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HOUSE JOINT MEMORIAL 4017

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State of Washington

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2002 Regular Session

By Representatives Haigh, Conway, Talcott, D. Schmidt, Carrell and Simpson

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1 TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,  
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of  
6 the State of Washington, in legislative session assembled, respectfully  
7 represent and petition as follows:

8 WHEREAS, Within days of the September 11, 2001, terrorist attacks  
9 in New York City and Washington D.C., the nation's governors activated  
10 National Guard soldiers and airmen to augment security at 422 of the  
11 nation's international airports; and

12 WHEREAS, In true state-federal partnership, National Guard forces  
13 are providing aerial port security under the command and control of the  
14 sovereign states, territories, and the District of Columbia and the  
15 federal government is funding such duties "in the service of the United  
16 States" under Title 32 U.S.C., Section 502 (f), hereinafter referred to  
17 as "Title 32 duty"; and

18 WHEREAS, Title 32 duty has been used, inter alia, for more than  
19 twenty years for National Guard full-time staffing, for National Guard  
20 support for local, state, and federal law enforcement agencies under  
21 Governors' Counter-Drug Plans for more than twelve years, for National

1 Guard Civil Support Team technical assistance for local first  
2 responders for more than two years, and for aerial port security  
3 following the attacks of September 11. Of particular note, the  
4 National Guard Counter-Drug Program has long included Title 32 support  
5 for United States Customs, Border Patrol, and Immigration and  
6 Naturalization Service activities at United States Ports of Entry; and

7 WHEREAS, In the aftermath of the September 11 attacks, increased  
8 security and inadequate federal staffing have limited the flow of  
9 persons, goods, and services across our nation's borders. These  
10 factors have contributed to a serious weakening of the American and  
11 Canadian economies, especially in states such as Washington; and

12 WHEREAS, The governors of northern tier border states wrote  
13 President Bush in November 2001 offering to provide Title 32 National  
14 Guard augmentation for United States Customs, Border Patrol, and  
15 Immigration and Naturalization Service operations at United States  
16 ports of entry. Such relief could have been, and still can be,  
17 effected within days of acceptance by the federal government; and

18 WHEREAS, There is still no relief at our borders due to inaction on  
19 the governors' offer of Title 32 National Guard assistance and  
20 conflicting Department of Defense proposals to federalize the National  
21 Guard or otherwise enhance border security with active duty military  
22 personnel instead of Title 32 National Guard members; and

23 WHEREAS, Federalizing the National Guard under Title 10 U.S.C.  
24 would degrade the combat readiness of units from which Guardsmen would  
25 be mobilized, interfere with effective state force management, and  
26 prevent personal accommodations for soldiers and their civilian  
27 employers; and

28 WHEREAS, Stationing federal military forces at the United States-  
29 Canada border would be an unprecedented unilateral action by the United  
30 States; and

31 WHEREAS, The nation's border states need prompt relief which can  
32 best be provided by Title 32 National Guard forces being deployed to  
33 assist lead federal agencies at the borders "in the service of the  
34 United States," but under continued state command and control; and

35 WHEREAS, The Washington State Legislature opposes federalization of  
36 the National Guard or assignment of federal military forces for United  
37 States border security;

38 NOW, THEREFORE, Your Memorialists respectfully pray that Congress  
39 assures prompt augmentation of lead federal agencies at the borders by

1 accepting the governors' offer of National Guard forces under state  
2 command and control pursuant to 32 U.S.C. Sec. 502(f).

3 BE IT RESOLVED, That copies of this Memorial be immediately  
4 transmitted to the Honorable George W. Bush, President of the United  
5 States, the President of the United States Senate, the Speaker of the  
6 House of Representatives, and each member of Congress from the State of  
7 Washington.

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