

Title 10 Domestic Humanitarian Assistance: **NEW ORLEANS**

Major Michael C. Donahue, U.S. Army

ON THURSDAY, 1 September 2005, the 2d Brigade, 1st Cavalry Division, was alerted to deploy to New Orleans to assist in humanitarian relief operations following Hurricane Katrina. Coming out of a year-long deployment in Iraq, the Black Jack Brigade had lost a significant percentage of its officers and enlisted Soldiers to post-deployment reassignments. Consequently, many staff members were new and unfamiliar with the brigade's standardized operating procedures. Moreover, the brigade was undergoing transition to modularity, which involved complete structural reorganization and the realignment of personnel and equipment. Nevertheless, the vanguard element of the brigade—1st Battalion, 5th Cavalry—deployed on 3 September. The remaining brigade elements deployed and closed on the Naval Support Activity, New Orleans, by 6 September 2005.

The brigade operated under the control of the 82d Airborne Division and was assigned the Algiers district of Orleans Parish as its area of responsibility (AOR). Although Algiers had suffered severe wind damage and the loss of essential services, the parish did not experience the flooding that devastated the northern areas of New Orleans.

Operational Construct

In Baghdad, the 1st Cavalry Division had developed a counterinsurgency strategy with five specific logical lines of operation: combat operations, Iraqi security forces, essential services, local governance, and economic recovery. All five were executed concurrently and in the context of a larger information operations program. The same operational construct served as the basis for the Black Jack Brigade's concept for Katrina relief operations, although the construct was modified to fit a semi-permissive, domestic environment and took into account the brigade's constitutional limitations under Title 10 of the *U.S. Code*. Title 10 prevents active component federal forces from conducting law enforcement operations within the United States unless the president has declared martial law and suspended the Posse Comitatus Act. Neither of these necessary prerequisites occurred; thus, the brigade adjusted its construct accordingly to include—

- Support operations.
- Civilian authorities and local governance.
- Essential services.

Again, all lines of operation functioned within the context of an overarching information operations campaign that facilitated the military mission and helped inform civic leaders of the brigade's capabilities. As in Iraq, the desired end state in New Orleans was a stable environment in which the local authorities could reassume control. Only then could the brigade redeploy to Fort Hood to complete modularity transformation.

Major Michael C. Donahue is a future operations planner with the 4th Infantry Division, currently deployed in support of Operation Iraqi Freedom. He holds a B.S. from the U.S. Military Academy and M.A.s from Boston University and the Naval War College. Previous assignments include numerous command and staff positions in Iraq, Germany, and the continental United States. He deployed to New Orleans with the 1st Cavalry Division after Hurricane Katrina in 2005.

PHOTO: A door marking reveals that on September 13, the U.S. Army's 3-505 Parachute Infantry Regiment (PIR) found zero persons and zero animals in this dwelling located in the Algiers district of New Orleans, LA. 3-505 PIR was deployed as part of Joint Task Force Katrina, whose mission was to support the Federal Emergency Management Agency's disaster-relief efforts in the Gulf Coast areas devastated by Hurricane Katrina. (U.S. Air Force, SSGT Jacob N. Bailey)

Envisioned Objectives and End States

To determine what would constitute “mission accomplished” in Algiers, Black Jack had to build consensus not only with higher military headquarters, in this case the 82d Airborne Division, but also with New Orleans officials. Critical in this regard was the brigade commander’s professional relationship with city officials such as Councilwoman Jackie Clarkson. The brigade staff conducted daily meetings with Clarkson and Captain David Kirsch, chief of the 4th District New Orleans Police Department (NOPD). These meetings enabled the brigade and civic leaders to determine overall objectives that satisfied both sets of authorities. Those objectives included—

- Law and order established with military assistance and, at end state, maintained by civil authorities.
- Primary searches for evacuees completed and, at end state, secondary searches within civil authorities’ capability.
- Power restored 100 percent to essential services and 75 percent to the general community.
- Potable water available throughout the district and, at end state, civil authorities capable of certifying water.
- All roads and critical infrastructure clear of major debris.
- Dumps open weekly and collection schedule in place.
- Emergency health care provided by civil authorities available to district residents.
- District daily operations managed by civic leaders.

