

SCOMM

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Governors say war has gutted Guard

States fear lack of disaster response

By Kirsten Scharnberg
Tribune national correspondent

Advertisement

May 13, 2007

As wildfires, floods and tornadoes batter the nation, the readiness of the National Guard to deal with those disasters, as well as potential terrorist assaults, is so depleted by deployments to foreign wars and equipment shortfalls that Congress is considering moves to curtail the president's powers over the Guard and require the Defense Department to analyze how prepared the country is for domestic emergencies.

The debate over the state of the National Guard has been intensifying for several years, but a powerful tornado in Kansas early this month has spun the topic back into the spotlight.

When the small farming community of Greensburg was effectively wiped off the map, leaving 11 people in the area dead and miles of rubble to be searched and cleared, Kansas Gov. Kathleen Sebelius was direct in her explanation for why the response had not been faster: The policies of the federal government, she said, had left the Kansas National Guard understaffed and underequipped.

Her comments infuriated the Bush administration, which countered that the vast majority of her state's Guard members were available to be called up and that she would be provided any equipment she lacked as soon as she requested it.

The bitter exchange represented a familiar debate to governors across the U.S., many of whom have long feared and predicted that a catastrophic event could find their National Guard units woefully hard-pressed to react to mass casualties or chaos after four years of war in Iraq.

Washington Gov. Chris Gregoire watched the events unfold in Kansas, remembering her own worries from 2006.

At the beginning of last summer's wildfire season, she was attending a meeting with other governors from the Northwest. She had a big problem, Gregoire told them. Parts of her state were a tinderbox because of drought. Key segments of Washington's National Guard had deployed to Iraq. And the units that were left—the ones that would be called up to respond in the event of fast-spreading fires—were facing such severe equipment shortages that they sometimes struggled even to adequately train for disasters, let alone respond to them.

"I soon discovered that virtually all of the other governors were in the same position," Gregoire recalled.

Not long after that meeting, all 50 U.S. governors—the commanders in chief of their states' National

Guards—signed a letter to President Bush imploring him to immediately begin reoutfitting their depleted National Guards. But little changed, and the Guard now has only 56 percent of its required equipment, the lowest level in nearly six years, according to the Government Accountability Office.

The tug of war between the president and the governors over the National Guard seems to heat up every time there is a national emergency. But how much of the rhetoric is simply the finger-pointing and power-jockeying of politics and how much is a frank assessment of how prepared the Guard would be in the event of a catastrophic domestic emergency, be it a natural disaster such as Hurricane Katrina or a terrorist assault on the scale of the Sept. 11 attacks?

"The problem with the National Guard is not being exaggerated or overstated," said Loren Thompson, a military analyst at the Lexington Institute, a Virginia-based national security think tank. "It is very real, and it is a very big deal."

Feds: States can share

The administration has said that while the problem is a concern, it believes states can overcome any issues by sharing among themselves during disasters. In addition, Defense Secretary Robert Gates last week said that the administration is asking Congress for \$22 billion for the Army National Guard over the next five years, which would take Guard equipment levels up to 76 percent. Still, the GAO recently determined that "this equipment may be deployed to meet overseas demands."

Warning signs have been emerging for years relating to readiness of the National Guard, the oldest component of the nation's military force. The Guard was begun as a force of "citizen soldiers" to ensure their protection in their new land. Later the Constitution ensured that the Guard would be a dual federal-state force by giving the federal government the responsibility of funding, arming and organizing the Guard while mandating that the appointment of officers and routine training fall under the responsibility of each state, with the governor the commander in chief except during the rare instances when the Guard is "federalized," traditionally in times of war.

In late 2005, a GAO report found that almost every state's National Guard had just a fraction of the equipment it was supposed to have. Another GAO report issued just months ago took the criticism further. "The high use of the National Guard for federal overseas missions has reduced equipment available for its state-led domestic missions," it concluded. The top commander of the National Guard, Lt. Gen. Steven Blum, testified to Congress last month that the continuous use of its forces for overseas missions has "resulted in a decline of readiness for units here at home."

