

# State Defense Force Journal

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## UNDERSTANDING THE POSSE COMITATUS ACT AND THE INSURRECTION ACT<sup>1</sup>

John R. Brinkerhoff, Colonel USA Retired

Most Americans believe that the Posse Comitatus Act prohibits the use of federal troops to enforce the law in the United States. They also believe that the President has to wait until a governor asks for help before he can send federal troops to help and even only to quell an insurrection. These beliefs are erroneous. They are based on complete misunderstanding of the two major laws that pertain to this issue. This is important, for understanding the true status of the laws and authorities is essential if we are to provide for the security of the homeland in an age of terrorism and catastrophic natural disasters.

In this article, I will address both the Posse Comitatus Act and the Insurrection Act, using different approaches to help you understand what each really means. I will parse the Posse Comitatus Act to allow you to understand what it really means. I will tell the story of the Insurrection Act to allow you to understand how it came to be enacted.

his is important, for the true status of the laws and authorities are essential if we are to provide for the security of the homeland in an age of terrorism and catastrophic natural disasters.

A lot of people are talking about the Posse Comitatus Act, and almost all of them get it wrong. Few, if any, of the media and academia pontificators have even read the law itself. Well, here it is—United States Code Title 18, Section 1385.

*Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Forces 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.*

In order to help the readers understand what this one-sentence law means, I am going to parse it. That is, I am going to examine its meaning by determining the parts of speech in the sentence. As older readers will remember, this is known as diagramming a sentence.

It should be noted at the outset that the law does not contain the word "prohibited." The law says nothing about the provision of relief or support from or by the federal government. It pertains to the use of the Army or Air Force to execute the laws as a member of a "posse comitatus" formed by a U.S. Attorney, U.S. marshal, a sheriff, law enforcement officer, or other public official or private citizen.

A sentence has to contain a subject, verb, and an object. The subject in this sentence is the word: "Whoever." The verb is "uses." The object is "part of the Army and Air Force." The rest of the sentence consists of clauses that modify the subject, the verb, or the object. Stripped of the modifiers, the sentence reads: Whoever uses part of the Army and Air Force.

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Next we will address the modifiers of the verb. The first modifier is the adverb "willfully." This means that the using is done on purpose and not accidentally. The second modifier explains the kind of the use to which the verb applies. In this law, this use is "as a posse comitatus or otherwise to execute the laws." The sentence now reads, "*whoever willfully uses any part of the Army and Air Force as a posse comitatus or otherwise to execute the laws.*"

Note that the offender under this law would not be the Army or Air Force, or members of the Army or Air Force but the person who uses them in violation of the law. This may explain why no person has been convicted of violating the Posse Comitatus Act since it was enacted in 1878.

I know you are waiting eagerly to find out what happens to those "whoever" that do this bad thing willfully, so we next add the consequences of such an action, and now the law reads as follows:

*Whoever willfully uses any part of the Army or the Air Force 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.*

This is almost the complete law. If it were the complete law, the pontificators would be correct in asserting that the law prohibits the use of the Army and Air Force from enforcing the law in the United States. However, Congress included an important qualification in the sentence that is often overlooked by those who prefer an absolute prohibition. The important exception is the following clause that modifies the subject: Except in cases and under circumstances expressly authorized by the Constitution or Act of Congress.

It is clear that Congress has someone in mind that could lawfully authorize the Army and Air Force to execute the laws. Who is this person or persons to whom Congress grants that authority?

Congress has on several occasions enacted laws that authorize one person-and one person only-to authorize the Army and Air Force to execute the laws. That person is the President of the United States. To make it clear what the sentence really says, I will substitute this meaning of the exception clause in the parsed version of the Posse Comitatus Act.

*Whoever, except the Congress or the President of the United States, willfully uses any part of the Army or the Air Force as a posse comitatus of otherwise to execute the laws shall be fined under this title or imprisoned or both.*

Restated even more clearly, the intent of this law reads as follows: *Only the Congress or the President of the United States may authorize the use of the Army and Air Force to execute the laws.*

That is what the Posse Comitatus Act means-or at least what it meant when it was enacted in 1878. Unfortunately for the Nation, the meaning of the law was completely revised by activist judges in the 1970s, so recent case law is the opposite of the law itself. That modern revised version of the Posse Comitatus Act is what most people are citing when they assert that federal troops are prohibited from enforcing the law in the United States. Fortunately, the Insurrection Act stands, and it permits the President to use federal troops to enforce the laws either at the request of a governor or on the initiative of the President.

The Insurrection Act consists of four statutes enacted at different times for different reasons that, when considered as a whole, provide the power that Presidents have used many times as the legal basis for using troops to enforce the law. The four sections of law are as follows.

Title 10, Section 334 was enacted in 1792 as the Calling Forth Act to give President George Washington authority to call forth the militia when in his judgment they were needed to repel invasions, suppress insurrections, or enforce the laws. To assure that this authority was not abused, a reluctant Congress specified that before using the troops, the President would have to issue a proclamation calling on the insurgents to disperse in a limited time.

Title 10, Section 331 is a combination of two laws. One was enacted in 1795 to correct weaknesses in the Calling Forth Act (1792) when it was used to suppress the Whisky Rebellion in 1793. This law gave the President specific authority to call forth the militia upon the request of a governor or state legislature, if the governor were unable to apply for the assistance. The second law was enacted in 1807 at the request of President Thomas Jefferson to extend Presidential authority to call forth the standing army as well as the militia. This section allows the President to use the armed forces to enforce the laws or suppress a rebellion whenever, in his opinion, unlawful obstructions, combinations, or assemblages or rebellion against the authority of the United States make it impractical to enforce the laws using the course of judicial proceedings.

Title 10, Section 332 was enacted in 1861 at the request of President Abraham Lincoln to increase Presidential authority to use the militia and the regular army to suppress insurrections and enforce the laws. This law was the legal basis for waging the Civil War. This law allows the President to use federal troops on his own initiative and act on his own judgment without waiting for a request from a governor.

Title 10, Section 333 was enacted in 1869 at the request of President U. S. Grant to empower him to use federal troops to suppress the Ku Klux Klan during Reconstruction. The original version of this law said that it was the duty of the President to use the armed forces or militia to respond to insurrection, domestic violence, unlawful combination, or conspiracies that deprive any portion or class of people their Constitutional rights and privileges when state authorities are unable or refuse to protect such people.

The Insurrection Act empowers the President, either upon his own initiative or at the request of a governor to use federal troops to address a variety of civil disturbances that could be provoked by a major terrorist attack. Sections 332 and 333 make it clear that it is up to the President to determine when and where to use federal troops to enforce the laws. The prudent reader should see for him or her self by going to the Internet and reading the statutes cited.

The truth of the matter is that the Posse Comitatus Act is irrelevant. It need not be changed. What needs to be changed is the prevalent misconception of its original intent. As the parsing exercise above shows, it was intended to allow the President and only the President to use federal troops to execute the laws. As the discussion of the Insurrection Act shows, the President has sufficient authority to do what needs to be done to use federal troops to maintain law and order. The people, the politicians, and the President all need to understand that.

