Headquarters
Department of the Army
Washington, D.C. 20310-2500
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National Guard Regulation 10-4

Effective 1 October 1987

ORGANIZATION AND FUNCTIONS

STATE DEFENSE FORCES
NATIONAL GUARD BUREAU
AND
STATE NATIONAL GUARD INTERACTION

Summary. This regulation establishes NGB policy regarding the interaction of the National Guard in the nature, status, organization, missions, and employment of State Defense Forces (SDF), as outlined in 32 U.S.C. 109. It outlines only that assistance that DOD has been authorized to furnish to the States in equipping, arming, and training State Defense Forces under current law. It identifies the Chief, NGB as the DOD executive agent and channel of communications between the States and the Federal Government on all matters pertaining to State Defense Forces.

Impact on the New Manning System. This regulation does not contain information that affects the New Manning System.

Applicability. This regulation applies to the National Guard Bureau and the National Guard of all States, the Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, and the District of Columbia. This regulation is inclusive and addresses all authorizations regarding State Defense Forces; therefore, if a subject or area is not included, it is not authorized.

Internal Control Systems. This regulation is not subject to the requirements of AR 11-2. It does not contain internal control provisions.

Supplementation. Local supplementation of this regulation is authorized. A copy of any supplementation will be forwarded to NGB-MS for review.

Interim Changes. Interim changes to this regulation are not official unless they are authenticated by the Executive, NGB. Users will destroy interim changes on their expiration unless sooner superseded or rescinded.

Suggested Improvements. The proponent for this regulation is the NGB. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (NGB-MS), WASH, DC, 20310-2500.

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1. Purpose

a. This regulation provides policies and guidance regarding the interaction between the National Guard and the various States regarding State Defense Forces. Included are areas in which the Department of the Army (DA) has traditionally been authorized to provide assistance to the States in equiping, arming, and training their State Defense Forces. Subject headings where no support is indicated are expected to be supplemented upon passage of supporting legislation.

b. Specific guidance reflects current law and includes statutory authority, role and status, membership criteria, suggested missions, authorized wear of U.S. Army uniforms, and restrictions for the loan/issue of excess/obsolete Federal property to State Defense Forces. Additionally, guidance is given regarding acquisition of security clearances for State Defense Force personnel.

c. Throughout this regulation, unless otherwise noted, the term "State" will also refer to the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the U.S. Virgin Islands. The term "Adjutant General" will refer to the senior military assistant to the Governor.

2. Terms and Abbreviations

a. State Defense Forces (SDF). Also called State Guards, Home Guards, State Militia, Defense Corps, State Military Reserves, National Guard Reserves, etc., are State organizations under the exclusive jurisdiction of the respective governor, organized, employed, and funded according to State laws. They are not, for any purpose, entities of the Federal Government. The term "State Defense Forces" is a generic term, and the actual title is the prerogative of the individual state.

b. Internal security. All measures in peace and war, other than military operations, to prevent enemy-inspired action against State resources, industries and installations, and to protect life and property in the event of a domestic emergency.

c. State internal security forces Refers to all forces and/or agencies of State or municipal governments that are capable of undertaking internal security missions and are assigned such missions.

3. Statutory Authority

Current authority extends from Section 61, National Defense Act, as amended by the Act of August 10, 1956, c. 1041, 70A Stat 600; Sept 2, 1958, Pub. Law 85-861 2(2), 72 Stat 1542, and is codified as 32 USC 109, as follows:

"(a) In time of peace, a State or Territory, Puerto Rico, the Virgin Islands, the Canal Zone, or the District of Columbia may maintain no troops other than those of its National Guard and defense forces authorized by subsection (c).

"(b) Nothing in this title limits the right of a State or Territory, Puerto Rico, the Virgin Islands, The Canal Zone, or the District of Columbia to use its National Guard or its defense forces authorized by Subsection (c) or this title, within its borders in time of peace, or prevents it from organizing and maintaining police or constabulary.

"(c) In addition to its National Guard, if any, a State or Territory, Puerto Rico, the Virgin Islands, the Canal Zone, or the District of Columbia may, as provided by its laws, organize and maintain defense forces. A defense force established under this section may be used within the jurisdiction concerned, as its chief executive (or commanding general in the case of the District of Columbia) considers necessary, but it may not be called, ordered, or drafted into the armed forces.

