

**Western Governors' Association**  
**Policy Resolution 06-19**

June 13, 2006  
Sedona, Arizona

*Preserving States' Authority of Emergency Operations*

**A. BACKGROUND**

1. Recent proposals to consolidate and transfer authority and responsibility during any natural or man made emergency to the Department of Defense would remove Governors from command and control of the National Guard units within their states.
2. Emergency response is inherently a local responsibility. The need to maintain local control of responders who know the local area and the citizenry of that community in response to an emergency is paramount in order to affect the most expeditious and prudent response.
3. Most, if not all, states respond to the needs of local jurisdictions by augmenting and supporting requirements identified by local jurisdictions that exceed local capabilities. Typically, depending on the nature of the emergency, such aid comes in the form of support from state resources and deployment of the National Guard. The Guard has a long tradition of responding to local disasters and other emergency needs, utilizing the training, discipline and equipment provided to the Guard by the federal government to accomplish their federal missions.
4. Governors are responsible to the citizens of their states to provide a timely and coordinated state response to any disaster. While state laws vary, Governors are generally empowered with broad authority in times of emergency in furtherance of this duty. The National Guard is a primary resource to Governors in the event of an emergency. The National Guard in many states not only serves as a reserve force for the Active Duty Military, but also is responsible to their Governors for management and coordination of emergency management in their particular states.
5. In recent years, the National Guard has also been required by the federal government to augment national security efforts and to support overseas missions in the fight against terrorism. Support has come in the form of deployment of combat and support troops to war zones in Iraq and Afghanistan, to support airport authorities following the terrorist attacks of September 11, 2001, and to protect the skies with the use of Air National Guard fighter jets. Additionally, at the direction of Congress, the Guard has taken an active supportive role within the local first responder's environment with addition of Civil Support Teams (CST) to help first responders identify and deal with Nuclear, Biological and Chemical (NBC) attacks. The addition of these CST teams throughout the nation has added

significant capabilities of the local first responders to identify and react to an NBC attack against our citizens. The Civil Support Team concept is predicated on the planning assumption that CST's from any state can and will respond to a terrorist attack to assist state and local governments across state boundaries. These Teams will not be successful if they are not under the control of the respective Governors in order to maximize the effective delivery of these special capabilities. Federal control could confuse and undermine local authority at critical junctures. These Teams must be in concert with standard emergency protocols, the National Incident Management System, NIMS, and not subject to multiple commands.

6. The nature of an emergency may indeed require additional assistance that is not available at the state level. If a response requires federal assistance, it is up to the state to request federal assistance. It is likely that, in most such cases, the federal military will be tasked by the federal government to provide such assistance. Due to the relationship between the National Guard and the Air Force and Army as a reserve to federal forces, the National Guard is and should be the most capable to manage the federal assistance if and when it is required.

## **B. GOVERNORS POLICY STATEMENT**

1. The Western Governors believe the consolidation of responsibility and authority during an emergency to the Department of Defense will not aide the states in response to or recovery from any natural or man made disaster. The Governor, as the elected representative of the citizens of any state, has the responsibility to direct resources to a local community during a disaster. Supplanting a Governor's command and control of the National Guard during a disaster will not improve emergency response. The delivery of needed relief before, during or after an emergency within a state is best planned and executed by local and state emergency personnel. The federal government has an important role in support of these elements. However, taking command of this traditional state function is not an appropriate role for the federal government.
2. The Western Governors' Association urges the Congress to reject any plan to alter the ability of the Governors to respond and manage the consequences of an emergency. Furthermore, the standard management protocol for emergency operations throughout the nation is the National Incident Management System (NIMS) and it must be adhered to by all responders regardless of their origin. This protocol is well established within the Emergency Management community and should be exercised and rehearsed to insure the most vibrant and effective response possible. Any subordination or shift from this protocol that could potentially diminish the authority of the Governors should be rejected if it includes consolidation of authorities and or responsibilities within the Department of Defense.

3. The WGA opposes the Department of Defense proposal placing separate state National Guard elements under the control of the federal government. Further, the federal government must recognize and respect the sovereign states' authority in matters concerning the states.

**C. GOVERNORS' MANAGEMENT DIRECTIVE**

1. WGA shall monitor Congress and the Administration, and take actions to advocate and implement the policies expressed in this resolution as appropriate.
2. WGA shall post this resolution on its Web site to be referred to and transmitted as necessary.