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The Honorable Arnold L. Punaro
Chairman
Commission on the National Guard and Reserve
2521 South Clark Street, Suite 650
Arlington, VA 22202

Dear Chairman Punaro:

On behalf of the nation's governors, we thank and commend you and the Commission on the National Guard and Reserves for bringing the concerns and issues of our citizen soldiers to the attention of Congress and the Administration. A productive dialogue regarding the need to ensure the Guard is well trained, equipped, compensated, and supported is long overdue.

As Commanders-in-Chief of the National Guard in our states, we are proud that the men and women of the Guard are able and capable of performing tasks in the interest of national defense and security, as well as assisting the citizens of the states and territories. The unique dual mission of the Guard requires these men and women to be a ready, forward-deployed, rapid response force for Homeland Security missions and an effective force multiplier to civil authority's emergency response efforts.

In order to successfully perform this dual mission, members of our National Guard must be properly equipped, efficiently trained and fully staffed. Through this letter we formally submit the attached statement of the National Governors Association to underscore a number of concerns that must be addressed as we work to ensure these goals are met.

Thank you again for your support and commitment to the Army and Air National Guard. We look forward to working with you to recognize, promote and enhance this critical national resource.

Sincerely,

Governor Mike Huckabee

Governor Janet Napolitano

Statement on the National Guard
Before the
Commission on the National Guard and Reserves

The National Governors Association wishes to thank the Commission on the National Guard and Reserves for giving the nation's governors an opportunity to participate in the timely dialogue about how the National Guard and Reserves are organized, trained, equipped, compensated and supported to meet America's national security and domestic emergency needs. The National Guard stands at a critical juncture in the nation's history: it is a leading reserve force for fighting the war on terror and the homeland force for assisting citizens in times of emergencies and/or man-made disasters.

In order to perform this dual mission, the National Guard must be properly equipped, efficiently trained, and fully staffed to meet its responsibilities. Any rebalancing and restructuring of the Guard must take this into consideration. The men and women of the Guard have demonstrated they are just as capable as their active-duty counterparts. However, as recently noticed, Guard men and women do not always receive sufficient funding to perform their duties at the same level. They often return from missions abroad without equipment needed to support emergencies and disaster management missions at home. In addition, they are sometimes under-appreciated for the value they offer to our fighting forces. This was made clear in an article about the war on Iraq in The Economist news magazine, titled "America's part-time soldiers are doing well in Iraq; less so in Washington, DC." According to the article, "guardsmen are often better at peacekeeping – especially the thousands of civilian policemen among them. They are also good at explaining the war to confused Americans in the communities from which they are drawn." These are essential values citizen soldiers bring to the war fighting effort.

Background

Established in 1636, the National Guard predates the founding of the nation and the establishment of the federal Army. The first permanent Guard units were organized as components of the Massachusetts Bay Colony. These regiments are still active units of the contemporary Massachusetts National Guard. The Guard has participated in every U.S. conflict from the Pequot War of 1637 to the current war in Iraq.

The Federalist Papers (the collection of papers by Alexander Hamilton, John Jay and James Madison in 1788) describe the vigorous debate during and after the Constitutional Convention

about the efficacy of a large standing military. The basic conclusion of the nation's founders was that a large standing army in time of peace was undesirable, and the nation should rely instead on the smallest possible standing army augmented by a strong citizen-soldier militia—the modern National Guard.

Just as the federal government's relationship to all aspects of state activity has matured and become institutionalized over the years, the state and federal role of the National Guard has developed into a stable and eminently sensible system for living up to the letter and spirit of the U.S. Constitution while respecting the unique characteristics of individual states. The active military has come to rely so heavily on the National Guard as the foremost “reserve of the Army and the Air Force,” it is sometimes forgotten that the Guard, when not activated by the President, is under the command of governors. This is the only military force a governor has available in time of disasters and emergencies; or for enforcement use such as airport and border security following September 11, 2001, and counter drug activities. Therefore, the states and territories have an enormous stake in the ongoing effectiveness and efficiency of their National Guard.