These objectives served to focus the brigade’s operations. The staff assessed progress in eight critical areas: security, evacuee operations, local governance, and again drawing on the brigade’s OIF experience, essential life services as defined by the acronym SWETH—sewage, water, electricity, trash, and health care.

In developing metrics to measure the progress in Algiers, the brigade articulated green-amber-red levels

in each area, with multiple sub-levels of amber that recognized the incremental progress of restoration in the individual nine categories. Moreover, the brigade identified what it determined to be the achievable military end state in each area. Rather than require that conditions in Algiers be restored to pre-hurricane standards (represented by a green rating) across the board prior to redeployment of the brigade, the consensus was that, in some areas, amber ratings demonstrated sufficient progress to enable civil authorities to resume command and control, and civic leaders could restore services to “green” themselves. At that time, the brigade could redeploy to Fort Hood or be assigned a new area of the city in which to operate.

Support Operations

Given the limited water damage in the Algiers area, local and military authorities were concerned that residents, and nonresidents pushed to the area by storm flooding, would participate in or become victims of looting and violent crime. Consequently, the brigade divided Algiers into four battalion-sized AORs and directed that each subordinate unit provide a military presence 24-hours a day in its area. This presence included mounted and dismounted patrols and the establishment of company command posts throughout Algiers.



U.S. Air Force, SSGT Jacob N. Bailey

A U.S. Army T200 Bobcat clears debris caused by Hurricane Katrina from the streets of Algiers in New Orleans, 13 September 2005.

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Despite the brigade's Title 10 limitations, the presence of more than one thousand Iraqi Freedom combat veterans patrolling the streets of Algiers proved decisive in dealing with local criminal activity. Security success stemmed predominately from the ignorance of potential criminals. That is to say, would-be criminals did not understand the policing limitations on federal troops. They were dissuaded from committing crimes apparently by their misperception that the well-armed troops could and would easily detain them should they be caught looting (or perhaps even kill them should they commit a violent crime). While the 80 police officers of the NOPD's Fourth District concerned themselves predominantly with securing local sites from looters, including Wal-Mart, Walgreens, and local banks, The Black Jack Brigade conducted mounted and dismounted patrols, continuously interacting with Algiers residents throughout the operation. This interaction helped identify areas with historically high crime rates, like the Fischer Projects, and it brought to the fore emerging civic leaders like Pastor Brown of Greater Saint Mary's Fellowship.

During the course of the brigade's presence in Algiers, residents reported only 18 criminal acts, and of those only 3 were violent crimes or involved weapons. The vast majority were lootings that occurred prior to the brigade's arrival and were only discovered when electricity was restored and patrols began door-to-door searches for potential evacuees. Considering that Algiers was one of the most dangerous areas in one of the most violent American cities before the hurricane, one could conclude that the brigade's patrols were successful in preventing crime. Certainly this is partly true. However, even though Algiers was not flooded, the majority of residents did in fact leave the district prior to, or during, the hurricane. The introduction of thousands

of soldiers greatly altered the ratio of security forces per remaining resident in Algiers. The statistical comparison of pre- and post-hurricane crime rates became a function of this change.

In comparing and contrasting pre- and post-Katrina crime statistics in Algiers, the brigade determined that, after it had patrolled the streets for two weeks and secured a limited number of fixed sites, the crime rate had dropped precipitously and there were now more police per resident than ever before in Algiers. Moreover, the crime that did occur was overwhelmingly nonviolent (i.e., the looting of empty homes). Once local police resumed patrols or homeowners returned, most of this type of crime would quickly abate.