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## **ON THE NEED FOR A STATE DEFENSE FORCE NONCOMMISSIONED OFFICER COUNCIL**

Ronald Scott, First Sergeant (MD)  
Martin Hershkowitz, Colonel (MD)

### **INTRODUCTION**

The State Defense Force (SDF) organization is based on the cadre concept, where the staff is composed of senior officers and noncommissioned officers (NCOs), and specialists in those areas within its mission portfolio. While the officers are involved in command, mission design and operation, within the guidelines established by the Adjutant General (TAG), and training requirements, the NCOs form the basis for conducting the training required to execute the mission. This establishes the need for consistent training standards for basic skills across the SDF elements, the companies, battalions, regiments, and specialty corps. The NCO Council proposed herein provides those standards based on Headquarters Operations and Training guidelines for the element NCOs to use in training and mission preparation. NCO leadership is the key to the entire process.

### **LEADERSHIP**

When you talk about the NCO you must first address leadership, because NCOs and leadership go hand in hand. Leaders whether officers or NCOs must have a solid foundation, they must know their core values, strengths, and weaknesses, and they must have direction. Charles Shultz's comic strip character Charlie Brown from Peanuts once said that "Sometimes I lie awake at night and ask myself, why am I here? Then a little voice answers, why? Where do you want to be?" Good leaders must always reassess to determine if they are staying in their lane of responsibility and asking where they need to be.

The U.S. Army Leadership Manual (Field Manual 6-22, 1999) states: "At any level, anyone responsible for supervising people or accomplishing a mission that involves others, motivating them to action or influencing their thinking or decision making, is a leader." FM 6-22 does not make any distinction between the officer and the NCO, a leader is a leader no matter what the rank. Our military is a value based organization and that is what has made it great. For the Sailor or Marine it is "Honor, Courage, and Commitment" ( Sailor's Creed, n.d.) and for the Airman it is "Integrity First, Service Before Self, and Excellence in All We Do." (AFD-070906-003, 1997). For the Soldier there is the acronym "LDRSHIP," which stands for "Loyalty, Duty, Respect, Selfless service, Honor, Integrity, and Personal courage." ( TRADOC Pam 600-4). This combined with the four "C"s of "Courage, Candor, Competence, and Commitment" (Reimer, 1996) make up a value base system that has stood the test of time and should be embraced on an organizational and personal level.

For a military organization to be successful it needs values, a solid vision, a meaningful mission, guiding principles, and plans to succeed. Leaders must continually ask themselves "Where do you want to be?" and how do you go about getting there. Leadership is influencing people by providing purpose, direction, vision, motivation, and support to accomplish a mission and improve the organization. It is done on many levels and in many forms. In the Active Duty, Reserve Forces and the Title 32 (32 U.S.C., § 109) authorized State military (established as the State Defense Force, State Guard, State

Military Reserve, State Guard Reserve depending on each state's legislature) leadership requirements remain the same.

## **THE ROLE OF THE NCO**

In order to be an effective SDF member of a team he or she (referred to herein collectively as he or him or his) must know the role and the rules for that team as detailed in FM 7-21.13 (Field Manual 7-21.13, 2003). NCOs are the backbone of the military and are responsible for training, leading, and taking care of enlisted SDF members (often referred to as EMs). They are responsible for ensuring that their troops are prepared to function as an effective unit.

Successful completion of a mission depends on accurately passing information between leaders and subordinates, up and down the chain of command and the NCO support channel (Field Manual 7-21.13, 2003).

### **Chain of Command**

FM 7-21.13 § 3-34 states:

“The Army has only one chain of command. Through this chain of command, leaders issue orders and instructions and convey policies. An effective chain of command is a two-way communication channel. Its members do more than transmit orders; they carry information from within the unit or organization back up to its leader. They furnish information about how things are developing, notify the leader of problems, and provide request for clarification and help. Leaders at all levels use the chain of command—their subordinate leaders—to keep their people informed and render assistance. They continually facilitate the process of gaining the necessary clarification and solving problems.”

Specifically this FM talks about the NCO Support channel and how important it is to the proper functioning of a military unit.

### **NCO Support Channel**

FM 7-21.13 § 3-36 states:

“The NCO support channel parallels and reinforces the chain of command. NCO leaders work with and support the commissioned and warrant officers of their chain of command. For the chain of command to work efficiently, the NCO support channel must operate effectively.”

*“The NCO support channel...is used for exchanging information; providing reports; issuing instructions, which are directive in nature; accomplishing routine but important activities in accordance with command policies and directives. Most often, it is used to execute established policies, procedures, and standards involving the performance, training, appearance, and conduct of enlisted personnel. Its power rests with the chain of command.”*

## **Coordination of the Chain of Command and the NCO Support Channel**

FM 7-21.13 § 3-40 states:

SDF members should use the chain of command or the NCO support channel (as appropriate) to help solve problems, whether small or large. The chain of command and the NCO support channel are also effective and efficient means of communication from where the rubber meets the road to the very highest echelons of the Army. Whether you have a problem, suggestion, complaint or commendation the chain and the channel are the means to communicate to the leaders who need to know.

So we can see that the NCO support channel parallels and supports the chain of command, it resolves issues, enforces rules and regulations, and makes the dissemination of information to the rank and file a much easier process.

## **THE ROLE OF THE SERGEANT MAJOR**

General George Washington appointed Friedrich Wilhelm von Steuben as the second Inspector General of the Continental Army in 1778. Friedrich von Steuben took great steps to improve the tactics, regulations, and discipline of the Continental Army. Von Steuben's knowledge of Prussian Army regulations transformed Washington's Army, making them capable of meeting British regulars on the battlefield, and setting the foundation for today's NCO Corps. In von Steuben's Regulations for the Order and Discipline of the Troops of the United States, Part I (von Steuben, 1779), often referred to as the "Blue Book", von Steuben defined the role of the sergeant major. By writing that he, "must pay the greatest attention to their [noncommissioned officers] conduct and behavior...." In his instructions, he noted that the sergeant major should be well acquainted with management, discipline of the regiment, and of keeping rosters and forming details. Early on the sergeant major was an assistant to the Adjutant, his role with the enlisted and noncommissioned officers have remained basically the same, he continues to be the cornerstone of the NCO Corps.

FM 7-21.13 § 3-37 states:

“The connection between the chain of command and the NCO support channel is the senior NCO. Commanders issue orders through the chain of command, but senior NCOs must know and understand the orders to issue effective implementing instructions through the NCO support channel. Although the first sergeant and command sergeant major are not part of the formal chain of command, leaders should consult them on all enlisted SDF member matters and individual training.”

The Sergeant Major (SGM) is the senior NCO that is in charge of the NCO Corps for their unit.

According to Elder, et al. (1995).

“The title of sergeant major evokes many images: the steady, courageous leader whose very presence calms and settles his men on the eve of battle; the articulate, demanding senior NCO of the battalion who accepts only the highest standards of appearance, performance, and training; the experienced senior leader who always seems to have the answer or knows where to get it; and the ever-present embodiment of higher level

commanders whose ability to communicate directly with line troops is so often taken for granted.”