Missing equipment—much of which has been shipped to Iraq or destroyed there—is a large part of the problem. Certain states are worse off: Arizona has just 34 percent of its allotted equipment; New Jersey and Idaho 42 percent; and Louisiana, ground zero for the worst natural disaster in modern memory, remains at less than 50 percent.

Connecticut Gov. M. Jodi Rell, a Republican, wrote in March to the House Armed Services Committee that her state's National Guard was missing the kinds of vehicles it would need to dig out from a late-spring northeaster or to evacuate residents in the wake of a flood. The California National Guard, routinely called up in the event of earthquakes and any subsequent looting, is missing 700 Humvees, and it has only half the high-water vehicles it should and less than a third of its required stockpile of machine guns.

In Illinois, the GAO estimates that the Guard has just 45 percent of its authorized equipment on hand

and that it is particularly short of trucks, earthmovers and other equipment critical to emergency response.

"That's under half of what we need to dam the Mississippi if it overflows," Sen. Barack Obama (D-Ill.), a Democratic presidential candidate, wrote Bush last week.

Readiness questions

As troubling as the equipment shortfalls may be, that is only part of the worry among governors, the GAO and the Commission on the National Guard and Reserves, a federally appointed group of former generals and other military experts. All are critical of the fact that the Pentagon does not routinely measure the equipment readiness of non-deployed National Guard forces for domestic missions. There is now a push that this information be collected and reported to Congress.

The other hot-button issue between the governors and the president regarding the National Guard involves the Insurrection Act, the law that governs when the National Guard can be "federalized" for domestic law enforcement without the consent of a governor. A 2006 revision to the act expanded the president's power to assume control of the Guard during domestic events, something that governors say threatens to derail state disaster planning and response. Sens. Patrick Leahy (D-Vt.) and Kit Bond (R-Mo.), co-chairmen of the Senate National Guard Caucus, have introduced a bill to repeal the changes *yes!!!*

One of the healthy byproducts of the fight between the president and governors over the National Guard is that states have learned to work closely with one another. After Katrina, Guard leaders and state officials developed the Emergency Management Assistance Compact, an agreement that if one state is in short supply of people or gear when disaster strikes, it can borrow from other states.

Yet borrowing from neighbors is not always feasible, as Gregoire found out at that meeting between governors last year. A map drawn up by the GAO illustrates that there are many neighboring states with such severe equipment shortages they might have trouble borrowing from one another. North Carolina, for example, has only about 39 percent of its equipment while South Carolina sits at about 49 percent.

"You want to tap into the resources of the closest available state," said Lt. Col. Denis Riel, spokesman for the Rhode Island National Guard, "because time translates to lives in disaster scenarios."

Some states satisfied

There are a few spots for optimism.

The Tennessee National Guard, the only armored Guard unit in the nation, has received about \$170 million in replacement equipment and is currently better prepared than most states to respond to a disaster, a spokesman announced recently. Rhode Island, which just completed the largest hurricane drill in the nation, concluded that its National Guard's response indicated that it was adequately equipped and trained to respond to such an event, despite the fact that much of its key engineering heavy equipment is in Iraq.

Officials in Florida, which is predicted to have a busy hurricane season this year, say they are prepared for whatever storms come, despite having just about half of the Guard's allotted equipment.

"I feel very good that way," Gov. Charlie Crist said.

It seems everyone fears the same thing: the kind of massive disaster that might cross state boundaries and demand a full-scale emergency response that would dwarf what was required this month in Kansas.

"This isn't just a week when a little town in Kansas was torn apart," said Thompson, the military analyst. "It is also a week when there were wildfires across Georgia and Florida, a week when the Missouri River flooded. We have natural disasters every week in this country, and that's why the National Guard needs to be ready to respond every week. It's not."

kscharnberg@tribune.com

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ALASKA STATE LEGISLATURE
House of Representatives

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Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

MEMORANDUM

DATE: April 18, 2007

TO: Senator John Cowdery, Chair
Senate Rules Committee

FROM: Representative Bob Roses

RE: HJR 11 (STA)(TITLE AM) STATE'S CONTROL OF NATIONAL GUARD

At your earliest convenience, please calendar HJR 11 (STA)(TITLE AM) State's Control of National Guard for the Senate floor.