In the course of each subordinate unit's patrols, Soldiers were tasked to identify all residents who desired to be evacuated from New Orleans and transport those residents to designated evacuation sites. During the deployment, the brigade identified and evacuated 74 citizens from Algiers. This number would likely have been much higher had the brigade and the civil authorities not succeeded in reestablishing essential services. Once these basic life needs were restored, residents had little reason to leave, and those that had left found reason to return.

In light of the success of both the security and evacuee operations (regardless of how much or how little the military operations had to do with that success), on 14 September, the brigade made a collective determination, based on subordinate commanders' assessments, that the district was stable enough that civic authorities could maintain law and order without military assistance.

Civilian Authorities and Local Governance

Unlike in Iraq, where the coalition created the local and national authority structure in a vacuum devoid of Iraqi leadership, in New Orleans the brigade encountered seemingly endless numbers of New Orleans officials, federal law enforcement agencies, nongovernmental organizations (NGOs) and governmental relief agencies, each with capabilities and limitations of their own and with autonomous plans for post-Katrina relief. There was no single entity coordinating relief efforts and no plan to create one.

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In this regard, the brigade adapted military planning methods to help focus assistance efforts in Algiers. It identified informational and operational gaps, established liaisons with each external agency, and coordinated relief operations across the spectrum of NGOs and state and federal agencies. For example, in one of the poorest and most crime-ridden areas of New Orleans, 1-5 Cavalry was able to establish a Federal Emergency Management Agency (FEMA) point of distribution for food, water, and ice. At the same location, through close coordination with the 82d Airborne Division and the International Red Cross, the unit provided residents with inoculations and periodic medical care. And finally, the presence of cavalry troopers with direct communications to the NOPD, Louisiana State Police, Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco and Firearms provided not only a visible deterrent to crime but also a method to call for a quick reaction force from an agency not constrained by Title 10 limitations.

The most frustrating aspect of the brigade's attempt to develop synergy within its AOR proved to be the boundaries imposed on the various federal, state, and private agencies by their own higher headquarters. For example, Task Force Lifeline, a 50-person emergency medical technician (EMT) team from Maryland, was authorized in writing by the governor of Maryland to provide assistance to the citizens of Jefferson Parish, New Orleans. Although Jefferson Parish was only marginally damaged by Katrina, with no flooding and little power loss (compared to Algiers), these critical EMT assets were not

allowed to enter Algiers to provide medical support to hurricane victims. Consequently, doctors and EMTs from Maryland went unused in one area of New Orleans while hundreds of residents from neighboring Algiers were left to fend for themselves until the Black Jack Brigade intervened and coordinated for FEMA and Red Cross assistance.

As another example, FEMA received its logistical support through the Title 32 National Guard units assigned to Joint Task Force (JTF) Katrina. These units, the 33d Area Support Group (ASG) and the 213th ASG, were under a chain of command separate from Title 10 active component forces. No single chain of command was empowered to establish priorities and dictate where or how FEMA supplies and personnel would be assigned and employed. These units operated with different operational graphics than did the active component forces and, as was the case in Algiers, in many instances two ASGs were given the mission to support FEMA supply points in the same AOR. Because these ASGs were not co-located (the 33d



ILARNG, MAJ Jim Robideau

Soldiers from the Illinois Army National Guard, 33d Area Support Group, drive down main supply route Longstreet in New Orleans in support of Hurricane Katrina relief efforts.

ASG was at Belle Chase and the 213th ASG was at Zephyr Field), coordination between the two was essentially nonexistent. At one distribution point the ASG had not forecast for enough supplies. And there was no channel through which to coordinate transfer of surpluses from the subsequently established supply distribution point in the other ASG's area. To overcome this obstacle, the Black Jack Brigade determined that it would use brigade assets to unilaterally pull surplus FEMA supplies from the second point of distribution and transport them to the first one in the other ASG area. Because FEMA had abundant resources in theater, the brigade could easily compensate for internally shifting supplies between distribution points in Algiers. By acting, it facilitated FEMA's provision of necessities to all Algiers residents, including those at the previously established FEMA distribution points in short supply.