The nation's governors wish to emphasize that unless activated at the federal level, the National Guard is under state control—with governors as commanders-in-chief. This is based on Article I, Section 8, clause 16, of the U.S. Constitution, which enables Congress:

to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress

Subsequently, Congress enacted Title 32 of the United States Code (USC), which affirms governors' control over the National Guard in peacetime without any restraints such as those pertaining to the Posse Comitatus Act. Under Title 32 of the USC, the nation's governors are clearly in command and control of the National Guard in their respective states and territories. Congress likewise enacted a separate Title 10 of the USC, which permits the Guard to be activated as a part of the regular forces under the command of the President of the United States during times of war and national crises. The governors believe when National Guard members perform domestic missions they should do so in Title 32 USC status—under the control of their governor—rather than Title 10 USC status, unless the President has called them for a federal mission requiring federal troops, such as to repel an invasion. In Title 32 status, National Guard

members can continue to train with their regular units and in times of federal mobilization these Guard members are available to deploy with their units, whereas in Title 10 status they would not be available for deployment with their unit. The governors further note that Title 32 status for domestic deployments avoids all *posse comitatus* issues.

In addition, governors understand and appreciate that the national defense strategy requires the Army and Air National Guard to be capable of fighting with the active forces. This is the essence of the “Total Force Policy,” under which many active units cannot enter into combat as effective units unless accompanied by mobilized elements of the National Guard. We have seen evidence of this in the current war in Iraq. Therefore it is essential that the Guard is adequately staffed, trained and equipped for this responsibility.

Role and Mission of the National Guard

As the only Reserve component that performs both state and federal missions, the National Guard has a unique standing among the services. They can be an effective force multiplier to civil authorities in responding to emergencies, including terrorism. In the wake of the September 11, 2001 attacks, the National Guard has expanded its traditional role in homeland defense and security. National Guard activities include securing strategic facilities—such as airports, pharmaceutical labs, nuclear power plants, communications towers and border crossings—and protecting our citizens from domestic terrorism. The U.S. Department of Defense (DoD) should reaffirm these activities as an integral part of the ongoing mission of the National Guard and ensure they are provided the funding, training and other resources necessary to meet fully the additional responsibilities inherent in today's homeland defense environment.

The governors recognize and appreciate Congress passing and the President signing the Ronald W. Reagan National Defense Authorization Act for fiscal year 2005, which authorized the Secretary of Defense to approve deployment of National Guard units under Title 32 for up to 180 days to perform homeland defense activities.

Any assignment of responsibility should enhance the nation's terrorism consequence management capability and provide for the contingency of the National Guard being called to assist active and reserve components in dealing with a major military conflict. While the Army and Air National Guard have, thus far, also supported the nation's homeland security needs, the Guard's preparedness to perform homeland security missions in the future will depend upon requirements,

readiness standards and measures that have not been defined. We urge the Secretary of Defense to work with the nation's governors in determining the future role of the Guard in homeland defense and other domestic missions.

The role played by the National Guard following the September 11, 2001 terrorist attacks has raised questions about its primary mission. Should the Guard be relegated to only the Homeland Security mission, or retain both its state and federal missions? Governors believe the dual mission status of the Guard has served the nation well because of the military value and economy realized by its capability to perform both of these important missions.

The unique capabilities and structure of Army and Air National Guard units, located in more than 3,000 communities throughout the nation, make it a ready, forward-deployed, rapid response force for Homeland Security missions. However, the National Guard is also highly trained and ready to perform its federal mission. To ensure readiness, interoperability and transparency in the field, Congress should preserve the dual mission of the Guard, fully fund training for its authorized end strength and equip it to the same standards as the active component..