HJR 11 (STA)(TITLE AM) urges the necessary federal action needed to reverse this change and honor the sovereignty of the individual states to regulate and command their National Guard troops.

Attached please find the completed bill packet, which includes:

- HJR 11 (STA)(TITLE AM)
- Sponsor Statement
- Fiscal Note:
 - House Military Veterans' Affairs Committee
- Additional backup material from National Association of Governors and media articles

I have spoken to Senator McGuire's office and she has agreed to present this bill for me on the Senate floor.

Thank you for your time and consideration of this matter.

Alaska State Legislature

House of Representatives

Official Business



State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR CS HJR 11(STA) BY: Representative Bob Roses

TITLE: "Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states."

Congress of the United States passed the 439-page \$538 billion 2007 Defense Authorization Bill and the President of the United States signed it into law in October 2006.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked only a handful of times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police accused of beating Rodney King.

Provisions within the Defense Authorization Bill changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard during natural and manmade disasters and federal action is needed to reaffirm the sovereignty of the individual states to regulate and command their National Guard troops during emergencies and disasters.

I urge your support of this resolution.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HJR 11
 (H) Publish Date: 3/7/2007

Revision Date/Time (Note if correction): _____ Dept. Affected: LAA
 Title STATE'S CONTROL OF NATIONAL GUARD RDU _____
 Component _____
 Sponsor Rep. Bob Roses Component No. _____
 Requester Rep. Bob Roses

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution will not result in additional costs to the Legislative Branch.

Prepared by: House Military & Veterans' Affairs Committee Phone 465-4939
 Division _____ Date/Time 3/6/07 7:35 AM
 Approved by: Rep. Bob Roses - Chairman Date 3/6/2007
 Agency House Military & Veterans' Affairs Committee



PRINT

CLOSE

August 1, 2006

The Honorable Duncan Hunter
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Ike Skelton
Ranking Member
Committee on Armed Services
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman and Representative Skelton:

We write in opposition to a provision in the House-passed version of the National Defense Authorization (DoD) Act (H.R. 5122), which is about to be conferenced with the Senate-passed version, S. 2766. A provision in section 511 of the House-passed DoD Act would allow the President to federalize the National Guard of the states without the consent of the governor. Specifically, this clause amends Title 10 of the United States Code to give the President the authority to take control of the Guard in case of "a serious natural or manmade disaster, accident, or catastrophe that occurs in the United States, its territories and possessions, or Puerto Rico."

This provision is very open-ended without a definition of what constitutes a "serious" natural or manmade disaster. We understand that in case of a National Security incident where the state may have been incapacitated by an event, the President may need this power. However, he is granted this authority under the "insurrection act."

The possibility of the federal government pre-empting the authority of the state or governor in natural and manmade disasters is opposed by the nation's governors. We are responsible for the safety and welfare of our citizens and are in the best position to coordinate all resources to prepare for, respond to and recover from disasters. When federal aid is needed it should be coordinated by the governors.

The nation's governors feel very strongly about protecting our constitutional responsibility to take care of our citizens, and do not want that responsibility shifted to federal officials, as defined by a "serious" emergency. The current process works quite well where we use our National Guard in emergencies and ask for federal assistance as the need arises.

We urge you to drop this provision that would usurp governor's authority over the National Guard during emergencies from the conference agreement on the National Defense Authorization.