The SGM’s experience and ability are equaled by none, and his leadership influence is generally not limited to those directly under his charge. The SGM is a subject matter expert in his technical field, primary advisor on policy development, analytical reviewer of regulatory guidance. A SGM's success depends on how well he operates in different worlds, one as the trusted advisor to his commander, one for his troops and the last for himself.

Sergeant Major Begg wrote about the three worlds of the SGM; to the Commander, to the troops/the NCO Corps, and to himself (Begg, 1996):

### **The world with the Commander**

“To the CO, the sergeant major is the one person close to him, other than his wife, who without fear of retribution by efficiency report runs counter to the commander's known or suspected feelings. Like the boy in the fable, the sergeant major can say, ‘Look! The king has no clothes!’”

### **The world with the Troops/NCO Corps**

“The sergeant major is a port in a storm, a refuge in time of need. He embodies approachable, sympathetic wisdom. He is a grizzled old head who knows people and regulations. His advice and counsel can prevent a lot of grief.”

“The sergeant major is a representative of the men to the front office. He is there to look after their interests. He is an enlisted conscience among the brass, a union leader without strike powers. He is duty-bound to speak in behalf of the men. He does so at the risk of falling into disfavor himself.”

### **The world of the Sergeant Major**

“More than any other person, the sergeant major respects the fitness and necessity of the status quo. At the same time, he burns to see change and adjustment benefit the individual soldier. Deaf ears in both the officer corps and the enlisted ranks have thrust him into the role of interpreter. He belongs in two worlds. How well he does his job depends upon how well other people understand what it is.”

Clearly, leadership starts at the top, if the NCO Corps is the foundation by which all enlisted are mentored, trained, and disciplined, then the Sergeant Major is the corner stone of that foundation. A well defined Chain of Command and NCO Support Channel go hand in hand and functions to support the goals and mission of the unit. This is already done in the U.S. Armed forces and many SDF units across the country.

## **THE FUTURE OF THE STATE DEFENSE FORCE**

Over the years, just as the Active Army has looked down on the Army National Guard (NG), the NG looks down on the State Defense Force (SDF), often referring to it as an unprofessional coffee club of “good ole boys,” lacking in training and not having that warrior ethos - Esprit de Corps - that brings a military unit together. Now, with so many NG units imbedded in with the active Army, and with the transformation of the SDF into a more professional military support unit integrating with its NG, this mind set is changing and a new paradigm is taking its place.

Training is one key component to facilitate this transformation. A mixture of Boot Camp and college campus environments are found in SDF units across the country. They all have a common thread of Initial Entry Training Course (IET), Primary Leadership Development Course (PLDC), and Advanced Non-Commissioned Officers Course (ANCOC). Among other courses, these are designed for the prior and non prior service SDF member, to instill a military esprit de corps and develop a professional military SDF.

A number of states are starting the transformation process from the old World-War-Two/Cold-War model of the SDF to a new, modern, State Military Department integrated approach. This inherent approach is toward more professional support elements designed to supplement their State Military Department in areas where that need exists. The Maryland Defense Force, for instance, provides this support through a Chaplain Corps, an Engineer Corps, a Medical Regiment, and others, and temporarily assigns them to elements of the National Guard (NG). Other examples are the Texas State Guard, which has established a Medical Brigade for that purpose, and the Georgia State Defense Force, which is beginning to offer Chaplain, legal, and engineering support to its NG.

### **How the NCO Functions to Enhance the SDF**

What is missing to support the integration of the SDF with its NG is a more unified, fully staffed NCO Corps. The SDF cannot fully integrate with a professional military organization without the guidance, support and leadership of a well built, well trained NCO Corps. NCOs must maintain fundamental soldiering at the forefront of everything we do. And that means we must focus on the basics, maintain military values, facilitate the transformation, and support the missions of our SDF unit.

When a civilian joins the Military he is assigned to a unit and a drill sergeant oversees his transformation into military life. When a civilian joins the SDF he is assigned to an element and, depending on the element, he will learn what he needs to know from other SDF members. Unfortunately, that is where it stops, many SDF units do not bring the volunteer soldier into a military mind set. This is an apparent failure of the present system and why some officers feel the need to develop an unofficial guide upon joining a SDF. The often observed uniform violations, inappropriate customs, and lack of military courtesies, all demonstrate the need for a professional military force within the SDF.

The question has been posed many times by Command and by element commanders, “What would we do with more NCOs?” The answer to that is to understand what the NCOs do in the active duty military.

Everyone in the military has an expectation of what a NCO ought to be. This is due to the fact that NCOs share their creed and proudly announce that no one is more professional than they are. They proclaim that they are the backbone of their military unit. Accomplishing the mission and taking care of SDF members is what the NCO Corps is all about, and they do it with Pride.

NCOs develop SDF members, they teach, train, council, and mentor the troops. NCOs instill the military bearing, traditions, and morale that keep and pass on the ethics and values of the Armed Forces. As such, given the support from all levels of leadership, they can do the same for their SDF unit.

NCOs don't need to worry about the color of the beret or type of Class A uniform they're all going to wear next year – they need to spend time conducting in-ranks inspections, Drill and Ceremony, and formations to teach SDF members how to properly wear the uniform they have. Likewise, setting and enforcing the standards.

NCOs need to spend time teaching the importance of counseling and communicating with their troops, including officers, NCOs and troops. Communicating means more than just talking to them, it is also listening to their concerns in both directions and doing something to solve those problems. In other words, NCOs need to train and mentor, setting and enforcing the standards.

Being a mentor is a huge part of what NCOs must do. Most SDF units are a combination of troops from all branches of the Military, including retired servicemen, and non-prior-service soldiers. The “wide-eyed deer in the headlights” look is common among new soldiers. The NCO needs to step up and set the standard for mentoring and teaching all members the basics of functioning in a military environment.

Many SDF units are in the midst of some of the most dramatic changes in their history. Never before has any SDF unit undergone such a profound transition. It is the duty of the NCO to ensure the welfare of soldiers as a priority. To do that, we must stick to the fundamentals of soldiering. Establishing a NCO Support Channel in all SDF units and beginning the process of bringing a solid professional military bearing to all SDF units.

The Army Study Guide reinforces the NCO Support Channel (Army Study Guide, 2006), yet makes it clear that it is subordinate to and supportive of the chain of command. The NCO support channel is not an independent channel; it is incumbent on the users of this channel to ensure the unit chain of command is kept informed of actions implemented through the NCO Support channel.

As not all SDF units have a well established NCO program or proper NCO support channel, a viable solution is to develop a “Noncommissioned Officer Council” to approximate the NCO support channel.