"(d) A member of a defense force established under subsection (c) is not, because of that membership, exempt from service in the armed forces, nor is he entitled to pay, allowances, subsistence, transportation, or medical care or treatment, from funds of the United States.

"(e) A person may not become a member of a defense force established under

subsection (c) if he is a member of a reserve component of the armed forces.

4. Status

a. Command and control: State Defense Forces, as contemplated by these regulations, the foregoing statutory authority, The Constitution of the United States, the constitution and laws of the State concerned, is solely a State organization under the exclusive jurisdiction of the respective governor. It is not subject to call, order, or draft, as such a force, into the Armed Forces of the United States. It is not subject to Federal regulation, control, or supervision other than as provided expressly, or by reasonable implication, by the statute cited in para 3. Such a force may not be controlled or commanded by Federal authorities, and missions are identified and assigned only by appropriate State officials. the State Adjutant General, even though he/she may be a federally recognized officer, is not considered as Federal Authority.

b. Appointment and commissioning of officers: Persons appointed as an officer in a State Defense Force, including general officers, are commissioned solely by the State, and as such, are not federally recognized or guaranteed the rights and privileges of a commissioned officer in the U.S. Armed Forces, or the Reserve Components thereof. Specific rank and title are assigned by the State.

5. Mission

a. The mission of a State Defense Force, as conceived by these regulations, is to provide an adequately trained and organized State military reserve force which would be under the exclusive control of the governor. It would be capable of accomplishing those State emergency responsibilities normally assigned to the National Guard, when that force is federalized or otherwise not available to the needs of the governor. In addition, they would be available to perform any such missions as the governor directs, within Federal and State laws concerned.

b. Assignment of missions: Actual operating missions will be assigned only by authorized State officials (usually the State Adjutant General). However, the requirement for coordination of local and State internal security operations, with that of the U.S. Armed Forces, is obvious in the accomplishment of cooperative missions. SDF personnel and units will not be commanded by nor their operations and activities controlled directly by, Federal civilian or military authorities. Any direct coordination will be conducted between the senior Federal military commander present and the appointed emissary of the governor.

c. Potential missions:

(1) Assist civil authorities in the preservation of order, and protection of life and property.

(2) Meet such domestic emergencies as may arise within the State.

(3) Guard and protect critical industrial installations and facilities, as determined by the governor, when other means are deemed inadequate.

(4) Prevent or suppress subversive activities, in conjunction with, or in support of State or local law enforcement agencies.

(5) Under control of the governor, cooperate with Federal military authorities and forces engaged in active military operations or charged with internal security missions within the State.

(6) Assume control of State armories and property, provide security for any Federal property until relieved by proper authority, and assist in the mobilization of the National Guard when so directed by the governor.

(7) Perform other duties as may be assigned by the governor, under the constitution and laws of the state.

c. Conflict of missions: To the end that interests of the United States and the various States be preserved, the highest degree of cooperation should be maintained between Federal and State officials concerned. If a situation of

conflict or potential conflict of interest develops, it should be resolved between the Adjutant General and the senior Federal military commander present. Consideration should be given to the paramount Federal concern with the overall problem of national defense.

6. Organization

a. Planning and conducting military operations against hostile military forces are the responsibility of the Armed Forces of the United States. Operations and activities of State Defense Forces, as envisioned by this regulation, are supplemental to the State mission of the National Guard during peacetime and are considered to be of a constabulary nature and not that of combat forces. Organization under Tables of Organization and Equipment (TO/E) similar to military police or light infantry would most closely facilitate these anticipated missions.

b. The primary objective of DoD regarding State Defense Forces would be for a cadre-size unit to be established within each State during peacetime. This cadre would represent approximately 10 to 15% of their perceived mobilization strength, provide a command and control element, representation at each National Guard armory within the State, and allow for rapid expansion if the situation arises. Priority for any future Federal support that may be authorized will be given to those states whose Defense Force organization is considered most appropriate (by the Service Secretary) to accomplish the general missions outlined above.

