U.S. military will have role in RNC security

Since late 2006, local and federal law enforcement agencies have been crafting security plans for this summer's Republican National Convention. At the same time, the Department of Defense has been making its own preparations for the RNC week. While civilian law enforcement agencies will shoulder the primary responsibility for event security, the DOD is preparing to offer a variety of "civil support" functions during the convention. According to Michael Kucharek, a spokesman for the DOD's Northern Command, "During the Democratic and Republican National Conventions, DOD personnel will support the United States Secret Service. If directed by the Secretary of Defense, U.S. Northern Command is prepared to provide additional support to other civil agencies."

Legal background

The degree to which federal military units can become involved in civilian law enforcement operations is regulated by a variety of federal laws, including the 1807 Insurrection Act, and the 1878 Posse Comitatus Act. The Posse Comitatus Act largely prohibits the military from acting in a law enforcement capacity, although it allows Congress to create exceptions to this rule. Over the past 30 years, Congress has passed several amendments to Posse Comitatus, which have allowed federal troops to become involved in a variety of "civil support" missions, which range from drug interdiction to border surveillance.

NORTHCOM's role

Military support for law enforcement agencies is coordinated through the U.S. military's Northern Command, or NORTHCOM. NORTHCOM was established shortly after the 9/11 attacks, and was given a homeland security coordinating role. According to Mark Burgess of the World Security Institute, "NORTHCOM is the military version of the Department of Homeland Security. It was formed as an umbrella for the various military commands and military units which are responsible for North America."

As NORTHCOM's mission has evolved, it has been tasked to a wide variety of high-profile "National Security Special Events" (NSSEs). NORTHCOM spokesman Kucharek notes that these have included, "State of the Union addresses, shuttle launches, the Presidential inaugurations and funerals, the Olympics and G-8 Summits." According to Kucharek, "DOD possesses

unique capabilities that are not available through other federal agencies."

NORTHCOM has few military forces of its own, and instead assembles assets to match its various missions. Says Burgess, "We're talking about a staff of perhaps 500. It doesn't have any troops under its command as such. Troops are allocated as needed." Forces deployed for domestic operations can include active duty U.S. troops, or federalized National Guard soldiers. At NSSEs, these NORTHCOM-directed forces often serve in tandem with state-level National Guard troops, who operate under the command of state governors. For example, 307 federalized Guard troops were fielded during the 2004 RNC, in addition to 1,247 state-level soldiers.

At high-security events, NORTHCOM forces provide medical support, consequence management planning, and explosive detection capabilities. In addition to these duties, Kucharek notes that NORTHCOM has provided military aircraft to enforce no-fly zones over the national political conventions. He says that these same air defense arrangements will be in effect during the 2008 RNC.

A law enforcement mission?

When asked if there are circumstances in which NORTHCOM forces could become directly involved in law enforcement operations, Kuchareck stated that "Only the President of the United States, under certain legal authorities, can authorize the deployment of federal forces for law enforcement functions."

The President is allowed to deploy federal troops in a police capacity via one exception to the Posse Comitatus Act – the Insurrection Act of 1807. This law authorizes the President to deploy troops when requested by state governors, or when a localized rebellion make it "impracticable to enforce the law of the United States." Most recently, the Insurrection Act was used by President George H.W. Bush to deploy federalized National Guard troops to Los Angeles during the 1992 riots.

In 2006, the Insurrection Act was modified to allow the President much greater discretion in deploying troops, in a much wider variety of circumstances. However, the National Defense Authorization Act of 2008 recently removed these changes, and caused the Insurrection Act to revert to its original form.

When asked if NORTHCOM forces might be deployed in a law enforcement capacity at the RNC, Kucharek stated that, "USNORTHCOM does not have a law enforcement role for the conventions. Any security provided to local, state and federal law enforcement agencies would fall to the National Guard forces under a particular state."

Unlike federal troops, state National Guard personnel are not bound by the Posse Comitatus Act, and may participate directly in law enforcement operations if allowed by state law. In Minnesota, state statute 190.02 allows the Governor to deploy Guard soldiers to provide "enforcement of law, and the protection of persons and property." The Minnesota Guard has been tasked to such missions sporadically throughout its history. Past instances have included the deployment of riot control forces at the 1986 Hormel meat packers' strike, and the provision of perimeter security at various natural disaster sites.

When contacted for this story, Minnesota National Guard spokesman Lieutenant Belden did not offer specifics about what the Guard's RNC role might entail. "Any role the National Guard will play at the RNC, he said, "will be at the request of state law enforcement as part of our state mission."

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