Legislative Research Council
SouthDakota

Issue Memorandum 99-03

The South Dakota Army National Guard

Introduction

The National Guard is a state-organized militia approved by the Constitution of the United States under Article 1, Section 8. In peacetime, the National Guard is commanded by the governor of each state or territory. When ordered to active duty for mobilization or called into federal service for emergencies, units of the Guard are under the control of the federal government and the appropriate service secretary.

The Army National Guard is the largest of the seven U.S. Reserve components of the United States Armed Forces and will be the subject of this paper.[1] Its mission is to provide trained units and individuals in support of the Army's active component wartime force and to provide assistance during national emergencies.

Unlike the Army Reserve, which is entirely a federal force, the Army National Guard has both federal and state missions. In their state role, Army National Guard units are responsible to the governor; at the same time, they are a major part of the federal defense system and in a national emergency may be either mobilized for extended active service or called to duty for brief periods with other sections of the Department of Defense.

The Army National Guard is the oldest military force in America. The first units of what eventually came to be called the National Guard were formed in Massachusetts beginning in 1636. Since that time, members of the Army National Guard have participated in every war or other conflict from the Revolution to Vietnam; they have also served in support of operations relating to international crises in the Middle East and other parts of the world in the years since the end of the Vietnam War. Forty percent of the Allied Expeditionary Force that served in Europe during World War I was composed of Army National Guardsmen. During World War II more than 300,000 members of the Guard served on active duty, and 183,000 were called to active duty during the Korean War. In the Vietnam War, more than 12,000 Army National Guard members served on active duty in combat operations in Southeast Asia.[2]

In FY98, the Army National Guard was composed of about 52 percent combat units, 22 percent combat support units, 17 percent combat service support units with a nine percent mobilization base. In Fiscal Year 1999 those figures will be 54 percent, 21 percent, 16 percent, and nine percent, respectively.[3]

Because of the importance of its combat units to the overall national defense, the Army National Guard is equipped with some of the most up-to-date battle equipment available, including modern tanks, infantry fighting vehicles, missile carriers, howitzers, aircraft, communications equipment, and computers designed for military field operations. In view of the Army National Guard's anticipated role in the event of mobilization, many items of newly developed equipment are distributed to the Guard at the same time they are received by the regular Army.

The South Dakota Army National Guard (SDARNG) has more than 3,400 soldiers serving in 50 units in 30 communities across the state. Major components of the SDARNG include field artillery, engineer, transportation, aviation, maintenance, and medical units.

Annual Training

By law, Guard members must complete at least 15 days of active duty training each year and one weekend of inactive duty training per month.

Every drill weekend for members of the Army National Guard -- and for all the Reserve forces -- is planned well in advance by unit leaders. Training plans are developed to meet specific objectives designed to

prepare units for the jobs they will be assigned in the event of war. Often drills are focused on unit training where all members participate as a team to perfect the skills needed to accomplish mission-related tasks. In some cases, however, drill periods are dedicated to individual training in which each member of the unit works on improving his or her specialty or improving proficiency in general military subjects. This may mean work in a classroom at the training center or operations at a nearby field training site. Whatever the location, training is supervised by officers and senior enlisted personnel and may include testing to determine skill levels.

In most instances, members of the Guard are advised well in advance if their drill weekends will involve an overnight stay at the local training center or at a field location. Usually when training is conducted at the unit's armory or other nearby facility, Guard members go home on Saturday evening and return to the training site on Sunday morning.

Members of the Army National Guard have the opportunity to improve their skills and proficiency during nonduty periods, too. Those who complete correspondence courses, or any other non-mandatory school or training, for example, generally get promoted within their unit faster.

While the weekend drills and annual training duty prepare Army National Guard units for general mobilization, that team training also prepares units and individuals for many of the tasks that they are called upon to perform for their home state in emergency situations. Their dual role -- which makes them responsible to federal and state authorities -- helps build a unique bond between the Army National Guard and the community.

In addition to training at facilities in and near their hometown, members of the Guard often attend annual training at active force training sites, which may be in- or out-of-state, including overseas. In 1998 nearly 500 members of the SD Army National Guard participated in overseas training in Germany. Other training was held in South Dakota, Minnesota, Colorado, and Washington.

Sometimes the two-week annual training duty is spent undergoing testing and evaluation in tactics and operational procedures to determine unit and individual combat readiness.

