
SENATE JOINT MEMORIAL 8033

State of Washington 57th Legislature

2002 Regular Session

By Senators Oke, Rasmussen, Roach, Horn, Rossi, Snyder, Winsley, Regala, Haugen, Benton, Sheahan, Hewitt, Morton, McCaslin and West

Read first time 01/18/2002. Referred to Committee on State & Local Government.

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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