Sincerely,

Governor Mike Huckabee

Governor Janet Napolitano

NATIONAL
GOVERNORS
ASSOCIATION

Janet Napolitano
Governor of Arizona
Chair

Tim Pawlenty
Governor of Minnesota
Vice Chair

Virginia K. Lindemann
Executive Director

August 31, 2006

The Honorable Donald Rumsfeld
Secretary
Department of Defense
The Pentagon
Washington, D.C. 20301

Dear Mr. Secretary:

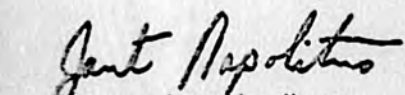
Governors oppose statutory changes in the House and Senate Department of Defense authorization bills to federalize the National Guard during emergencies and disasters. Provisions in both the House and Senate bills to expand the President's authority over the National Guard during natural and manmade disasters were developed without consultation with governors and encroach on our constitutional authority to protect the citizens of our states.

Fifty-one governors recently sent a letter to Congress opposing Section 511 of the House-passed bill because it would usurp the authority of governors to command the National Guard in response to a "serious natural or manmade disaster." Since then, governors also have become increasingly concerned with the Senate's proposal to expand the President's authority to intervene in a state under the Insurrection Act (Section 1042) and proposals to federalize disaster response through the use of reserve forces. Each of these proposals represents a dramatic expansion of federal authority during natural disasters that could cause confusion in the command-and-control of the National Guard and interfere with states' ability to respond to natural disasters within their borders.

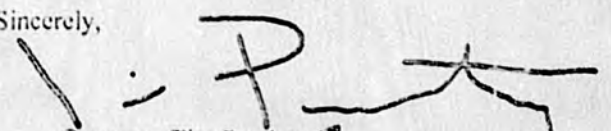
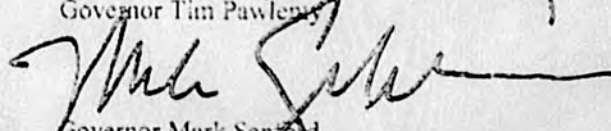
As we reiterated during our meeting with you in February, any issue that affects the mission of the Guard in the states must be addressed in consultation and coordination with governors. The role of the Guard in the states and to the nation as a whole is too important to have major policy decisions made without full debate and input from governors throughout the policy process.

Governors welcome the opportunity to improve the nation's disaster response capabilities, but we must work together to ensure that any changes do not hinder our ability to respond to those in need. We therefore urge you to join us in calling for the House and Senate to remove Section 511 of the House bill and Section 1042 of the Senate bill from the final conference report.

Sincerely,


Governor Janet Napolitano

Governor Michael F. Easley
Co-Lead Governor on the National Guard


Governor Tim Pawlenty

Governor Mark Sanford
Co-Lead Governor on the National Guard

Insurrection Act Point Paper

The Insurrection Act governs when the President can declare martial law. When the Act is invoked, the military, including the National Guard, can carry out law enforcement functions without the consent of a Governor. Posse comitatus, a broad law that generally prevents the military from policing within the domestic United States, does not apply when the act is invoked.

Under the old law, the President could invoke the Insurrection Act during violent situations that deprive a citizen of his or her rights. The ambiguity of the language put the emphasis against invoking the Act in situations other than a clear case of insurrection. The ambiguity also promoted consultation whenever a President might face the decision of wresting control of the Guard from governors and using the entire military as a federal police force. The Act has been invoked on only three occasions in the past five decades.

Under the new language, the President can invoke the act and declare martial law in cases where public order breaks down as a result of a natural disaster, epidemic, terrorist attack, or—very nebulously—“other conditions.” This change in the language creates clear triggers that almost make it automatic that the Act will be invoked during such an emergency. Erasing that friction and that constructive ambiguity is a major change that shifts the burden from the President and onto governors and everyone else who might oppose a President using the military in this way.

The recent changes make it easier to federalize the National Guard for domestic law enforcement, which does not make sense. Operating under the control of the governor in a state status, the Guard is not bound by posse comitatus and can integrate seamlessly with local, state, and federal law enforcement agencies and first responders.

The Governors were in no way consulted about the Insurrection Act Changed. They unanimously believe that the current system for using the National Guard in emergencies and requesting federal assistance “when necessary works well and should not be changed.”