Army National Guard Membership Requirements

- Must be a citizen or permanent resident alien;
- Must be between the ages of 17 and not have reached their 35th birthday at the time of enlistment; (Individuals with prior service in any branch of the U.S. military may receive credit for that service and join the National Guard at an age greater than 35.)
- Must pass an Armed Services Vocational Aptitude Battery, a Standard Armed Forces Physical Examination and be of good moral character;
- Must be available for initial active duty training; and
- Must agree to participate in an initial tour of active duty training of at least 12 weeks.

Federal Mission

The Army National Guard's federal mission is to maintain well-trained, well-equipped units available for prompt mobilization during war and to provide assistance during national emergencies (such as natural disasters or civil disturbances).[4]

State Mission

In their state role, members of the Army National Guard provide emergency services that benefit the citizens in their state or region. Almost every year, thousands of Guard personnel are called to service by state governors in response to civil emergencies, usually natural disasters. The emergencies are varied, but most calls to active service for the states come in the aftermath of tornadoes, floods, blizzards, and other acts of nature. Guard members may use heavy equipment to help clear highways and restore services or may even be employed to prevent looting when commercial or residential areas have been damaged.

A relatively new role of the Army National Guard is to provide support of federal and state efforts to cut the flow of illegal drugs into this country and to stop the distribution of the drugs smuggled in. As part of their duties with the state or in support of federal law enforcement operations, members of the Guard have assisted in the confiscation and destruction of millions of dollars worth of illegal substances.

South Dakota governors have called upon the Guard to build bridges, fly air rescue missions, plow snow-covered roads, and help fill sandbags during spring floods.

Recent missions performed in the state have included:

- The Blizzard of 1997 initiated the largest domestic call-up of National Guard personnel and equipment since the 1972 Rapid City Flood. The Army and Air National Guard operated snowblowers, heavy equipment, and helicopters.
- The Guard provided flood assistance in South Dakota and later supported North Dakota flood relief efforts in 1997.
- After the fatal crash of an Ellsworth Air Force Base B1 Bomber in 1997, the Guard provided the Air Force with special equipment and assistance.
- The 1998 Spencer Tornado required the Guard to provide search and rescue, medical services, food services, cleanup, and many other support activities.
- The SDANG provided helicopter support for a lost hunter in the Southern Black Hills.
- A semi-trailer load of electric polls was transported to St. Peter, Minnesota, in support of the rebuilding of the town that was hit by a tornado.
- The Guard supported the Badlands National Park Authorities during the search and rescue of a lost hiker.
- The SDANG provided a camera-equipped plane for a 1998 flyover of Day County to estimate the flood damage across the entire county.
- The Guard supplied the Civil Air Patrol with a helicopter, humvees, and personnel to help search for a missing aircraft in the Deadwood area in 1998.
- In 1998, the Guard furnished the Lawrence County Sheriff's Department with a medivac helicopter mission after a plane crash near Spearfish.
- In 1999, the National Guard began working in partnership with the Department of Corrections to assist graduates of the boot camp in making a smooth transition back into their communities. The Community After-care Mentor Program (CAMP) is operated solely by the National Guard and Department of Military and Veterans Affairs.
- The SD National Guard STARBASE program, which is a youth science and math program, has been active for several years.
- The National Guard takes an active role in many environmental programs throughout the state.

Federal Salary and Fringe Benefits

Like other members of the nation's armed forces, National Guard members are paid by the federal government for their federal service. Defense Department regulations may set different rates of compensation for the uniformed services, the National Guard, and the reserve components.[5]

In addition to a salary, members of the National Guard are entitled to federal benefits during their enlistment. The benefits are the same regardless of the state of residence, but they vary by the category of service -- inactive duty for training (drill), active federal duty for training, and active duty. (Active duty means "full-time duty in the military of the United States, other than active duty for training.")

Guard members who are on inactive duty for training usually are eligible for full-time Serviceman's Group Life Insurance; military exchange privileges; medical care for injuries incurred while traveling to and from drills; access to military clothing sales stores; open mess facilities; medical aid; space-available air transportation; and authorized survivor benefits.

For Guard members on active duty for training or active duty, benefits usually include access to most military and base post facilities, including exchange and commissary facilities and open messes; limited medical and dental care; and access to most base post recreational and entertainment facilities. Other benefits include a six percent interest rate cap on debts incurred before Guard members are called up for active duty.

