and initiated Operation ACTIVE ENDEAVOUR as part of an antiterrorism effort.

The multitude of commands operating within the US drives the need to deconflict roles, responsibilities, and missions. Successful actions have typically been a result of early planning engagements and understanding the supporting combatant commander's

(CCDR's) role in relation to the supported CCDR using wide socialization of organizational structures and procedures, as well as continual information flow both vertically and horizontally.

## **FEDERAL AND STATE AUTHORITIES AND AIR FORCE INVOLVEMENT**

Within the homeland, Air Force forces may operate in different statuses. Regardless of the status the forces are in, there should be clarity of the chain of command to support unity of effort. There are specific federal laws affecting Air Force personnel and operations in the homeland. The [Posse Comitatus Act](#) (PCA) and the [Enforcement of the Laws to Restore Public Order Act](#) (formerly the Insurrection Act) place limitations on Air Force forces; all Air Force personnel, regardless of status, should be aware of this information.

[Posse Comitatus Act, 18 U.S.C §1385](#). PCA does not apply outside of the homeland. However, for homeland operations within the US, this federal statute and the court cases that interpret it place limits on the use of military personnel for civilian law enforcement duties, except as expressly authorized by the Constitution or act of Congress. Specifically prohibited activities include: search and seizure; arrest, apprehension, "stop-and-frisk" detentions, and similar activities; and use of military personnel for surveillance or pursuit of individuals, or as undercover agents, informants, investigators, or interrogators. DOD Instruction 3025.21, [Defense Support of Civilian Law Enforcement Agencies](#), identifies several forms of assistance to civilian authorities, which are allowed under the PCA. Exceptions to the PCA include but are not limited to:

- ★ Support to law enforcement agencies under 10 U.S.C., Chapter 18.
- ★ Protection of federal property.
- ★ Presidential directed support under the Enforcement of the Laws to Restore Public Order Act (see below).
- ★ Emergency situations involving weapons of mass destruction (10 U.S.C. §382).
- ★ Prohibited transactions involving nuclear materials (18 U.S.C. §831).
- ★ Counterintelligence support and other missions as approved by the President and the SecDef.

Chapter 18 of 10 U.S.C. (§§371-382) addresses military support for civilian law enforcement agencies and provides statutory authority for specific types of military support of law enforcement. 10 U.S.C. §375 directs the SecDef to promulgate regulations that prohibit "direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law."

[Enforcement of the Laws to Restore Public Order Act, 10 U.S.C. §§331-335](#). These statutory provisions allow the President, at the request of a state governor or legislature, or unilaterally in some circumstances, to employ the armed forces to suppress insurrection against state authority, to enforce federal laws, or to suppress rebellion.

America's constitutional foundations of federalism and limited government place significant trust and responsibility in the capabilities of state and local governments to help protect the American people. State, local, and tribal governments, which best understand their communities and the unique requirements of their citizens, provide first response to incidents through law enforcement, fire, public health, and emergency medical services. They play a prominent, frontline role in helping prevent terrorist attacks as well as in preparing for and responding to a range of natural and manmade emergencies.

## **RANGE OF MILITARY OPERATIONS**

The US employs its military capabilities at home and abroad in support of its national security goals in a variety of operations. These operations vary in size, purpose, and combat intensity within a [range of military operations](#) (ROMO) that extends from military engagement, security cooperation, and deterrence activities to crisis response and limited contingency operations, and if necessary, major operations and campaigns. Most operations within the homeland are at the lower end of the spectrum.

Within the homeland, the concept of the ROMO takes on an expanded dimension with respect to authorities and command direction. Civil security and emergency response forces can gain access to a stratum of DOD resources and training through requests supported by the Economy or Stafford Acts. State National Guard forces using either state funded or federally funded equipment can respond at the direction of the state's governor or these forces may be federalized (come under command authority of the President with funding from the federal level) and with other regular and Reserve forces to accomplish DSCA.

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