Essential Services

Recognizing that reestablishing essential life services was as important in New Orleans as it was in Iraq, the brigade prioritized its operations to focus on those tasks it could accomplish to facilitate the civic authority's restoration plans. Unlike in Iraq, city authorities and corporate service providers had the resources, plans, expertise, and manpower to do much of the restoration themselves. Black Jack's task was to facilitate and monitor progress.

Sewage and water. As mentioned earlier, Algiers was spared the flooding that devastated much of New Orleans. Adding to Algiers's good fortune, its water supplies were located in the southern area of the city, a region hit less hard by the storm. As a result, the parish suffered neither water contamination nor loss of sewage service. In fact, as early as 9 September, Councilwoman Clarkson declared Algiers's water potable. As a precaution, however, the brigade used water purification teams from the 15th Brigade Support Battalion to conduct random samplings throughout the AOR to confirm that the water was indeed safe for the residents. This near effortless measure assured residents that their water supply was safe and demonstrated the brigade's commitment to restoring the community's essential services. The battalions also secured water treatment plants and removed debris from critical facilities and drainage nodes. These actions

helped set the conditions for a timely resumption of services by civil authorities. Again, the brigade quickly achieved its defined end state with little actual operational effort.

Electricity. Electric power in New Orleans is provided by Entergy, a company that supplies gas and electricity to more than 2.7 million residents in Louisiana, Arkansas, Mississippi, and Texas. Immediately following the storm, Entergy began implementing its power restoration program for the unflooded regions of New Orleans, including Algiers. As with sewage and water, the brigade found itself in the awkward (but fortunate) position of having to find ways to facilitate, rather than execute, an external agency's recovery plan.

The priority for both the brigade and Entergy was the restoration of grid-based electric power to essential life service providers—police, fire stations, and medical facilities. Black Jack's associated tasks were to remove major debris from



Natural gas leaking from below the flooded streets of New Orleans burns out of control, presenting a threat to nearby homes and many agency employees working in the Hurricane Katrina relief effort, 7 September 2005.

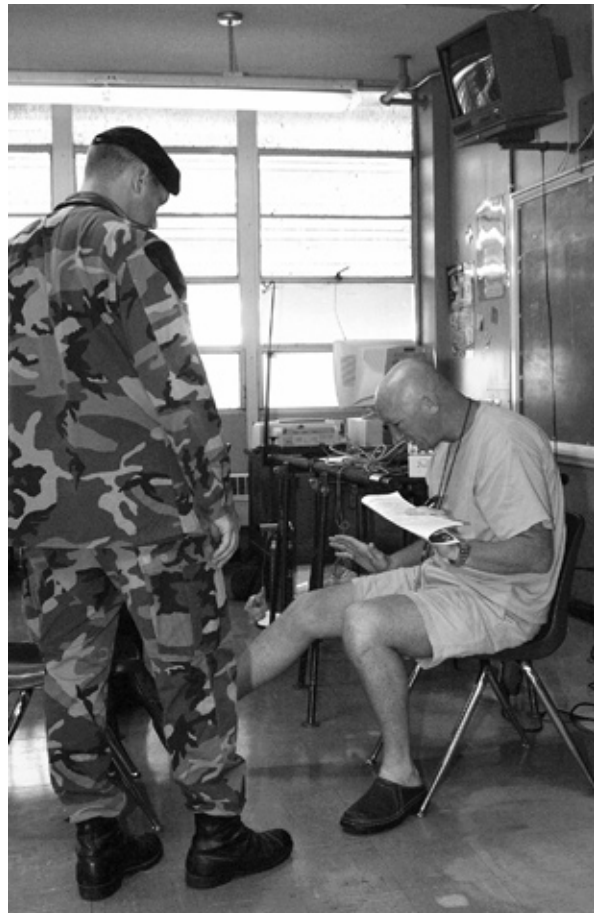
U.S. Navy, PH1 (AW) Brian Aho

power plants and routes as designated by Entergy. Although the brigade had established 100 percent power to essential services and 75 percent to the community as its desired military end state, Entergy restored power using its own restoration plan and internal prioritization.