7. Federal control and assistance

The Chief, NGB, as the executive agent of DoD for all matters pertaining to State Defense Forces, participates with other agencies of the Army Staff with regard to State Defense Forces in the following manner:

a. NGB monitors the SDF program; maintains records concerning SDF personnel, units, capabilities, equipment and armament; and effects coordination within DoD on all matters regarding State Defense Forces.

b. Upon request of a State, provides assistance and advice to State authorities in the organization and training of these forces.

c. Advises and coordinates with State authorities regarding the employment of these forces in accordance with these regulations and other pertinent regulations or directives.

8. Employment

An SDF is a component of the executive department of each State, and is under the exclusive control of the governor or his/her authorized representative. Missions are assigned by the governor and are subject only to the limitations imposed by provisions of the U.S. Constitution, Federal and State laws, territorial boundries of the State, and by the supremacy of the Federal Government in its proper fields of action. It may be employed outside the territorial boundries of the State where authorized Federal laws and the laws of the states concerned.

9. Training

a. Detailed instructions for training of State Defense Forces are prescribed and published by State and SDF authorities. Current DA doctrine, regulations, and training programs should be used as a guide to develop these training programs when possible.

b. A single standard of individual proficiency should form the basis of all instructions within the unit in order to ensure members of the unit will receive essentially the same training. contemplated internal security and emergency assistance missions should be a factor in determining the type and degree of special training required.

c. Every effort should be made to make the training of SDF interesting and realistic. Conditions and situations that might confront these forces should be simulated as closely as possible in training exercises. Imagination and ingenuity should be used to develop and conduct practical and realistic training. The value of this type of training cannot be over-emphasized.

10. Membership

a. In accordance with Federal law, membership in the SDF does not, in itself, constitute and exemption from the registration and conscription provisions of the Military Selective Service Act of 1967.

b. A person presently serving in the Armed Forces of the U.S. or any Reserve component thereof is ineligible for membership in an SDF.

c. State regulations should provide for immediate discharge of SDF members who have been appointed, inducted, enlisted, ordered, or called in the Armed forces of the U.S., or a Reserve component thereof.

11. Issue or loan of Federal Property

Currently, there is no provision for loan, issue, sale, or donation of obsolete/excess Federal Property to the States for use by their defense forces. NGR 735-12 outlines the restrictions for loan or issue of Federal property to State Defense Forces. Surplus Federal property is available through the State surplus property officer as regulated by DOD 4160.21M, and commercial sources.

12. SDF Uniforms

a. States are encouraged to develop their own distinct dress, service, and utility uniforms for use by their SDF,and have final authority in determining the uniform, providing it is unmistakably different from that of any of the U.S. Armed Forces, as stated in 10 U.S.C. 771:

"Except as otherwise provided by law, no person except a member of the Army, Navy, Air Force, or Marine Corps, as the case may be, may wear--

(1) The uniform or distinctive part of the uniform of the Army, Navy, Air Force, or Marine Corps; or

(2) a uniform, any part of which is similar to a distinctive part of the uniform of the Army, Navy, Air Force, or Marine Corps."

b. It is a violation of Federal law for anyone to wear a uniform of any of the Armed Forces, unless specifically authorized by regulation.

c. The Secretary of the Army has authorized the States to adopt the Army green service uniforms (Figure 1) and the utility uniforms, excluding the battle dress uniform (BDU) (temperate, hot weather, or desert) (Figure 2) provided the modifications listed below are made. U.S. Army dress and mess uniforms are not authorized for adoption.

d. Mandatory modifications to authorized U.S. Army uniforms: All insignia distinctive to the U.S. Army will be removed and will will not be worn on the uniform modified for SDF use. This includes:

(1) Cap badges

(2) Black Braid (service uniform)

(3) "U.S." insignia

(4) "U.S. Army" name tapes

(5) Officer/NCO shoulder marks (AG-415 shirt and black pull-over sweater)

(f) Distinctive branch insignia or items

(g) Insignia which includes: "United States", "U.S.", "U.S. Army", or the Great Seal of the U.S.

