

# CRS Report for Congress

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## The National Guard, State Defense Forces, And the Militias: Official and Unofficial Status

Robert L. Goldich  
Specialist in National Defense  
Foreign Affairs and National Defense Division

Speculation about ties between suspects in the Oklahoma City Federal Building bombing and “state militias” have raised concern over what these militias are and from where they derive their authority, if any.

It is necessary to put the State militias into the context of State (as opposed to Federal) military forces. **First**, each State has its Army National Guard and Air National Guard, with both Federal and State missions:<sup>1</sup>

The Army National Guard and Air National Guard are somewhat unique among the world’s Reserve military forces as they fill both Federal and state missions. Each state’s National Guard is both a military force under the command of the respective state or territorial governor and a part of the federal reserve components. Therefore, each member has dual status as a member of the National Guard of his or her state and as a member of the Reserve component of the Army or Air Force.

The National Guard’s Federal mission is to provide properly trained and equipped units for prompt mobilization for war, national emergency or as otherwise needed. The Guard’s state mission is to provide trained and disciplined forces for domestic emergencies or as otherwise directed by state law.

**Second**, Several states have military forces which are organized and funded by the states, but which have no formal association with the federally-supported, trained, and equipped National Guard.<sup>2</sup> These forces are often called State Guards, Military Reserves, Defense Forces, or Emergency Volunteers. Their mission is to perform some of the National Guard’s domestic responsibilities in case the Guard of a particular State is

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<sup>1</sup> Office of the Assistant Secretary of Defense for Reserve Affairs. *The Reserve Components of the United States Armed Forces*. June 1994: 17.

<sup>2</sup> Some have called for additional Federal support, including money, for these State forces. See Honorable James A. Traficant, Jr. *State Defense Forces*. Extensions of Remarks in the House of Representatives. Congressional Record, June 2, 1987: E2193-4.

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mobilized for war. Their modern origins date back to both World Wars, when the entire National Guard was mobilized, leaving no organized military forces (other than rapidly expanding active duty units, who had to focus on wartime training) to deal with natural disasters or civil disorders.<sup>3</sup> Similarly, some State defense forces assisted in crowd control or coping with natural disasters during the Persian Gulf War period, when 62,000 regular Army Guard and 16,000 Air Guardsmen were called to active duty.<sup>4</sup> There has been some concern in the media that members of some State defense forces have attracted individuals whose temperament is not suited to being part of an organized armed force, or who have assumed, inappropriately, the same powers that the regular National Guard has.<sup>5</sup> Other State defense forces, however, appear to be well-disciplined and have had few if any such problems.<sup>6</sup>

**Third**, there are groups which call themselves State militias, but have no official sanction from a State government. It appears that the Michigan Militia, which has been the object of much discussion in the aftermath of the Oklahoma City bombing, is an entirely private organization.<sup>7</sup> In some cases, of course, it may be that individuals who are members of either the regular National Guard of a State, or that State's home defense force or guard, may also be a member of a private group that calls itself a "militia." However, Department of Defense regulations prohibit military personnel from participating in groups "that espouse supremacist causes or advocate violence." One academic observer has suggested, and some spokesmen for the National Guard have agreed, that the high degree of racial and sexual integration in the Armed Forces today is actually at odds with the attitudes of white supremacist groups, leading some members of these groups to take an adversarial stance toward both the active and reserve components of the Armed Forces, including the National Guard.<sup>8</sup>

<sup>3</sup> U.S. Home Defense Forces Study. Prepared for the Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Contract No. MDA903-80-C-0594. Dunn Loring, VA, Historical Evaluation and Research Organization, March 1981.

<sup>4</sup> Ibid.: 19, 37; "State Volunteers Replace Activated Guardsmen," *Washington Post*, December 24, 1990: A-3.

<sup>5</sup> Ruffin, Jane. "Misadventures Shade Militia's Image." *Raleigh [N.C.] News and Observer*. May 3, 1992: 1; Jack Anderson and Dale Van Atta, "Bills Would Load a Loose Cannon." *Washington Post*, Nov. 21, 1991: B-27.

<sup>6</sup> Byars, Carlos. "Criticisms of State Guard are Unfounded, Top Soldiers Rebut." *Houston Chronicle*, June 14, 1992: 2.; Robert D. Jaye [Letter to the Editor], "Best Kept Secret." *Army Times*, Feb. 2, 1987: 24.

<sup>7</sup> McQuaid, James. "Michigan Militia Wolverines." *Soldier of Fortune*, April 1995: 51.

<sup>8</sup> "State Volunteers Replace Activated Guardsmen," *Washington Post*, December 24, 1990: A-3.