The brigade monitored Entergy's progress daily through patrol reports collected by subordinate units and by continuously checking the corporate website, which provided daily updates on the number of customers without power, the number of broken poles, the number of pole-to-pole sections of wire down, and the number of transformers broken. Entergy also updated estimated times of completion for each area of the city. Tracking power restoration in Algiers was relatively easy as a result, and again the brigade was quickly able to declare its objective accomplished despite having contributed little to the process.

Trash. As residents moved back to Algiers and began to clean up their homes, they added trash and rubble to the large amount of hurricane-blown debris strewn across the district, creating a serious health hazard. New Orleans contracted with a private corporation to collect and remove the trash. To enable the company to do its job, the brigade focused on removing major debris from roadways. Then, in conjunction with units of the 82d Airborne Division, subordinate units collected and removed trash from the streets of Algiers to mitigate the potential health risks to residents until city services resumed. In Algiers, trash collection resumed on Monday, 12 September 2005, at which time the brigade determined that it had met its military end state in this area.

Health Care. The brigade's objective for health care was to ensure that civil authorities were capable of providing emergency medical care to citizens prior to Black Jack's withdrawal or reassignment to another area of New Orleans. Before Hurricane Katrina, Algiers had only one functioning medical facility, the Jo Ellen Smith Medical Center. Its staff had evacuated before the hurricane, and after the storm, the facility was without power and water. Consequently, the brigade focused its efforts on facilitating external agency medical support to Algiers while utilities were restored and local first responders—emergency medical technicians, firemen, and police officers—restored their internal



U.S. Army, SSG Ricky A. Mellon

1LT Jesse Smith from 1st Cavalry Division listens to a patient before administering treatment at a medical care assistance facility set up in the Landry High School during Hurricane Katrina relief efforts.

ability to meet the community's needs. The brigade staff worked with neighboring Jefferson Parish, FEMA, and the Red Cross to ensure that emergency medical care was available and to establish periodic medical assistance team visits at centralized FEMA points of distribution.

One such operation was at Mardi Gras World in 1-5 Cavalry's AOR, a designated FEMA point of distribution. Here the Black Jack Brigade made medical assistance visits on successive days (14 and 15 September) and provided care to more than 475 residents. Results were similar at Pastor Brown's Greater Saint Mary's Fellowship in the 3-82 Field Artillery Battalion's sector. Critical to the success of these and similar medical assistance missions was a detailed information operations plan coordinated at the brigade and battalion levels. This plan included passing out paper handbills at FEMA points of distribution days in advance of

the MEDCAP missions and using vehicle-mounted loudspeaker teams to announce the visits throughout the community. Residents of Algiers welcomed the medical assistance and credited the units for getting the word out in advance of the operation.

In the meantime, the utilities were restored, which meant that the Jo Ellen Medical Center could reopen once the staff returned. The brigade civil affairs officer and provost marshal confirmed that medical facilities in neighboring Jefferson Parish were open and receiving patients, and that 911 systems were functioning for emergency medical transport, police, and fire. With these restorations, the brigade concluded that it had met its military end state in health care.

Achieving End States

On 14 September 2005, Colonel Bryan Roberts, commander of the 2d Brigade, 1st Cavalry Division, briefed Major General William B. Caldwell IV, Commanding General, 82d Airborne Division, and local New Orleans officials on the status of Algiers. After presenting the brigade's assessment, Roberts concluded that Algiers had progressed to the point where local law enforcement could maintain law and order without military assistance, and that essential services and infrastructure were restored to the point that local officials could resume pre-hurricane daily operations. He recommended that Algiers be considered an economy of force mission, be handed over to a smaller contingent of forces (active or reserve component), and that the brigade be assigned another mission or redeployed. Less than two weeks after arriving in New Orleans, and having done relatively little compared to external civilian agencies to alter conditions in the city, the Black Jack Brigade was ordered back to Fort Hood. The brigade received redeployment instructions on 15 September and began movement by ground convoy, commercial bus, and air on the 16th. It closed on Fort Hood on 18 September.