To provide a real world example, with the new language, there is no doubt that Governor Blanco’s request against federalizing the Guard and using the military for law enforce would have been overruled. The federal government would have taken over the emergency effort and shunted her aside.

TOP STORY ■■■

FRIDAY, JANUARY 12, 2007

Governors lose in power struggle over National Guard

By Kavan Peterson, Staff Writer

A little-noticed change in federal law packs an important change in who is in charge the next time a state is devastated by a disaster such as Hurricane Katrina.

To the dismay of the nation's governors, the White House now will be empowered to go over a governor's head and call up National Guard troops to aid a state in time of natural disasters or other public emergencies. Up to now, governors were the sole commanders in chief of citizen soldiers in local Guard units during emergencies within the state.

A conflict over who should control Guard units arose in the days after Hurricane Katrina in 2005. President Bush sought to federalize control of Guardsmen in Louisiana in the chaos after the hurricane, but Gov. Kathleen Blanco (D) refused to relinquish command.

Over objections from all 50 governors, Congress in October tweaked the 200-year-old Insurrection Act to empower the hand of the president in future stateside emergencies. In a letter to Congress, the governors called the change "a dramatic expansion of federal authority during natural disasters that could cause confusion in the command-and-control of the National Guard and interfere with states' ability to respond to natural disasters within their borders."

The change adds to tensions between governors and the White House after more than four years of heavy federal deployment of state-based Guard forces to fight in Iraq and Afghanistan. Since the 2001 terrorist attacks, four out of five guardsmen have been sent overseas in the largest deployment of the National Guard since World War II. Shortage of the Guard's military equipment – such as helicopters to drop hay to snow-stranded cattle in Colorado – also is a nagging issue as much of units' heavy equipment is left overseas and unavailable in case of a natural disaster at home.

A bipartisan majority of both chambers of Congress adopted the change as part of the 439-page, \$538 billion 2007 Defense Authorization Bill signed into law last October.

The nation's governors through the National Governors Association (NGA) successfully lobbied to defeat a broader proposal to give the president power to federalize Guard troops without invoking the Insurrection Act. But the passage that became law also "disappointed" governors because it expands federal power and could cause confusion between state and federal authorities trying to respond to an emergency situation, said David Quam, an NGA homeland security advisor.

"Governors need to be focused on assisting their citizens during an emergency instead of looking over their shoulders to see if the federal government is going to step in," Quam said.

Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked only a handful of times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police accused of beating Rodney King.

Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Backers of the new rules, including U.S. Sens. John W. Warner (R-Va.) and Edward Kennedy (D-Mass.) said the changes were needed to clarify the role of the armed forces in responding to serious domestic emergencies.

Mark Smith, spokesperson for the Louisiana Governor's Office of Homeland Security and Emergency Preparedness, said local and state emergency responders know what their communities need during a crisis better than officials in Washington. "The president should not be able to step in and take control of the National Guard without a governor's consent. The Guard belongs to the states, has always belonged to the states and should remain a function of the states," Smith said.

Send your comments on this story to letters@stateline.org. Selected reader feedback will be posted in the Letters to the editor section.

Contact Kavan Peterson at kpeterson@stateline.org.

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ISSUES AND TOPICS ■■

Issues: Environment Homeland Security Politics

COMMENTS ■■

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Governors Lose power struggle for National Guard

By Louis (Lou) Freitag on Jan 12, 2007 3:02:14 PM

The 10th ((Tenth)) Amendment has been voided for the state national guard units to be taken away from the states. The presidency is making up their own law as they see fit and are breaking the law/laws to their own advantage.

Are our government people so ignorant they don't know that which they are creating? Is Congress as

ignorant of the Constitution, Bill of Rights and spirit of the Declaration of Independence that they are willing to revert to a caste system for we the people?

We impeached the previous president because he lied of an affair with a 24 year old intern and let this president # 43 run the government as a family corporation. Are we on the verge of losing 50 different state constitutions to a big constitution in the country, made up anew?

