
SUBSTITUTE SENATE JOINT MEMORIAL 8012

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Brown, Hewitt, Franklin, Fraser, Oemig, Kline, Kilmer, Swecker, Hobbs, Hatfield, Marr, Spanel, Regala, Kohl-Welles, Berkey, Pridemore, Rasmussen, McAuliffe, Sheldon and Shin)

READ FIRST TIME 02/27/07.

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, The Washington National Guard has served Washington well
9 and faithfully since territorial times; and

10 WHEREAS, Nearly 8,600 men and women of the Washington Air and Army
11 National Guard continue to serve our state and nation, at home and
12 abroad; and

13 WHEREAS, The National Guard supports civil authorities in a
14 multitude of ways that are particular to our local communities and to
15 our state and region; and

16 WHEREAS, The Militia clause of the United States Constitution
17 guarantees to each state the right to maintain an organized militia
18 (the National Guard) for the protection and defense of its citizens;
19 and

1 WHEREAS, The National Guard plans, trains, and exercises with
2 local, state, and federal officials to provide relief under the
3 Governor's control during emergencies and disasters that may befall the
4 state of Washington or any other state; and

5 WHEREAS, State control of the Guard in the event of such
6 emergencies is critical to execution of the National Response Plan
7 (NRP), the Washington State Comprehensive Emergency Management Plan
8 (CEMP), city and county emergency plans, and all intrastate and
9 interstate mutual aid arrangements such as the Emergency Management
10 Assistance Compact (EMAC) and the Pacific Northwest Emergency
11 Management Arrangement (PNEMA); and

12 WHEREAS, Placing the Washington National Guard under federal
13 control without the consent of the Governor would undermine the Guard's
14 effectiveness and deprive the state of Washington of the ability to
15 perform its most essential function, the protection of its own
16 citizens; and

17 WHEREAS, Section 1076 of the John Warner National Defense
18 Authorization Act of 2007 (P.L. 109-364) was adopted without any public
19 hearing and improvidently amended the federal Insurrection Act by
20 authorizing the President to impose federal control over the National
21 Guard, without notice, consultation, or consent of the Governor, in the
22 event of a "natural disaster, epidemic or *other serious* public
23 emergency, terrorist attack or *incident*" (emphasis added); and

24 WHEREAS, The unilateral Presidential authority conferred by Section
25 1076 of P.L. 109-364 is similarly devoid of any required consultation
26 or consent of the Congress; and

27 WHEREAS, The provisions of Section 1076 of P.L. 109-364 were signed
28 into law despite the opposition of the nation's governors acting on
29 behalf of their respective sovereign states; and

30 WHEREAS, imposing Presidential control over the National Guard for
31 domestic purposes without the Governor's consent would negate the unity
32 of local, state, and federal effort needed in times of domestic peril
33 and would undermine the speed and efficiency with which the National
34 Guard responds, under the Governor's control, to emergencies within the
35 state of Washington and in support of other states through state-to-
36 state mutual aid agreements such as the Emergency Management Assistance
37 Compact (EMAC); and

1 WHEREAS, S.513 and HR 869, if enacted into law, will rescind the
2 objectionable provisions of Section 1076 of P.L. 109-364;

3 NOW, THEREFORE, Your Memorialists respectfully urge the Congress to
4 swiftly pass and the President to sign into law S.513 and HR 869.

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

--- END ---