Katrina's Lessons

While the Black Jack Brigade was able to deploy quickly to New Orleans and establish a command and control structure that put almost 1,700 troops onto the streets of Algiers, Operation Cavalry Rescue highlighted a number of problems in the deployment of federal troops for domestic assistance missions.

Using Title 10 troops within the continental United States to assist in humanitarian relief operations or domestic disturbances is a politically complicated issue. As aforementioned, absent a declared state of emergency in which the president has suspended the Posse Comitatus Act, Title 10 troops are prohibited from conducting law enforcement operations. Published and disseminated "rules for the use of force" (RUF) clearly explain that federal Soldiers may use force only under the most stringent set of conditions and only when criminal acts directly interfere with the accomplishment of a specific military mission. The RUF for active-duty military thus precludes using force to prevent or stop crime. Consequently, criminals technically have immunity from arrest by Title 10 military forces. For example, an active-duty military unit on patrol in New Orleans that passes by a Wal-Mart being looted by locals cannot apprehend the looters. Nor can its Soldiers legally arrest a citizen to prevent a violent crime unless the conduct of that crime directly interferes with the stated military mission. In sum, absent a suspension of Posse Comitatus, Title 10 military forces are largely impotent in domestic security roles.

The success of Operation Cavalry Rescue from a security standpoint was, as previously mentioned, more a factor of potential criminals not understanding these constraints than of any positive action on the part of Soldiers.

Military leaders are usually aggressive decision makers. They are trained to use initiative and are conditioned to take positive action. Staffs and subordinate leaders in active military units are accustomed to working with this spirit. They have a natural inclination to develop the tactics, techniques, and procedures necessary to succeed, and they possess enough imagination to work along the boundaries of constitutional constraints.

Such was the case in Algiers, where 2d Brigade minimized Title 10 limitations by establishing a quasi-official relationship with Task Force Lonestar, a military police Reserve battalion out of Texas. Task Force Lonestar's military policemen, who were law enforcement professionals mobilized under Title 32 of the *U.S. Code* (and therefore not under the same constraints as active component forces), were integrated into 2d Brigade's subordinate unit patrols as "advisors." They were neither



U.S. Air Force, TSGT Brian E. Christensen

SSG Janise Steward of Raleigh, NC, guards a Wal-Mart in Hammond, LA, 7 September 2005, to prevent looting. Steward and 300 other North Carolina National Guardsmen were called to active duty to support Joint Task Force Katrina.

in charge of, nor subordinate to, the federal troops. These advisors worked alongside Black Jack Soldiers and provided lawful policing capabilities. The relationship had to remain less than official, however; otherwise, by their subordination to the brigade, Task Force Lonestar advisors would have fallen under federal control and therefore would have had to operate under Title 10. One may question if this arrangement circumvented the intent of the U.S. federal law; however, the reserve battalion was deployed to assist in the Algiers district, not specifically to police it. The spirit of this work-around was therefore constructive, preserving both the letter and the intent of the Posse Comitatus Act. That is to say, it was not done cynically in some effort to override operational inconveniences imposed by the Constitution.

Additionally, the brigade was frustrated by the numerous overlapping areas of responsibility and autonomous chains of command of National Guard logistics and tactical units, federal aid and law enforcement agencies, and NGOs. Coordination across parish boundaries was difficult enough, but dual military chains of command separating Title 10 and Title 32 Soldiers complicated relief operations. Moreover, although FEMA proved willing to provide supplies, it was incapable of delivering or securing them on site. In the future,

some provision for establishing a single chain of command that subordinates active-component forces to Title 32 forces should be available. Such an arrangement would allow unity of command, and Title 32 units could maintain their law enforcement capabilities. The Title 10 troops could then more easily and efficiently coordinate and deliver relief supplies to those in need.