Costs and Benefits to the States

According to the Department of Military and Veterans Affairs, the SD Army National Guard's total economic impact to the state in FY98 was $52 million. Of that amount, $34 million was in the form of federal and state wages and $18 million was contributed from other expenses.

In addition to federal pay and benefits, the dual role of the Guard entitles members to a state salary when on state active duty. As with the federal pay scale, the

compensation for guard drills, basic training, and annual training varies with experience and position.

To help recruitment, state legislatures have provided additional benefits in recent years. These include enlistment and reenlistment bonuses, scholarships and tuition assistance, retirement programs, improved medical benefits, legal assistance, special automobile license plates, and life insurance programs. During Operation Desert Storm, many states provided deferrals of state income tax payments and waivers of income tax interest and penalties for those Guard members called to active duty. South Dakota's benefits include a 50% tuition reduction to any state supported university or post-secondary vocational school.

State Mobilization of the Guard

The Guard is the only military force immediately available to a governor in times of civil unrest and natural or human disasters.

During 1998, the Army National Guard served their communities in 54 states and territories during 308 emergency response missions, spending over 374,115 days. Of these 308 State Active Duty call-ups, 172 were natural disasters, 23 were civil emergencies, 31 were in support of law enforcement agencies, and 82 were other miscellaneous missions.[6] The South Dakota National Guard contributed approximately 5,000 man-days in support of state missions in FY98.[7]

Missions required of the state Guards typically fall into the following categories:

1) Law and order (a substantial force may be used to enhance and/or replace civilian law enforcement);
2) Medical (to expand civilian capabilities in emergencies and to provide routine care to drilling and full-time National Guard soldiers);
3) Transportation, including air lift (to enhance civilian capabilities and provide both emergency transportation and support to routine National Guard missions);
4) Engineering (sufficient to provide emergency capabilities and support routine National Guard missions);
5) Maintenance (a force to maintain equipment for missions); and
6) Administration (limited to five percent, to manage the force).

States use various methods, typically authorized by statute, to call the Guard to duty. In South Dakota, local authorities call the State's Office of Emergency Management to request aid. If the office agrees with the local authority, it notifies the governor. The governor must also agree, and issues a mobilization order. State officials then call the National Guard headquarters, which notifies members to report to the appropriate armory. Units are selected according to the specific duties they are expected to perform.

Guard units are deployed after notification by local authorities, who also instruct members as to when and where to take action.

Adjutant General

Just as the National Guard Bureau oversees federal Guard activities, each state has an adjutant general to run the Guard. The position of state adjutant general originated approximately 200 years ago with enactment of the *Militia Act of 1792*.

The adjutant is the federally recognized governor's agent, who is a liaison between the state and federal authorities. As a result, the adjutant manages the state National Guard in accordance with federal and state laws and Army and Air Force regulations.

The adjutant general is appointed by the governor in 48 states. The adjutant general is elected by the public to a four-year term in South Carolina, and by the state legislature every two years in Vermont.[8] The South Dakota Adjutant General is appointed by the governor with the consent of the Senate and serves at the pleasure of the governor. At the time of his appointment, he must 1) be a federally recognized commissioned officer of the South Dakota National Guard; 2) have served more than ten years in the armed forces of this state or of the United States; and 3) must have attained the grade of major or higher with federal recognition in such grade at least one year prior to his appointment as adjutant general.

Since statehood South Dakota has had 18 adjutants general. The latest change was in May of 1998 when Major General Philip G. Killey was appointed by Governor William J. Janklow. Major General Killey

had served as adjutant general previously from 1987-88.

Whose Guard Is It?

As a reserve component of the Army and Air Force, the National Guard may be ordered into federal service for active duty under a number of statutory authorities. Long ago, the President and Congress enacted laws and policies that make the National Guard available for service abroad and require the states to comply with federal law and standards as a condition for receiving federal funding for training and equipment. In the 1980s, conflict started between the administration and a number of governors over training Guard units on foreign soil.

