



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

SECRETARY (

2004 NOV -3 PM 11:50

DA 11/4

ACTION MEMO

November 3, 2004

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel *WJ Haynes*

SUBJECT: Dual Federal-State Status for National Guard Personnel

- On July 23, 2004, the President delegated to you his authority to authorize National Guard officers simultaneously to command military personnel in title 32 (state) and title 10 (federal) status in connection with the national political conventions and "other appropriate events" that you determine in consultation with the Assistant to the President for Homeland Security. TAB B.
- The Deputy Counsel to the President and I believe that the series of events, including the meetings in which electors cast their ballots, the convening of the 109th Congress, the counting of the electoral votes in joint meeting of Congress, the Inauguration and related events, and the State of the Union Address, between Election Day and February 1, 2005, constitutes "other appropriate events."
- The attached memorandum to the Assistant to the President confirms her agreement with this determination, as required by the President's July 23 memorandum.

RECOMMENDATION: SecDef sign memorandum to the Assistant to the President at TAB A.

SECRETARY OF DEFENSE DECISION:

M Approve
NOV 4 2004
Disapprove

COORDINATION: ASD(HD), ASD(RA) (TAB C)

Attachments:
As stated

TSA SD	11/3
SRMA SD	
MA SD	11/3
EXEC SEC	M 11/3



Prepared by: Paul S. Koffsky, DGC(P&HP) 6:7-9341

OSD 17578-04

325

3 NOV 04

COORDINATION

Dual Federal-State Status for National Guard Personnel

Homeland Defense

Reserve Affairs

Robert G. Schuch of Staff-ABD 410



COORDINATION

Dual Federal-State Status for National Guard Personnel

Homeland Defense

Reserve Affairs

TF Hall 11/3/04





SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 4 2004

**MEMORANDUM FOR ASSISTANT TO THE PRESIDENT FOR HOMELAND
SECURITY**

**SUBJECT: National Guard Support for 2004 Democratic and Republican Conventions
and Other Appropriate Events**

The President's memorandum of July 23, 2004 to me, subject as above (copy attached), delegates to me the President's authority under 32 U.S. Code section 325 with respect to the Democratic and Republican National Conventions and "other appropriate events" that I designate in consultation with you. I understand that you agree with my determination that the series of events between Election Day, November 2, 2004 and the activities following Inauguration Day up to and including those on February 1, 2005 constitutes "other appropriate events." The Counsel to the President concurs.

Pursuant to the President's July 23 memorandum, this memorandum memorializes my consultation with you, and my determination.

Attachment

cc: Counsel to the President



OSD 17578-04

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4 NOV 04

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THE WHITE HOUSE

WASHINGTON

July 23, 2004

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: National Guard Support for 2004 Democratic
and Republican National Conventions and
Other Appropriate Events

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority of the President contained in section 325 of title 32, United States Code, with respect to activities related to the 2004 Democratic and Republican National Conventions, and other appropriate events as you determine from time to time in consultation with the Assistant to the President for Homeland Security.

You are further authorized and directed to make necessary arrangements to fund this activity from the proper appropriations and to publish this memorandum in the Federal Register.