### **Proposed SDF NCO Council**

The Proposed SDF NCO Council is a dual purpose organization, the first mission is to bind together the NCOs within the different directorates of the SDF, the second is to be a vehicle for the chain of command to interact more closely with the development of the NCOs of the SDF. The NCO

Council will have a Command Sergeant Major (CSM) or Acting SGM (A/SGM) from each element and Directorate. The A/SGM will be the highest ranking NCO in that element or Directorate to ensure that the NCO chain of command is maintained. The Chief of Staff may appoint an Officer to provide oversight for the NCO Council.

The goals and mission of this version of the NCO Support Channel will be to develop an approved NCO training program; promote ethics, values, and leadership skills; enforce military customs, courtesies, bearing, and uniform wear and care; make recommendations to the Command Staff on NCO matters; and function as a board to resolve NCO issues. The intention is for all of this to be passed out and implemented SDF wide.

The NCO Council would have a charter to clearly define and approve its mission, goals, and structure, in conjunction with and fully supported by the Command Staff. Among its assignments, it would develop, jointly with the Operations and Training Directorate (G-3), a Basic Noncommissioned Officer Course (BNCOC) that would be a challenging curriculum, designed to develop and enhance the skills of tomorrow's SDF member.

A follow on assignment would be to develop jointly with the G-3 an Advanced Noncommissioned Officer course (ANCOC), whose mission would be to develop an NCO that is tactically and technically proficient in the skills necessary to lead, train, employ, and maintain military focus. This course would further focus on similarities between the Military Occupation Specialty (MOS) classifications and how they operate together in the Contemporary Operational Environment.

Future NCO Council activities could eventually include a First Sergeants Course and a SGM development program.

Additionally, as support for Command, the NCO Council could conduct a military style NCO Promotion Board, where soldiers actually sit in front of a panel of their peers to be assessed for promotion. The result would provide the soldier's Commander with valuable input for the promotion decision process.

Finally, the NCO Council could establish a "Sergeant Dixie Club," which provides peer recognition of outstanding NCO achievements and provides internal support for the SDF's NCO Corps.

## **Recruiting/Retention**

How do we recruit new members, both company grade officers and EMs for our SDF? This question has been raised many, many times over the years. The typical SDF volunteer is in their mid 40s, prior and non-prior service, both male and female. An increasing number of SDF units are looking for trained and established professionals (i.e., physicians, attorneys, engineers, and Clergy), which severely limits the availability of senior persons to actively search for the younger company grade officers and EMs; thus, a loss of individuals who might make excellent leaders in the future.

Retention comes by keeping a volunteer soldier involved and motivated. Formal and impromptu training at Drills, Musters, table-top exercises, and FTX events are a good way to develop the necessary skills and keep soldiers interested. Stressing compliance to military standards, height and weight, and

continuing education in real life skills provides that young SDF member with valuable skills that he can take back to the civilian world and use to enhance and possibly advance his career.

Many local areas require high school student to have so many hours of volunteer service, hours served with a SDF can count toward this goal, giving the student a feel for military life and instilling a sense of pride and discipline that can be carried a lifetime. This was done during the late 1990s and was quite successful until internal misadventures caused it to be halted (Community Service Cadet Corps, MDDF DIR 500-98, 1998; Hershkowitz, n.d.; ).<sup>2</sup>

## **Mentoring**

When a new recruit is brought into the SDF, whether that person is prior service, non-prior service, Officer, Warrant, NCO or EM, he would first be assigned to a Company Commander or Platoon Sergeant, as appropriate, to oversee his transition into the military organization. He would be taught basic training, how the organization functions, the do's, and do not's of the SDF and of his own unit. Drill and Ceremony, military customs and courtesies, history of the SDF, and specific MOS training would be the responsibility of the NCOs.

## **SUMMARY INTO THE FUTURE**

In today's world of international terrorism and state supported terrorism the National Guard faces regular call up for combat, peacekeeping, or homeland defense missions (10 U.S.C., n.d.). As a result the non-deployed NG units find themselves overloaded with pre- and post-deployment support activities, normal training, and maintenance duties as well as support of their state's homeland security needs.

Many of the State Military Department's have come to the realization that their SDF unit is indeed part of the state's military family, one of the pillars of the Military Department. Examples of the SDF activities in support of their NG are:

- o The Texas State Guard Medical Brigade (Greenstone, 2006; Benner, 2006).
- o The Maryland Defense Force's 10<sup>th</sup> Medical Regiment (Colgan, Davis and Barish, 2006; Hershkowitz and Nelson, 2007; Nelson et al., 2006; Nelson, 2007), Engineer Corps (Kelm, and Hershkowitz, 2007), Chaplaincy (Hershkowitz, 2007), Cavalry Troop (Roberts, 2007), and Command level (Smalken, 2006).
- o The South Carolina State Guard's Homeland Defense Brigade (Wishart, 2006) and Communication Battalion (Price, 2006).
- o Foreign nations in support of their military (Bankus, 2007).

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<sup>2</sup> Interestingly, the MDDF Community Service Cadet Corps remains as an active program with Montgomery and Frederick County Boards of Education although prospective student candidates are annually told that the MDDF no longer cooperates with the state and county program.

Other SDF units have started supportive activities in support of their NG, such as the California State Military Reserve, the Georgia SDF and the New York Guard; however, there are no publications documenting their activities.

Across the country more State Defense Force units are beginning to transform from their Cold War mission structure into a professional military support role to their military department by providing a variety of services to the NG and through it to the State Emergency Management Agency in support of its mission. These SDF units are enlarging their force with quality soldiers to further meet the needs of their State. Smart growth, with quality leadership, comes from both the Officer and NCO Corps. It starts with a solid foundation; from the moment we recruit new SDF members with professional skills we need to begin their education to a military mind set, instilling our own brand of esprit de corps, and a SDF military ethos that will carry us and them into the future. As we support our State, our communities and our National Guardsmen's, let's not forget to support our own SDF soldiers, and provide them with the best professional military leadership.

The establishment of the NCO Council within each SDF unit will provide them with a solid basis for professional military growth and implementation of the military support mission portfolio.

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*The views expressed herein are those of the authors and do not purport to reflect the position of the Maryland Military Department, the Maryland National Guard, or the Maryland Defense Force.*

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## THE NEW JERSEY NAVAL MILITIA<sup>3</sup>

Wayne E. Girardet, Captain (NJ)

A frequent question asked is "What is the New Jersey Naval Militia Joint Command (NJNMJC)?" The term "naval militia" is defined in Title 10 of the U.S. Code as a component, along with the National Guard, of the organized militia. Unfortunately, militia has come to be associated with extremist groups that belie its proud heritage. Nevertheless, the organization has proven to be a valuable complement to New Jersey's military forces in these troubled times.

Naval militias predate the reserve system and functioned primarily as a back-up force for the U.S. Navy. At its high water mark around the turn of the last century, twenty-six states had a naval militia. With the advent of the USNR, naval militias evolved into organizations with a dual state and federal mission much like the National Guard. By law, they must be composed of at least 95% drilling naval reservists in order to receive federal support. The New Jersey Naval Militia was founded in 1894 and organized into three battalions. While not exactly state-of-the-art equipment, the navy did provide a monitor and a sailing man-of-war for training purposes. Subsequently, the New Jersey Naval Militia was activated for every major conflict from the Spanish-American War through the Korean War at which time peak strength of 3,950 officers and enlisted personnel was achieved. Starting in the late 1950s, the militia was gradually absorbed by the USNR resulting in disbandment in 1963.

