



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-JA-OIP
DISTRIBUTION: A

CNGBI 0403.01
07 June 2016

NATIONAL GUARD BUREAU CIVIL LIBERTIES PROGRAM

References:

a. DoD Instruction 1000.29, 26 November 2014, “DoD Civil Liberties Program”

b. DoD Directive 5105.77, 30 October 2015, “National Guard Bureau”

1. Purpose. This instruction establishes policy and assigns responsibilities for the National Guard (NG) Civil Liberties Program in accordance with (IAW) references a and b.

2. Cancellation. None.

3. Applicability. This instruction applies to all elements of the NG.

4. Policy. It is NG policy to:

a. Operate the Civil Liberties Program through the Office of the National Guard Bureau Chief Counsel (NGB-JA) Information and Privacy Office (NGB-JA-OIP.)

b. Protect the privacy and civil liberties of Department of Defense (DoD) employees, members of the Military Services, and the public, consistent with operational requirements.

c. Ensure individual information is not maintained regarding rights protected by the First Amendment to the Constitution of the United States, including the freedom of speech, assembly, press, and religion, except when authorized by:

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(1) Statute.

(2) The individual, group of individuals, or association on which the record is maintained.

(3) An authorized law enforcement activity, intelligence collection, or counterintelligence operation.

d. Prohibit reprisals against individuals who disclose information to Privacy or Civil Liberties Officers (CLO), indicating a possible violation of privacy protections or civil liberties within the programs and operations of the Federal Government. No reprisals or threat of reprisals will be taken by any Federal employee, unless information was falsified or willfully disregarded for its truth or falsity.

e. Ensure the following rights and freedoms are protected:

(1) First Amendment Rights to include Freedom of Religion, Freedom of Speech, Right to Petition Government, and the Right to Peacefully Assemble.

(2) Second Amendment Right to Keep and Bear Arms.

(3) Fourth Amendment Right against Unreasonable Searches and Seizures.

(4) Fifth Amendment Right to Due Process.

(5) Nineteenth Amendment Right to Vote.

5. Definitions. Civil Liberties -- Fundamental rights and freedoms protected by the Constitution of the United States.

6. Responsibilities.

a. NGB Chief Counsel. The NGB Chief Counsel will:

(1) Serve as the NG Chief CLO IAW reference b.

(2) Develop policy and guidance for the NG to receive, investigate, and respond to Civil Liberties complaints.

(3) Serve as an advisor to the Defense Privacy and Civil Liberties Division, on behalf of the NG.

(4) Promote awareness of Civil Liberties issues across the NG and the general public, when appropriate.

b. Chief of NGB-JA-OIP. The Chief of NGB-JA-OIP will:

(1) Serve as the NG primary CLO responsible for the implementation and oversight of the NG Civil Liberties Program, IAW reference b.

(2) Serve as the NG liaison for Civil Liberties for the DoD, Air Force, and Department of Army Civil Liberties Offices.

(3) Provide authoritative guidance to NGB Staff, commanders, supervisors, and others within the NG regarding the Civil Liberties Program.

(4) Adjudicate NG Civil Liberties complaints including those made by NGB Staff and Title 5 and Title 10 NG personnel.

c. The Adjutants General (TAG) and the Commanding General of the District of Columbia (CG). TAGs and the CG will:

(1) Implement Title 32 NG Civil Liberties Program objectives within their State.

(2) Appoint a full-time Active Guard Reserve or Technician to oversee the Civil Liberties Program within their State as a CLO.

(3) Develop policies and procedures to promote awareness of the Civil Liberties Program and adjudicate Federal Civil Liberties complaints within their State.

d. The Inspector General (IG), the Equal Employment Opportunity (EEO), Military Equal Opportunity (MEO), and Equal Opportunity (EO) Offices. The IG, EEO, MEO, and EO Offices will:

(1) Identify Civil Liberties allegations made as part of an IG, EEO, MEO, or EO complaint.

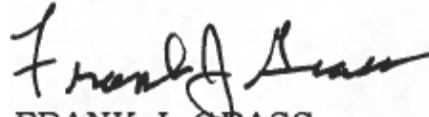
(2) Report Civil Liberties complaints to their State CLO or Chief of NGB-JA-OIP IAW established reporting procedures.

7. Summary of Changes. This is the initial publication of CNGBI 0403.01.

8. Releasability. This instruction is approved for public release; distribution is unlimited. Copies are obtained through <<https://www.ngbpdc.ngb.army.mil>>.

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9. Effective Date. This instruction is effective upon publication and must be reissued, cancelled, or certified as current every five years.



FRANK J. GRASS

General, USA

Chief, National Guard Bureau

Enclosures:

GL -- Glossary

GLOSSARY

PART I. ACRONYMS

CG	Commanding General of the District of Columbia National Guard
CLO	Civil Liberties Officer
CNGB	Chief of the National Guard Bureau
DoD	Department of Defense
EEO	Equal Employment Opportunity
EO	Equal Opportunity
IAW	In accordance with
IG	Inspector General
MEO	Military Equal Opportunity
NG	National Guard
NGB	National Guard Bureau
NGB-JA	Office of the National Guard Bureau Chief Council
NGB-JA-OIP	Office of Information and Privacy
TAG	The Adjutants General

PART II. DEFINITIONS

(SEE PARA 5)