Lou Ifreitag@mchsi.com

Governors Lose in Power Struggle Over National Guard

By Rael Nidess, M.D. on Jan 12, 2007 7:45:30 PM

Hello?

Where've ya'll been?

Bush foisted his "unitary executive" theory onto the 2006 Defense Appropriations Bill in collusion with unthinking Democrats and craven Republicans who failed to read the fine print and understand that, due to this "accommodation" for the President's convenience, he now has unfettered power, by law, to utilize our own troops (the National Guard) for law enforcement on U.S. soil in violation of the Constitutional concept of Posse Comitatus.

This, along with the "Military Commissions Act of 2006" (MCA2006) allows him to name any group of people, including citizens of the U.S.A., as either 'enemy combatants' or 'materially contributing toward terrorism', use our military to lock us up (perhaps if we protest his illegal war too vigorously?) without due process because our Habeas Corpus rights have been denied by MCA2006, and hold us, essentially incommunicado, "interrogating" us with "approved unusual methods", until... well until.

The sorry thing is that this all happened 6 months ago! Where the hell were the news stories then?

We've dug a hole that has only one way out:

Impeach Bush, Cheney, and Rice.

There's more to read at:

<http://www.impeachforpeacemarshall.org>

Governors Upset

By Don Evans on Jan 16, 2007 5:45:37 PM

I think that if the governors understood that they are simply figure heads for the land of the Federal Government, they wouldn't be upset. Do any of them actually believe that the State is supreme to the Federal government. Not since the south lost the Civil war have states had the power conveyed by the Constitution and the 10th Amendment. If you don't believe that, why do you think it is now the State of Texas, State of New Mexico etc. and not the Texas State, etc?? All states are not part of the power of the District of Columbia. Still not certain, look at what Congress continues to pass, laws which violate the Constitution but they find cause under the Commerce clause and the Supreme Court backs them up!!

Nat'l Guard!!

By Charles Legare on Jan 17, 2007 10:06:34 AM

The Governors should fight this change with every tool available to them. The Bush administration has proven time and time again they cannot be trusted, not only in Iraq, but in a multitude of other ways. The congress until recently (and i'm still leery now) was a rubber stamp for the Bush bunch, and literally "Gave" away the "Outhouse" in fear of being labeled non-patriotic.

It's time for the people of the US to stand up before we are totally stripped of all our freedoms of Liberty and Justice. This "War against Terror", which so far is totally un-defined, has taken the citizens of the US back 200 plus years. With the words "My job is to protect the American people" Bushy Boy has stolen our freedoms from us with the help of the same people we elect to provide a stop-gap in these circumstances, The Congress of The United States!!!

The attacks against us on our soil , while terrible in there own right are nothing compared to what will happen if we go forward with the arrogance we have shown for the rest of the world. We have killed at a rate of more than a 100 to 1 the doers of evil who struck us that terrible blow on 9/11, but now it's time to SECURE OUR BORDERS and withdraw.. If they come, whoever they are, we can and should kill them!!

Chuck Legare
Orange Park Fl.

Govenor's upset over loss of control of national guard after Katrina debacle

By warren gaston on Jan 17, 2007 2:34:08 PM

If the governors of their respective states actually were working for their constituents, this would never have happened. It was absolutely conscienceless the way the governor of Louisiana treated the people of New Orleans. She had no plan of response to Katrina even with a weeks worth of notice. She deserved to be impeached and jailed for malfeasance of office. Instead the government was kind to her and simply took the matter to the next higher level.

adn.com

Anchorage Daily News

Print Page

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Authority over Guard questioned

(Published: April 18, 2007)

JUNEAU -- Alaska lawmakers are joining other state governments in asking Congress to reconsider a 2006 law granting the White House more authority over National Guard troops.

A joint resolution sponsored by Rep. Bob Roses, R-Anchorage, and co-sponsored by 15 other House members urges federal lawmakers to reconsider language passed in the 2007 Defense Authorization Bill allowing the White House to deploy state National Guard troops without a request from the governor.