In 1999, Governor Christie Whitman recognized the need for a state waterborne force and reactivated the naval militia as a joint command consisting of a regiment with three battalions. However, unlike its predecessor, the NJNMJC is a hybrid with the 1<sup>st</sup> Battalion being a true naval militia, the 2<sup>nd</sup> Battalion performing as an operational Naval State Guard, and the 3<sup>rd</sup> Battalion providing support and auxiliary functions. The concept of operations differs from a traditional reserve or guard unit in that it is based on volunteerism. Essentially, each member is required to donate two days each month for actual missions in support of state and federal agencies. Additional mission requirements result in being placed on state active duty with pay and allowances.

The authorized strength of the NJNMJC is 3,000 with the organization being designed to accommodate up to 4,000 members and more than 70 vessels. Currently, the NJNMJC has 200 sworn members, most assigned to the 2<sup>nd</sup> Battalion, with many more in some stage of processing. Most members have a sea service background, but there are small army and air state guard contingents fully integrated into NJNMJC operations. A recently signed memorandum of understanding (MOU) with the U.S. Navy has opened the way to recruiting naval reservists for the 1<sup>st</sup> Battalion. It is anticipated that 800-1,000 of these men and women will bring their skills to the NJNMJC in the next few months and provide unique service to New Jersey in times of emergency or natural disaster. MOUs with the U.S. Coast Guard and the U.S. Marine Corps are also in the works.

Basically, the NJNMJC is a force multiplier assisting with state and federal missions. The NJNMJC is described as a "niche marketer," fulfilling needs and providing capabilities where little or none existed before. In addition to providing the heretofore-missing waterborne component of New Jersey's military forces, the Command also furnishes several specialized services. For instance,

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<sup>3</sup> This article was originally published in the March 2002 edition of "Shipmate", the publication of the U.S. Naval Academy Alumni Association. It has been modified slightly for this purpose.

it has a team trained in water rescue and firefighting, a unit of experienced chaplains, and a Disaster Medical Assistance Team (DMAT). In the future, a diving unit and a fixed wing air capability will be added. All of these assets are being utilized to provide support for the following primary missions:

- Weapons of Mass Destruction/Homeland Security.
- Marine Police & Other Law Enforcement Agencies.
- N.J. State Emergencies (e.g., Hurricane or Flood).
- N.J. National Guard Counterdrug Task Force.
- Special N.J. Projects & State Guard Missions (e.g., OPSAIL 2000).
- Battleship New Jersey (BB-62).
- Youth Programs.

The NJNMJC is headquartered at Fort Dix, NJ, conducts logistics and other supporting functions at the NJNMJC Armory in Plainfield, NJ, and operates vessels from the U.S. Coast Guard Station at Sandy Hook, NJ. The current inventory includes four 23' twin outboard, cabin class patrol boats, one 46' buoy tender undergoing refit at the Naval Ship Yard in Philadelphia, PA, one 28' diesel jet boat, and one 26' diesel surfboat.

While the NJNMJC has been activated several times in its brief history, the defining event in its evolution and that of the nation was the terrorist disaster on 11 September, 2001 (9/11). In the 120 days since that horrendous event, the NJNMJC has provided over 2,800 man-days in support of New Jersey and surrounding states in the following areas:

- Officer-in-Charge of the military Joint Operations Center which has been manned 24/7 since 11Sep01.
- Waterborne security for the George Washington Bridge.
- Waterborne transportation for governmental agencies between Ground Zero and the Forward Command Post at Liberty State Park, NY.
- Chaplain services at Ground Zero and the Staten Island, NY Logistics Support Base.
- Development and presentation of an anthrax awareness program to all N.J. National Guard troops in the field.
- Physical security augmentation at Fort Dix and the Naval Air Station at Lakehurst, NJ.
- Waterborne security patrols at the Salem, NJ Nuclear Power Plant.
- Logistical support at Ground Zero for the DMAT.
- Warehouse management for the Salvation Army.

Shortly after 9/11, several navy, army and air guard officers formed the Strategic Planning Group to develop the organization that was essentially adopted by the State of New Jersey for Homeland Security. In the intervening period, the Group has continued to formulate plans for the deployment of hundreds of soldiers and sailors for the protection of New Jersey's populace and infrastructure.

Since the article first appeared in "Shipmate" in March 2002, there have been three changes of administration in New Jersey yielding new leadership for the state's military forces. Unfortunately, the transition was not a pleasant one and politics intervened to the detriment of the NJNMJC. Despite the many benefits delineated in this article of having a robust state guard and naval militia, there has been neither funding nor recognition for almost five years. Accessions and promotions

have been frozen for the same period. Nevertheless, an intrepid band of over 100 men and women continue to train voluntarily in preparation for the next crisis. Currently, there is a new proposal being forwarded to the Governor that will resolve this impasse one way or the other.

As the modern naval militia concept moves into the future, there are several issues that will need to be addressed including arming NJNMJC personnel and granting them limited law enforcement powers as the Command continues to assist a sorely over-taxed U.S. Coast Guard. In the current climate, it has become necessary consider assuming the "Brown Water" role, which has all but disappeared since Vietnam and transition from a "Weekend Warrior" mentality to 24/7 model of service. Perhaps, the Naval Militia may ultimately form the basis for a Naval National Guard. In any event, the Command remains confident that it is an invaluable resource in service to the citizens of New Jersey.

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## THE CRITICAL SHORTAGE OF MILITARY CHAPLAINS: ONE POSSIBLE SOLUTION<sup>4, 5</sup>

Martin Hershkowitz, Colonel (MD)  
Chesky Tenenbaum, Chaplain [Captain (MD)]

### THE CHAPLAIN

The Office of the Chief Chaplain of the U.S. Army has published the mission of the military chaplain to be:

*Provide Religious support to America's Army across the full spectrum of operations. We do this by assisting the Commander in ensuring the right to free exercise of religion and by providing spiritual, moral, and ethical leadership for the Army*

Requirements to become a Chaplain are not complex for a minister of a recognized denomination or faith group (ULC Seminary, 2005):

1. *You must obtain an ecclesiastical endorsement from your faith group. This endorsement should certify that you are:*
  - a. *A clergy person in your denomination or faith group.*
  - b. *Qualified spiritually, morally, intellectually and emotionally to serve as a Chaplain in the Army.*
  - c. *Sensitive to religious pluralism and able to provide for the free exercise of religion by all military personnel, their family members and civilians who work for the Army.*
2. *Educationally, you must:*
  - a. *Possess a baccalaureate degree of not less than 120 semester hours.*
  - b. *Possess a master's degree in divinity or a graduate degree in theological studies, which includes at least 72 hours.*
3. *Be a U.S. citizen or permanent resident.*
4. *Be able to receive a favorable background check.*
5. *Pass a physical exam.*

In addition to conducting services, they provide personal counseling, lead suicide prevention and post-traumatic stress group seminars and take the lead as cultural educator (The Associated Press, 2007). Chaplain (Captain) Paul Douglas said that even non-religious soldiers sought him out for counseling and to serve as their advocate in dealing with superiors.