Finally, 2d Brigade's troops, and especially its leaders, were grossly unprepared for the civil government-law enforcement dynamics and culture of New Orleans. Even in the United States, most military troops live in isolated, almost exclusively military communities. In such communities, junior leaders and noncommissioned officers, who are often ostensibly in a middle or lower-middle socioeconomic class, enjoy a

typically low-crime work and home environment that is comparatively free of racial tensions. Army officers, noncommissioned officers, and junior enlisted Soldiers were ill prepared for the obvious socioeconomic and racial discrimination in post-Katrina New Orleans. Long after shotgun-toting NOPD officers turned back hurricane-displaced, and predominantly inner-city, minorities from the safer, drier areas of New Orleans's mostly white suburbs, Soldiers found local law enforcement and parish government leaders shockingly unwilling to help Algiers citizens. It was clear to Soldiers that these residents were discriminated against simply because of the color of their skin. Neighboring Jefferson Parish police blocked off roads connecting the mostly black Algiers area from the mostly white Jefferson Parish area. They refused Algiers residents access to still-open stores, hospitals, and aid stations in the suburb. Those in obvious need

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and seeking necessary goods and services were turned back, regardless of their situation. After frequent substantiated complaints to Soldiers from the people of Algiers, brigade troops began to transport those in need through the roadblocks in HMMWVs. And, despite Soldiers having alerted the 4th District NOPD to many crimes in progress, its officers often chose to ignore calls for help. This attitude was especially true when the crimes were occurring in the depressed Fischer Projects. Frequently, 2d Brigade Soldiers and leaders were stopped and thanked by residents who stated that they would not seek help from the NOPD because its officers were “worse than the criminals.” These people claimed that if they needed help, they would contact the nearest Soldier. Of the many law enforcement agencies 2d Brigade operated with in Algiers, only the local NOPD posed these challenges. In fact, the brigade operated closely with and developed a high regard for the professionalism of New Orleans SWAT, the Sheriff’s Department, Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco, and Firearms. These agencies worked tirelessly to establish security and respond to crises throughout the recovery effort.

Conclusion

On the surface, the use of Title 10 military forces seems like the ideal solution for conducting domestic disaster response and humanitarian relief operations. Active forces bring robust capabilities, including command and control, power generation, trained security forces in large numbers, and transportation support to move supplies in adverse conditions. These formidable abilities also come with Soldiers possessing indomitable attitudes.

From the time it arrived in New Orleans, the Black Jack Brigade focused on providing needed relief to the people of New Orleans. However, constitutional constraints on the employment of Title 10 forces raised serious questions about using them for

future domestic operations. While the presence of active-duty troops in New Orleans provided the American people with visual confirmation that the federal government was actively involved in hurricane relief operations, the truth of the matter is that the brigade had a very circumscribed impact. It was largely impotent to prevent crime. It could only facilitate already existing reconstruction and restoration plans of civilian agencies. And, other than evacuating refugees or searching for bodies after the storm, it was generally limited to presence patrols and debris removal. Black Jack Soldiers and leaders quickly became frustrated with their relative lack of value beyond these tasks and the idea that they were there just to “show the flag” in New Orleans. Residents, who to a person did not understand the brigade’s Title 10 limitations, increasingly felt the troops weren’t doing enough to secure their neighborhoods or restore their services.

In retrospect, federal forces in domestic relief operations offer little added value other than peace of mind for local residents and the wider American public. This morale boost comes at the expense of complicating already loosely defined command and control structures, logistics networks, and law enforcement systems. *MR*



U.S. Air Force, SSGT Jacob N. Bailey

U.S. military civil engineers walk through the Algiers district of New Orleans during Hurricane Katrina relief efforts, 14 September 2005.