Congress passed the bill in October 2006. The bill included a clause granting the president the ability to send National Guard troops in any state in which the "authorities of the state or possession are incapable of maintaining public order" in times of natural disaster, epidemic or other serious public health emergency, terrorist attack or incident.

Lawmakers say the vagueness of the language could jeopardize a state's right to regulate and command its National Guard troops.

The clause was added after several hurricane disasters on the Gulf Coast sparked debates between federal and state authorities when considering the use of National Guard troops.

Before the act was passed, the president had the authority to send in National Guard troops for federal duty only at the governor's request.

Alaska is one of several states looking at ways to encourage Congress to reconsider the language of the clause, according to the National Conference of State Legislatures.

The National Governors Association said in a letter addressed to the Department of Defense and Congressional leaders that the move encroached on their "constitutional authority to protect the citizens."

"It was a knee-jerk reaction at the federal level," Roses said, referring to the bill's passage after the hurricane in New Orleans.

The House has already passed the joint resolution. It now waits for approval in the Senate, where the State Affairs Committee has passed it out of committee.

A spokesperson for Gov. Sarah Palin said she supports the resolution.

-- Anchorage Daily News

ALASKA STATE LEGISLATURE

House of Representatives

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Phone: (907) 465-4939
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Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

MEMORANDUM

Date: April 3, 2007
To: Senator Lesil McGuire, Chair
Senate State Affairs Committee
From: Representative Bob Roses
Re: CS HJR 11(STA)

I respectfully request you schedule CS HJR 11(STA) for a hearing in Senate State Affairs at your earliest convenience.

Provisions within the 2007 Defense Authorization Bill signed in October 2006 changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard during natural and manmade disasters and federal action is needed to reaffirm the sovereignty of the individual states to regulate and command their National Guard troops during emergencies and disasters.

Thank you for your consideration of this request.

Please contact my staff, Josh Applebee at x6873 if you have any additional questions.

HJR 11

TITLE: "Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states."

Provisions within the 2007 Defense Authorization Bill signed into law in October 2006 changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

This change was consistently opposed by the National Governor's Association and all 50 Governor's expressed their objection calling it "a dramatic expansion of federal authority during natural disasters that could cause confusion in the command and control of the National Guard and interfere with states' ability to respond to natural disasters within their borders."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard, ~~during natural and manmade disasters.~~

HJR 11 urges the necessary federal action needed to reverse this change and honor the sovereignty of the individual states to regulate and command their National Guard troops.

Thank you Madam Chair for your consideration.

HOUSE SPECIAL
COMMITTEE ON
MILITARY AND
VETERANS' AFFAIRS

COMMITTEE
PACKET
Index

March 6, 2007

1

HJR 11
STATE'S CONTROL OF
NATIONAL GUARD

HOUSE JOINT RESOLUTION NO. 11
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES ROSES, Buch, Gruenberg

Introduced: 2/28/07

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs

A RESOLUTION

1 **Relating to the increased authority granted to the President of the United States to**
2 **federalize the National Guard of the individual states without the consent of the**
3 **governors; and urging the United States Congress to take action to restore the**
4 **sovereignty of the individual states to regulate and command the National Guard of the**
5 **states.**

6 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **WHEREAS** the National Guard is the oldest component of the armed forces of the
8 United States and one of the nation's longest-enduring institutions; and

9 **WHEREAS** the National Guard traces its history back to the earliest English colonies
10 in North America who were responsible for their own defense and as such organized their
11 able-bodied male citizens into militias; and

12 **WHEREAS** the authors of the United States Constitution empowered the United
13 States Congress to provide for organizing, arming, and disciplining the militia, and, to
14 recognize the militia's state role, the founding fathers reserved the appointment of officers and
15 training of the militia to the states; and

1 **WHEREAS** the federal government's preemption of the authority of the state or
 2 governor in natural and manmade disasters is opposed by all of the nation's governors; and

3 **WHEREAS** the role of the National Guard in the states and in the nation as a whole is
 4 too important to have major policy decisions made without full debate and input from
 5 governors through the policy process;

6 **BE IT RESOLVED** that the Alaska State Legislature exhorts the United States
 7 Congress and the federal administration to understand the significant effect on Alaska and all
 8 the states by the expansion of presidential authority over the National Guard during natural
 9 and manmade disasters; and be it

10 **FURTHER RESOLVED** that the Alaska State Legislature urges federal action to
 11 ~~restore~~ the sovereignty of the individual states to regulate and command National Guard
 12 troops during emergencies and disasters, and to take whatever ~~additional~~ actions are necessary
 13 to correct the encroachment of constitutional authority to protect the citizens of each state.