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<sup>4</sup> Republished with permission of the Joint Center for Operational Analysis (JCOA), appearing in the Joint Center for Operational Analysis (JCOA) Journal, Volume X, Issue 3, Fall 2008, pp. 60-65.

<sup>5</sup> The authors are indebted to Chaplain (Colonel) Sanford Dresin (USA-Ret), Director of Military Programs for the Aleph Institute for advice and guidance on preparing this article.

## THE CHAPLAIN SHORTAGE

The military is currently experiencing a critical shortage of Chaplains both in deployed units and in the Reserve Forces at home. According to Chaplain (Lieutenant Colonel) Randall Dolinger, spokesman for the Office of the Army Chief of Chaplains, the military is short by about 520 chaplains, with 80 Regular Army vacancies and 440 openings in the National Guard (NG) and Reserves (Altamirano, 2007; Groening, 2007). He further states that the Army NG shortage is at 40-percent of their manning requirements (Syed, 2007; News as History, 2006). With more NG units being deployed, the shortage of NG Chaplains will become more critical (The Associated Press, 2007).

Further complicating matters, when a minister contemplates becoming a NG or Reserve chaplain, a different form of problem exists. This minister becomes a part time chaplain while remaining a full time civilian minister. In effect, the chaplain now has two congregations. Chaplain Dolinger points out that NG Chaplain candidates are told that they only need to serve one weekend a month, but "...ministers are usually pretty busy then — that's prime time. You can guarantee if a person comes into the reserves, in time they're going to be deployed" (Altamirano, 2007).

Although there is nothing in the literature to substantiate this, when a NG unit is deployed their command activates as many chaplains as they can to ensure that most units in the field have access to a chaplain. According to Lieutenant Colonel Maginnis "When we send a unit to Iraq or Afghanistan or elsewhere in the world, we like to have at the battalion level ... at least one chaplain." (Groening, 2007). In effect, this further reduces the number of chaplains remaining to minister to nondeployed units and family members. Maginnis further notes that to compensate for this "... we have local pastors that are serving as chaplains for units that are National Guard or Reserves from their local area..."

## THE JEWISH CHAPLAIN SHORTAGE

The Jewish Chaplain shortage in the military seems to be at least as severe as that for the general military chaplain force, perhaps greater (Temple Emanuel, Beaumont, TX., 2005).<sup>6</sup> One group of rabbis who would be willing to serve are from the Chassidic (i.e., Pious) Jewish community; however, they cannot due to U.S. Army grooming regulations prohibiting facial hair (*Army Study Guide*, 2005).

The only known exceptions to this grooming standard are Chaplain (Colonel) Jacob Goldstein (Goldstein, 2007; Popper, 2005) and Colonel Gopal Khalsa (Khalsa, 2007), both in the U.S. Army Reserve. Under provisions of Army Regulation 600-20 (*Army Study Guide*, 2005) exceptions based on religious practices that were given to soldiers in or prior to 1 January 1986 remain in effect as long as the soldier remains otherwise qualified for retention.

### The Chabad-Lubavitch Rabbi

Can the Chabad-Lubavitch Rabbi function as a Jewish Chaplain?

The Chabad-Lubavitch is a philosophy, a movement and an organization.

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<sup>6</sup> One of the authors remembers that in North Africa a Jewish Chaplain had to be flown in from Germany to conduct High Holy Day services (one for the New Year service and another for the Day of Atonement service). Although a local rabbi was authorized, few were competent in conversational English and their prayer books were in Hebrew, with French and Arabic translation.

Lubavitch means the "city of brotherly love." The word "Chabad" is a Hebrew acronym for the three intellectual faculties of: Chachmah - Wisdom; Binah - Comprehension; and Da'at - Knowledge. The movement's system of Jewish religious philosophy teaches understanding and recognition of the Creator, the role and purpose of Creation, and the importance and unique mission of each Creature. This philosophy guides its members to refine and govern his and her every act and feeling through wisdom, comprehension and knowledge derived from the study of Torah.

Within the Lubavitch community the Rabbi of a Chabad Center and his wife hold the titles of "Shliach" and "Shlucha." Where they serve, they bring with them certain qualities vitally essential to the mission: friendliness, affection, compassion, tolerance, self-sacrifice, utter devotion and selfless dedication. The Shliach of Chabad does not insist, he suggests; he does not criticize, he encourages; he does not preach down at people, he acts as a genuine equal and friend. Armed with these, as a Jewish Chaplain, he can immediately begin the work of providing spiritual and social support to the soldiers in his charge and, if needed, their families.

As a Jewish Chaplain the Chassidic Rabbi is prepared to:

- Conduct services for all Jewish military personnel assigned to his unit.
- Facilitate denominational and area religious services.
- Provide pastoral care and counseling for all soldiers and their families, if requested; such support is not based on religious dogma, it is driven by the heart.
- Perform hospital and home visits, as needed, for both the soldiers and their families.
- Serve as an advisor to the Commander on religious issues, morale and welfare, moral and ethical issues, and indigenous religions.
- Perform memorial services for all soldiers.
- Provide religious instruction for Jewish soldiers, each according to his or her need.

## **A POTENTIAL SOLUTION FOR THE JEWISH CHAPLAIN SHORTAGE**

The goal is to convince the U.S. Army to provide waivers for beards worn by clergy who are required by religious law and custom to retain their beards. This is not likely to happen simply by urging it on Army Command. What is needed is an approach within the military that demonstrates the value of a Chassidic Rabbi being commissioned and serving as a Chaplain. This approach should be applied in both directions, "bottom-up" as well as "top-down." How then to maximize awareness of this potential in order to enhance the ranks of the military chaplaincy?

### **An Experiment**

At the lowest level of the military echelon is the State Defense Force<sup>7</sup> (SDF), a volunteer, unpaid military unit reporting to the Governor. The SDF reports to its Governor through the state Adjutant General and is authorized under United States Code Title 32 (32 U.S.C., § 109., 1955). The Governor may mobilize the SDF; however, it cannot be federalized, as occurs regularly with the NG. In most states that have a SDF unit (typically a brigade or division) it is a member of the State Military Department. The principal mission of the SDF is to support its NG and, when the NG is deployed, to assist in performing the NG's homeland security mission, which includes mitigation of natural and manmade disasters. At present there are 22 SDF units (SGAUS, n.d.) plus three states that are in the process of seeking authorization to establish a SDF.

Although the SDF follows military rules and guidance, the leadership of many SDF units realize that it may necessary to provide an occasional waiver to those rules and guidance in order to accomplish their mission(s). The SDF also suffers from the shortage of Chaplains and to further complicate the situation they are often asked to provide temporary additional duty (TAD) to a SDF Chaplain in support of a NG unit in home quarters that no longer has one available due to a transfer of their chaplain to a deploying unit (Groening, 2007).