Training and Equipping the National Guard

The availability and status of training and authorized equipment for both state and federal missions is critical for a timely and effective National Guard response. Governors commend the Army and the Air Force for their efforts to enhance training and better equip the National Guard in recognition of its vital contribution to our national defense. Although the National Guard is better equipped now than ever before in its history, it remains somewhat under-equipped. Many states and territories currently are experiencing equipment shortages in critical mission areas such as fighting forest fires and other emergencies. Their equipment is left on the battle fields of Iraq and/or other foreign missions. Attention must be paid to Army National Guard units returning from active duty abroad. These units must be re-equipped to ensure they are ready for redeployment or domestic missions.

Governors support annual training exercises of National Guard units. However, the requirements for training and military education should be consistent with the needs of the military force, while recognizing the serious responsibilities of "citizen soldiers" to their families, employers and communities. This should be kept in mind when developing the right mix of monthly and annual

training exercises for the Guard. Exceptions might be expected in the special training of certain units, but must not be the rule and must be on a voluntary basis.

Governors understand employers of the National Guard members provide exceptional support when their employees are mobilized to serve the nation. As the Global War on Terror continues, and many of the National Guard men and women are mobilized, Congress may wish to examine types of relief, such as tax credits, for these employers to serve as an incentive for the sacrifices they are enduring on behalf of the nation.

In addition, governors applaud and encourage commitments by private employers to make up gaps between civilian and active-duty pay for Guard men and women. A number of states are seeking to address this for their employees who are citizen-soldiers. Governors strongly encourage Congress to join in this effort through federal measures to address pay gaps for activated citizen-soldiers.

Another significant issue for the National Guard is ensuring they are provided with benefits such as good health insurance for themselves and their families. Medical and dental readiness of the National Guard men and women and their families transcends all components of training and equipping the force. The 2006 National Defense Authorization Act, which offers three TriCare options on a cost-share basis for Reserve Component members, represents a step in the right direction. However, Congress needs to take that final step of authorizing funds that would allow all members of the Guard to access TriCare coverage. Keeping our troops and their families healthy improves readiness and promotes retention.

Other Services Provided by the National Guard

While in state status, National Guard members serve their communities by supporting governors' efforts to stem the traffic in illegal drugs and advance the Youth Challenge programs for disadvantaged, at-risk youth. Federal funding has allowed governors to use the National Guard in drug and border enforcement. The Guard provides assistance to federal, state and local law enforcement. Without the continued support of Congress, the Guard will not be able to provide such vitally needed assistance in drug interdiction.

In the early 1990s, Congress took note of a significant increase in drop-out rates and children identified as "at-risk youth." To help address this crucial problem, Congress authorized, through

the National Guard's community mission, the establishment of a pilot program to assist these youth in acquiring essential life skills. The Youth Challenge Program, which is in 27 states today, is a highly successful partnership among the National Guard, the federal Government (in particular the Department of Defense) and the states to help thousands of at-risk teenagers become educated, highly motivated and productive young adults. The program is funded by a 75 percent federal contribution and a 25 percent state-match. Governors support this program and the match ratio and urge Congress to assist states in expanding it.

Summary and Conclusion

From the days of the militia to the present, the National Guard reflects the genius of our system of government. It has been an instrument through which citizens voluntarily made their contribution to the common defense of their land, their values and their heritage.

The Total Force Policy restored the Guard to its more traditional place in the nation's defense strategy. Governors believe a strong National Guard, which the President can mobilize in time of national crisis, serves to remind friend and foe of our national commitment to freedom and to the system of government for which we are recognized and admired.

Today's active forces, constrained in size and scope by the enormous cost of personnel and material, must rely on a well-equipped and well-trained National Guard augmentation. Realizing that approximately one-half of the defense budget is attributed to personnel cost, the Guard—which receives only a fraction of a month's pay unless on active duty status—represents a more cost-effective way to protect our national security and provide for a professionally trained and committed Army and Air Force.

The nation's governors are proud that the National Guard is willing and able to perform tasks in the interest of national defense and security, and is available at their command to assist and protect the citizens of their states and territories.