e. States may adopt full-color U.S. Army insignia of rank except for officer/NCO shoulder marks, specialist rank insignia, and Command Sergeant Major insignia. As an exception, retired and formerly honorably discharged U.S. Army CSM may wear CSM rank insignia upon approval of the Chief, NGB.

f. A state designed SDF distinguishing badge or insignia may be worn centered on the left or right breast pocket of the service or utility uniforms. This type badge will be developed by the State (or other civilian source) and will not be designed or provided by the Federal Government.

g. Army green service uniforms (male and female) must have the following distinctive modifications:

(1) Nameplate with white letters on a red background to include the name of the state or full title of the SDF organization e.g., "California State

Military Reserve". This will be in lieu of the U.S. Army black nameplate.

(2) Distinctive lapel insignia (green service uniform) incorporating State initials in lieu of the "U.S." lapel insignia.

(3) Distinctive State buttons.

(4) Distinctive State cap insignia for service cap (if worn).

(5) If U.S. Army insignia of rank is adopted, it will be full-size or miniature, bright pin-on, and will be worn on the shoulder loops of the green service coat; the collar of the green, tan, or white shirt; and on the collar of the black all-weather coat and windbreaker. U.S. Army insignia of rank will not be worn on the black pullover sweater.

h. Utility uniforms: OG-107/507 utility uniforms, OG-108 cold weather uniforms, hospital duty uniforms, food service uniforms, and flight uniforms may be adopted with the following modifications:

(1) State tape with full State name or name of SDF with State initials in lieu of "U.S. Army" tape.

(2) U.S. Army officer insignia of rank, if adopted, will be bright, full-size or miniature, and will be worn on collar of utility/hospital/food service shirt; shoulder loops of field jacket/cold weather parka; and on shoulder or on name tag of flight uniform. Subdued insignia will not be worn.

(3) U.S. Army enlisted rank, if adopted, will be bright pin-on brass and will be worn on the collar of shirt, coat, or jackets. Sew-on insignia may be worn on sleeve of shirts/coats/jackets as determined by the State. Subdued pin-on insignia will not be worn.

(4) OG-107 baseball cap or other colored baseball cap may be worn.

(5) Camouflage uniforms (other than the BDU) may be worn and can be purchased through commercial sources.

i. The following modifications are optional and <u>may</u> be made to the U.S. Army uniform if desired by the State.

(1) Green Service Uniform.

(a) Officer braid other than U. S. Army black may be adopted for wear on coat sleeve and/or pants.

(b) Brown shoes/boots in lieu of black.

(c) Berets, other than green, black, or maroon.

(d) state designed belt buckles and black or brown leather belts.

(e) State designed insignia of rank.

(f) State designed skill badges and regimental insignia, if different from that of the U. S. Army, may be worn.

(g) White or tan colored shirt in lieu of AG-415 shirt.

(2) Utility Uniforms.

(a) Distinctive colored baseball caps or berets other than green, black, or maroon.

(b) State belt buckles and black/brown leather belts.

(c) Brown boots/shoes.

(d) State designed insignia of rank.

j. Other optional uniform modifications:

(1) State military police brassards/badges/markings may be worn if they clearly identify wears as members of a State Defense Force.

(2) U. S. Army medical branch officer insignia may be worn by medical doctors, dentists, veterinary doctors, and registered nurses and enlisted medical insignia by state certified medical aide personnel. Chaplian branch insignia may be worn by state certified chaplains.

(3) States may apply for other modifications subject to approval by Chief, National Guard Bureau.

k. Wear of U. S. Army awards and decorations on modified U. S. Army uniforms will be in accordance with the provisions outlined in AR 670-1.

l. Registration. States must register any U. S. Army uniforms which will be intended for wear by their SDF, with the Chief, National Guard Bureau. registrations will include a list of

uniforms and items adopted, copy of SDF uniform wear and appearance regulation, request for modifications not listed above, and a statement of understanding that SDF uniforms must be distinctly different from those worn by any of the U. S. Armed Forces.

