



Vermont



Washington

October 1, 2010

TO ALL GOVERNORS:

As Co-Chairs of the Council of Governors (CoG), we are writing to seek your input on a proposal to protect governors' authority over the National Guard and address issues regarding the command and control of military forces operating within your state during an emergency response.

As you know, over the last several years, governors have consistently opposed efforts by the Department of Defense (DoD) to increase its authority over the National Guard during domestic emergencies. Governors have also called for tactical control of all military forces during domestic emergencies to best coordinate the efforts of state and local first responders and federal resources. DoD opposes ceding tactical control over federal military resources to governors.

To address these differences and other issues, Congress created the CoG in 2008, although it was never formally stood up until President Obama issued an Executive Order on January 11, 2010, appointing the ten members of the CoG. The Council has met twice, bringing together the ten CoG governors with the Secretaries of Defense and Homeland Security and other Senior Administration officials.

A key product of those meetings is the attached draft Joint Action Plan for Developing Unity of Effort (Joint Action Plan). This plan seeks to ensure coordination between state and federal military forces by expanding the use of dual status command authorities. Dual status command is authorized under Title 32 of the U.S. Code and allows either a National Guard officer or a commissioned federal military officer to be appointed as a dual status commander to simultaneously direct both state and federal military forces (*see* 32 USC §325 and 32 USC §315, respectively). Such an appointment requires Presidential authorization and the consent of the affected state's governor. Dual status command does not grant the President or the governor control over the other's military forces, it simply allows one individual to direct (i.e. command) the two separate forces in order to better integrate them during a complex response effort.

If adopted by all parties, the Joint Action Plan would represent a dramatic shift in state-federal coordination for disaster response and would impact command and control arrangements, as well as emergency planning, training and exercises.

The draft is currently being reviewed by our federal partners at DoD and the Department of Homeland Security (DHS). To ensure that the CoG appropriately represents the position of all governors, we would greatly appreciate your feedback regarding the Joint Action Plan. NGA has already held a briefing call with your Washington Representatives and Adjutants General. To facilitate your review, we will host a ***teleconference for governors on Friday, October 8th at 12:00pm EDT*** to discuss the draft and its proposals. All offices are encouraged to send any questions or concerns to Heather Hogsett, Director of

Homeland Security and Public Safety at NGA – hhogsett@nga.org or (202) 624-5360 ahead of our call on October 8.

Given the importance of this issue to all states, we encourage you to review the plan and contact us with your concerns as soon as possible. If there appears to be general gubernatorial support for the Joint Action Plan, it is the intent of the Council of Governors to commit to the plan on behalf of all governors at the next CoG meeting in early November.

Thank you for your support and consideration. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Douglas', with a long horizontal flourish extending to the right.

Governor James H. Douglas

A handwritten signature in black ink, appearing to read 'Chris Gregoire', written in a cursive style.

Governor Christine O. Gregoire

cc: Chiefs of Staff
Policy Advisors
Adjutants General
Emergency Management Directors
Homeland Security Advisors