In *Perpich v. U.S. Department of Defense*, the governor of Minnesota sought injunctive relief against orders for a federal training mission in Central America involving up to several hundred members of the Minnesota Guard. Specifically, the lawsuit issue was "whether the congress may authorize the president to order members of the National Guard to active duty for purposes of training outside the United States during peacetime without either the consent of a state governor or the declaration of a national emergency."[9]

After conflicting decisions in the lower courts, Governor Perpich requested the Supreme Court to review the case. They found that the militia clauses plainly provide additional grants of power to the Congress so that National Guard units and members, whether or not federalized, have a dual status, both as state National Guards and as reserve components of the Army and Air Force. Regulation of the National Guard is governed not only by the militia clauses, but also by the broad powers granted to the Congress to raise armies and provide for the common defense.[10]

Civil Activities of the National Guard

Federal Disaster Relief and Emergency Assistance

The range of relief services and emergency assistance provided by National Guard units throughout the United States historically has been very diverse. Guard members have assisted during floods, hurricanes, civil disturbances, Cuban refugee operations, President Nixon's inauguration, hospital strikes, power failures, searches for missing persons, and the Huey P. Newton trial, just to name a few.

Without the Guard, many communities would be overwhelmed by an emergency. For example, after the Spencer tornado, the town resembled a war zone. The storm killed six, injured 150 of the 320 residents, and wiped out the town and its infrastructure. The National Guard's response included 40 soldiers from Salem's Battery B unit, along with the Air Guard's emergency lighting sets and command post. The first responders helped with search and rescue and provided security by patrolling the area. Replacements and equipment came the next day and included 58 soldiers from Mitchell's Battery A and the 153rd Engineer Battalion, dump trucks, loaders, HEMMTs, humvees, a mobile kitchen trailer, 17 tents, an ambulance, buses, lights sets, and 400-gallon water trailers. Without the help of the National Guard and other volunteers, the town could not have rebuilt as quickly.

Civil Disorders and the National Guard

Often, the Guard is considered to be the only organization with sufficient personnel and equipment to assist local police in riot-control operations.

The Detroit Riot of 1967 and the incident at Kent State University in 1970 prompted officials to review the use of deadly force in controlling civil disorders. After studying the Detroit riot, the U.S. Riot Commission charged both the police and the National Guard with indiscriminate firing. It also found that the equipment at Kent State was inappropriate for law enforcement duties. To avoid future problems, the commission recommended training and policy changes to make the Guard more effective and competent in similar situations.

Drug Interdiction and Anti-Drug Activities

The National Guard's domestic role has expanded to assisting in the fight against drugs. Hawaii was the first state to use the Guard to curtail drugs in this battle in 1977. The President and Congress made it a formal program in 1989, and since that time each U.S. state and territory participate in the Counterdrug program. The operations are conducted under the command and control of the governor and *not* the federal military.

The National Guard brings three unique qualities to the counterdrug fight:

- Trained soldiers and airmen with military skills and

equipment;
- Legal status as a state militia; and
- Ties to more than 3,200 local communities where National Guard members live and serve.

In FY1999, the South Dakota National Guard has provided intelligence support for the Division of Criminal Investigation, the Drug Enforcement Administration, the Sioux Falls Drug Task Force, and the SD Highway Patrol. So far this year, the *Highway-stop* missions, in coordination with the SD Highway Patrol, have made 751 drug related arrests; confiscated 66 lbs. of methamphetamine, 1.1 lbs. of crack/cocaine, and 14.51 lbs. of processed marijuana; have seized six vehicles, and $749,811 in currency. The street values for the illicit drugs vary, depending on the quality of the drug, but officials estimate the FY99 seizures to be between $200,000 and $1M.

Summary

The Guard's contribution to the national defense is so significant that it is sometimes forgotten that the Guard, unless called up for active duty by the federal government, is under the command of the governor. As such, Guard units play an important role in times of civil unrest or natural disasters because they are virtually the only military force immediately available to the governor.

For more information on the South Dakota National Guard, refer to *Issue Memorandum 94-14: Restructuring of the South Dakota National Guard.*

This issue memorandum was written by Annie Mertz, Senior Fiscal Analyst for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.

[1] The seven U.S. Reserve components are the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, Coast Guard Reserve, Army National Guard, and Air National Guard.
[2] Carl White, *Citizen Soldier*, p. 35.
[3] www.ngb.dtic.mil/bureau/ochief/armyngb.htm.
[4] Ibid.
[5] 37 U.S.C. Secs. 204 and 206.
[6] www.arng.ngb.army.mil/home/statements/finrep98/html/overview.htm.
[7] FY2000 Military and Veterans Affairs Budget Request.
[8] South Carolina Code Ann., Title 25, Sec 1-320; Vermont Stat. Ann., Title 20, Sec. 363.
[9] 110 S. Ct. 2420.
[10] 110 S. Ct. 2418 and 2427.