These conditions led to an experiment, an example of the "bottom-up" approach, wherein the Maryland SDF (MDDF) was asked to consider commissioning as a chaplain Rabbi Chesky Tenenbaum, a Rabbi of the Chabad Lubavitch of Upper Montgomery County, Maryland. Chaplain [(Lieutenant Colonel (MD)] Charles Nalls, Command Chaplain of the MDDF expressed an interest in the possibility (Nalls, 2007). He consulted with Chaplain (Colonel) William Lee, Command Chaplain of the Maryland National Guard Joint Force Headquarters who agreed that a Jewish Chaplain would be desirable and that the MDNG could benefit by the chaplain being placed on TAD with some of its units. A decision was made to proceed and the interviewing and vetting process was initiated. The result was positive and Chaplain Nalls requested a waiver to the grooming standards to permit Rabbi Tenenbaum to be commissioned with his beard.

On 26 November 2007, Rabbi Tenenbaum was commissioned as Chaplain [(Captain (MD)] Chesky Tenenbaum into the MDDF (Hershkowitz, 2007; Greenberg, 2007; Kresge, 2007; Montes, 2007; Zaklikowski, 2007). This appointment is unique as it is the very first throughout the SDF. The experiment was a success.

### **Expanding the Experiment into a Program**

The authors discussed the possibility of expanding the successful experiment to other SDF units around the country by capitalizing on the MDDF's move to commission the first Chassidic Rabbi as a SDF Chaplain (Tenenbaum, 2007). The decision was to contact the Aleph-Institute, a Lubavitch Chabad affiliated national 501(c)(3) organization committed to providing spiritual and social guidance for individuals who are separated from family and friends, with the following missions (Aleph Institute, n.d.):

*Providing critical social services to families in crisis*

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<sup>7</sup> According to the dictates of the state legislature, the State Defense Force may be otherwise named the State Guard, the State Military Reserve or the State Guard Reserve; however, all are the same although their missions may differ in accordance with the vulnerability of the state to natural or manmade disasters.

*Addressing the pressing religious, educational, humanitarian and advocacy needs of individuals in institutional environments*

*Implementing solutions to significant issues relating to our criminal justice system, with an emphasis on families, faith-based rehabilitation and preventive ethics education.*

In addition to these missions the Aleph Institute also has been recognized as an official Ecclesiastical Endorsing Agency by the U.S. Department of Defense to endorse Jewish Chaplains for the military (The Aleph Report, n.d.; Popper, 2006).

Rabbi Menachem Katz, Director of Programs for the Aleph Institute, concurred that the SDF Chaplain initiative would be of interest to the Institute and would support the effort to supply Jewish Chaplains to SDF units (Katz, 2007). Chaplain (Colonel) Sanford Dresin (USA-Ret), appointed Director of the Aleph Institute's Military Programs and Ecclesiastical Endorsing Agent in January 2006, would lead their part of the effort.

#### *NEXT STEPS*

The following SDF units were selected for the next phase: California, Georgia, New York, Texas and Washington State. Following discussions with key individuals in each SDF unit all decided to pursue obtaining a Jewish Chaplain in the same manner as the MDFF. Given how many chaplains were desired and in what cities, the Aleph Institute prepared a list of Chabad Lubavitch Rabbis interested in performing community service in a military environment and had each rabbi contact the designated SDF point of contact to initiate the process in that state. The results to this date are:

- Georgia State Defense Force (GSDF), following the MDFF decision, held a swearing-in ceremony for Rabbi S. Zalman Lipskier on 2 December 2007, to be commissioned Chaplain [(Captain (GA))] upon completion of an officer's indoctrination course, which took place on 2 March 2008 (Sherman, 2008). The GSDF Commanding General, Brigadier General (GA) Michael McGuinn, personally conducted the recruitment and the state Adjutant General, Major General William Nesbitt granted the waiver to the grooming standard. General McGuinn has requested another candidate.
- Maryland Defense Force (MDFF) is interviewing a second Chassidic Rabbi as a candidate for a Chaplain's post.
- New York Guard (NYG) has vetted one Jewish Chaplain and has requested another candidate.
- Washington State Guard (WASG) has interviewed four Chassidic Rabbi candidates thus far and plans to continue until they get at least one candidate to commission.
- Texas State Guard (TXSG) has asked for up to four candidates to begin the interview process.
- California State Military Reserve (CASMR) is looking into the potential for commissioning a Jewish Chaplain.

- Learning about Maryland's and Georgia's decision to commission a Chassidic Rabbi and that other SDF units are in the process convinced the South Carolina State Guard (SCSG) to consider following their lead and has requested at least one candidate.
- Members of the Ohio Military Reserve (OHMR), Alaska State Defense Force and Alabama State Defense Force have suggested that their Command Chaplains learn about this potential for increasing their staff of Chaplains.

Clearly, America's SDF units have a need for Jewish Chaplains. In those states where the NG seeks their SDF's support, a TAD of a SDF Chaplain to their NG helps to satisfy the non-deployed NG's shortage of chaplains. It would not be a surprise to successfully complete this Program with most of the nation's SDF units having at least one Jewish Chaplain with a beard.

## PLANS FOR THE FUTURE

Assume that the success of the Program leads to many NG Brigades taking advantage of the availability of SDF bearded Jewish Chaplains to assist in resolving, at least in part, their shortage of Jewish Chaplains. The next step should be to petition the National Guard Bureau to consider a revised policy to permit a waiver of the facial hair grooming standard. Such a decision would also be welcomed by religious leaders of other groups, such as Moslems and Sikhs, who are also prevented from serving due to the facial hair grooming standard.

The U.S. Army Reserve offers another target of value, especially so since two senior officers currently serve with facial hair waivers, Chaplain (Colonel) Goldstein and Colonel Khalsa.

The SDF, in the past, had been resistant to bringing bearded Rabbis into their ranks. The need has finally overcome the concern, leading to Command waivers to permit Rabbis with beards to serve as Chaplains. There are already two such waivers in effect and seven more in some stage of the process. Likewise, some NG Brigades will now see bearded chaplains courtesy of their SDF unit. Hard work and the future will tell the story.