14 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
 15 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States
 16 and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of
 17 Representatives; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.
 18 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
 19 delegation in Congress; and all other members of the 110th United States Congress.

Get C

Coghill
 Approved
 By v/c

Alaska State Legislature

House of Representatives

Official Business



State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR HJR 11

BY: Representative Bob Roses

TITLE: "Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to restore the sovereignty of the individual states to regulate and command the National Guard of the states."

Congress of the United States passed the 439-page \$538 billion 2007 Defense Authorization Bill and the President of the United States signed it into law in October 2006.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked only a handful of times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police accused of beating Rodney King.

Provisions within the Defense Authorization Bill changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard during natural and manmade disasters and federal action is needed to restore the sovereignty of the individual states to regulate and command their National Guard troops during emergencies and disasters.

I urge your support of this resolution.

25-LS0664A
Mischel
2/24/07

HOUSE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ROSES

Introduced:

Referred:

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11 able-bodied male citizens into militias; and

12 WHEREAS the authors of the United States Constitution empowered the United
13 States Congress to provide for organizing, arming, and disciplining the militia, and, to
14 recognize the militia's state role, the founding fathers reserved the appointment of officers and
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17 Representatives; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.
18 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
19 delegation in Congress; and all other members of the 110th United States Congress.

Josh Applebee

From: McHugh Pierre [mchugh_pierre@hotmail.com]
Sent: Thursday, February 22, 2007 4:41 AM
To: Josh Applebee
Subject: Resolution opposing Presidential Callup of National Guard

Josh, I've been able to find letters and news articles about the opposition of the changes to the Insurrection Act. But no resolutions directly opposing the President's ability to activate the National Guard. Check out these links below to see different angles to the story. I'll see you in Juneau today and tomorrow.
McHugh

<http://www.ngaus.org/ngaus/files/ccLibraryFiles/Filename/000000001777/National%20Guard%20Secretary%20Rumsfeld.pdf>

<http://www.nga.org/portal/site/nga/menuitem.cb6e7818b34088d18a278110501010a0/?vgnextoid=7a62d3164d5cc010VgnVCM1000001a01010aRCRD>

<http://www.ngaus.org/ngaus/files/ccLibraryFiles/Filename/000000002251/Insurrection%20Act%20Point%20Paper.doc>

<http://www.stateline.org/live/details/story?contentId=170453>

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25-LS0664A
Mischel
2/24/07

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IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ROSES

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18 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
19 delegation in Congress; and all other members of the 110th United States Congress.

WORK ORDER REQUEST FORM

W.O. 25-LS0664

KEYWORDS: MILITARY

ASSIGNED: Mischel

REQUEST FOR: Resolution

TAKEN BY: Barnes

SUBJECT: States Should Control National Guard

REQUESTED FOR: REP ROSES

BY: Josh

PHONE: 465-6873

DELIVER TO: Rep. Roses; Attn: Josh -- Cap. 416

INSTRUCTIONS:

Draft resolution relating to federal versus state control of the National Guard, per attached.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED []
AUTHORIZED TO CONFER WITH

RETURN

TO REQUESTOR

APPROVED ☒ DIRECTOR, LEGAL SERVICES

REVIEWED

IN 02/23/07 DUE

TYPED: DRAFT DATE

FINAL DATE

PROOFED DELIVERED

SPECIAL INSTRUCTIONS to TYPING/PROOFING

Request for DRAFT