13. Restriction on federal benefits

a. State Defense Force organizations are not federal assets, and regulations pertaining to the Armed Forces do not apply except as specifically indicated.

b. Membership in a SDF does not authorize use of any facility which is in being solely for the benefit of U. S. Armed Forces. This includes: Post/Base exchanges (AAFES), military clothing sales stores, commissary facilities, or any medical facilities. Furthermore, they are not entitled to any federal benefits or protection afforded to members of the Armed forces of the United States (Active or Reserve Component).

14. Security clearances There is no provision to conduct background investigations pursuant to a security clearance for members of a SDF. Clearnaces obtained by former or retired Active/ Reserve Component or civil service members are not valid.

15. Channels of communication Not withstanding an individual's right to communicate directly with elected officials of the federal government, communications from state defense forces, or members thereof, should be considered official communications from a state agency, and therefore should be channeled similarly to other official communications.

a. NGB is the executive agent for DoD regarding SDF and, as such, is the channel of communications between the state and the federal government in all matters pertaining to SDF.

b. Most requests for information or action from SDF organizations can be handled within the state. Direct communication from SDF organizations to agencies of the federal government bypass established channels of communications and chains of command.

c. All communications orginating within SDF organizations should be routed through the appropriate office of the Adjutant General, or other agency as directed by the respective governor. Therefore, communications sent directly to the National Guard Bureau or any other element of DoD, without first being routed through the Adjutant General's Department, will be returned to the state for action.

d. Communications should be directed to Chief, National Guard Bureau, ATTN: Office of Military Support, The Pentagon, Washington, D.C., 20310-2500.

ARMY GREEN SERVICE UNIFORMS: The following components of the Army green service uniform are available for adoption by States for SDF.

ITEM	MALE	FEMALE	REMARKS
Coat, Army green	x	x	
Trousers, Army Green	x		
Belt, black with brass tip	x		
Beret, black service		x	
Boots, black combat	x	x	
Bow tie, black	x		
Buckle, brass	x		
Cap, garrison	x	x	
Cap, service	x	x	
Cap, service cold weather	x	x	
Chaplains apparel	x	x	
Coat, black all weather	x	x	
Gloves, black	x	x	
Handbags, black		x	
Necktie, black	x		
Scarf, black	x	x	
Shirt, white	x	x	
Shirt, AG-415	x	x	
Shoes, black	x	x	
Skirt, Army green		x	
Slacks,Army green		x	
Stockings, shear		x	
Socks, olive green	x	x	
Sweater, cardigan, black	x	x	
Sweater, pullover, black	x	x	
Undershirt, white	x		
Windbreaker, black	x	x	

Figure 1. Army Green Service Uniform

UTILITY UNIFORMS In addition to the basic OG 107/507 utility uniform, OG 108, cold weather uniform, hospital duty uniform, food service uniform, and flight uniforms, the following items may be adopted.

Belt, web, black
Boots, black
Buckle, subdued or brass
Chaplains apparel
Coat, OG-107, cold weather
Coat, black, all weather
Gloves, black
Handbags, black
Cap, OG-107
Scarf, olive green
Socks, olive drab
Undershirts, brown, green or white
Cap, pile, cold weather, OG-107
Parka, cold weather, OG-107

For Hospital Duty and Food Service uniform only:

Sweater, black, cardigan
Windbreaker, black
Scarf, black

Figure 2. Utility Uniforms

APPENDIX A

REFERENCES

Section I
Required Publications

AR670-1	(Wear and Appearance of Army Uniforms and Insignia)	cited in para 13i
NGR 735-12	(Loan and Leases of Army Material)	cited in para 12
DOD 4160.21-M	(Defense Utilization and Disposal Manual)	cited in para 12

Section II
Related Publications

32 USC 109	(State Defense Forces)
AR 310-34	(Equipment Authorization Policies and Criteria and Common Tables of Allowances)
Art 1 Sec 10 Clause 3	(U.S. Constitution)
DOD 4525-13-R	(Air Transportation Eligibility)
FM 19-1	(Military Police Support Division and Separate Brigade)
FM 19-1-	(Military Police Administration and Operations)
FM 19-25	(Military Police Traffic Control)
FM 19-30	(Physical Security)
TO/E 19-97	(MP Security Battalion)
TO/E 7-15	(Infantry Bn (LT))
TO/E 7-17	(Infantry Co (LT))

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