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*The views expressed herein are those of the authors and do not purport to reflect the position of the Maryland Military Department, the Maryland National Guard, or the Maryland Defense Force.*

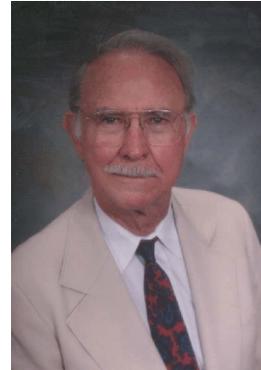
## Contributors

### Author(s)

### Photograph

#### **BRINKERHOFF, Colonel John R (USA-Ret)**

John R Brinkerhoff is a consultant on national security affairs, with broad experience in mobilization, emergency management, force development, strategic planning, and manpower programming. He has been a national security consultant for twenty-five years and has been associated with the Institute for Defense Analyses for fifteen years of that time. Colonel Brinkerhoff served for seven years as a career senior executive in the Office of the Secretary of Defense as Director of Manpower Programs, Director of Intergovernmental Affairs, Special Assistant to the Deputy Assistant Secretary of Defense for Reserve Affairs, and Deputy Assistant Secretary of Defense for Reserve Affairs. After leaving the Office of the Secretary of Defense, he was for two years the Acting Associate Director of the Federal Emergency Management Agency for National Preparedness Programs and concurrently the Deputy Executive Secretary of the Emergency Mobilization Preparedness Board. Brinkerhoff served 29 years in the United States Army, retiring as a Colonel. During his 24 years of commissioned service, he commanded engineer units in Korea, Germany, and Vietnam, served two tours of duty on the Army Staff and two tours in the Office of the Secretary of Defense. Colonel Brinkerhoff is a graduate of the United States Military Academy and has earned masters degrees from the California Institute of Technology, Columbia University, and George Washington University. He is a graduate of the Army Command and General Staff College and the Army War College. He is author of two books and numerous articles and papers.



#### **GIRARDET, Captain (NJNM), Wayne Evan**

Wayne Girardet was the Commander of the New Jersey Naval Militia Joint Command, where he was responsible for the overall administration, training and operations of New Jersey's naval forces, and developed plans and doctrine for the state's military forces participating in the war on terrorism as a member of the Joint Strategic Planning Group. Upon graduating the US Naval Academy, Captain Girardet underwent training as a Naval Aviator and served in a variety of US and overseas assignments, including planning, conduct and analysis of the first large scale joint service electronic warfare test. He left the Navy to join the Federal Bureau of Investigation, where he served as Supervisory Special Agent, Organized Crime; Supervisory Special Agent, Special Operations; and managed the surveillance assets that led to the identity and arrest of the perpetrators of the 1993 World Trade Center bombing. SSA Girardet achieved over a 95% conviction rate in bank fraud, embezzlement, government fraud, insurance fraud and bribery cases. For the New Jersey Department of Military and Veterans Affairs, as Director of Government Relations, he managed the New Jersey strategy for the Department of Defense Base Realignment and Closure (BRAC) process that was instrumental in saving the 108<sup>th</sup> Air Refueling Wing. Captain Girardet has earned a B.S. in Engineering, a M.S. in Business Administration, a PhD in Criminal Justice and postgraduate study in Accounting. His awards include: a citation by Chief of Naval Air Training for effectiveness; Naval Air Force Commendation Medal for outstanding performance, with a recommendation for accelerated promotion; and the New Jersey Commendation Medal and Meritorious Service Medal for creativity, devotion to duty and organizational leadership.



**Author(s)****Photograph****HERSHKOWITZ, Colonel (MD) Martin**

Martin Hershkowitz has been recalled from the retired list to serve as Special Advisor to the Commander, 10<sup>th</sup> Medical Regiment, MDDF. Colonel Hershkowitz is currently the Editor of the State Defense Force (SDF) Publication Center, producing both the SDF Journal and the SDF Monograph Series; is a member of the Executive Council of the Military Emergency Management Specialist (MEMS) Academy, and was awarded the Master MEMS Badge; is a member of the Federal Bureau of Investigation InfraGard Program; and is Associate Director of Military Programs (Special Projects) of the Aleph-Institute providing Jewish Chaplains for the SDF, with assignment to support the non-deployed National Guard units. Within and for the U.S. Government, Colonel Hershkowitz has served for 17 years as a Senior Security Officer for Nonproliferation and National Security concerned with the safeguards and security of nuclear weapons and the mitigation of the “insider threat”; as an OPSEC (OPERations SECURITY) Certified Professional; and for an additional 30+ years in military weapons analysis, educational research and evaluation, and management improvement. He is also Executive Consultant for Hershkowitz Associates and Chairman of the Board of Directors for the Citizen Soldier Treatment Center. Colonel Hershkowitz has published extensively on SDF missions, critical site security and training. He is also a Certified Master Facilitator and a Certified Safeguards and Security Instructor.



**Author(s)****Photograph****SCOTT, First Sergeant (MD) Ronald**

Ronald Scott is a member of the Maryland Defense Force (MDDF) and is assigned to the Engineer Corps as First Sergeant. His additional assignments are to perform facility assessments for critical infrastructure risk assessment and to the Maryland Joint Operations Center Augmentation team, where he supports emergency management activities with the Maryland National Guard's (MDNG's) 58<sup>th</sup> Joint Forces Command. 1SG Scott has deployed with the MDDF 10<sup>th</sup> Medical Regiment as part of Operation Lifeline in support of Louisiana citizens following Hurricane Katrina and assisted the MDNG when the F5 tornado did great damage to the town of LaPlata, Maryland. In performance of his duties, he has earned many awards, including the Maryland Commendation Medal (2 OLC) and the Military Emergency Management Specialist Senior Badge. 1SG Scott's civilian employment includes Government service in the US Army Corps of Engineers, Department of Defense, Walter Reed Army Medical Center and currently at the General Services Administration, in such activities as energy audits, reduction of energy consumption and construction project manager, and deployed to the Middle East in 2004 in support of Operation Iraqi Freedom as part of Task Force RIO, where he assisted in moving fuel oil from the port in Mersin Turkey to points all across Iraq for humanitarian relief. 1SG Scott is a Reserve Police Officer with the Washington Metropolitan Police Department and is assigned to the Anacostia Station in the Seventh District, where he was awarded the Outstanding Reserve Officer in 2005. He is Civil Disturbance Unit certified, certified in defensive tactics and also serves as an armed Special Conservator of the Peace for the City of Alexandria Virginia. 1SG Scott is a Native American from the Patowomeck Indians of Stafford County, Virginia and traces his ancestry to Chief Japsaw, uncle of Pocahontas.

**TENENBAUM, Chaplain [Captain (MD)] Cheskey**

Chesky Tenenbaum is the first Chassidic Rabbi to be commissioned into any State Defense Force (SDF) in the USA. He was commissioned into the Maryland Defense Force in November 2007 and is the first Chaplain to serve in the SDF with a beard. Chaplain Tenenbaum has set the standard and there are now three more chassidic Rabbis serving around to country as SDF Chaplains and three more candidates in the process. His uncle Chaplain (Colonel) Jacob Goldstein is currently the only chassidic Rabbi serving in the US Army Reserve. Rabbi Tenebaum was ordained at the Central Yeshiva Tomchei Timimim Lubavitch in 2002 and has served in the Lubavitch-Chabad movement in Connecticut, Massachusetts, California, Pennsylvania and currently in Maryland. He is currently associate Rabbi and program director at Chabad Lubavitch of Upper Montgomery County located in Gaithersburg Maryland. Rabbi Tenenbaum is also the first Jewish Chaplain in the Rockville, Maryland volunteer Fire Department and also serves as the Jewish Chaplain for the Shady Grove Rehabilitation Center in Rockville, Maryland.



