



November 7, 2011

General Craig R. McKinley
Chief
National Guard Bureau
111 S. George Mason Dr.
Arlington, VA 22204

Dear General McKinley,

I am writing on behalf of the Adjutants General of the states, territories and the District of Columbia (hereafter, "the states") to urge you to inform the President, the Secretary of Defense and all other federal officials of the states' support for S. 1025, *the National Guard Empowerment and State-National Defense Act of 2011*, to make the Chief of the National Guard Bureau (CNGB) a statutory member of the Joint Chiefs of Staff.

The National Guard is uniquely authorized by the U.S. Constitution to carry out the laws of the states, to executive missions under state control "in the service of" the federal government and to serve as a reserve component "of" the United States Army and Air Force. No other American military component has such unique constitutional responsibilities or adaptive capabilities. Article 1, Section 8 of the U.S. Constitution grants Congress the "Power...to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; 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 Officers, and the Authority of training the Militia according to the discipline prescribed by Congress." Article 1 also authorizes Congress "To raise and support Armies" and "to provide and maintain a Navy". All powers not expressly granted to the federal government by the U.S. Constitution nor prohibited by it, are expressly reserved to the States.

Consistent with these provisions, Congress has long designated the Chief of the National Guard Bureau as the statutory "channel of communications" between the

states and the federal government on all non-federalized National Guard matters. The scope and necessity of state-federal "communications" have grown exponentially in the decades since the CNGB's designation. The American homeland has become part of a global battle space. Since the terrorist attacks of September 2001, Adjutants General and state military departments have assumed substantial homeland security as well as homeland defense responsibilities. Since 2006, military advice to the National Security Council has also been added to the Joint Chiefs of Staff statutory responsibilities.

Just as the advice of Adjutants General has become essential to the states' national security activities, CNGB advice to principal federal officials is uniquely required by DoD policy to "facilitate and deconflict the use of the National Guard forces among the States to ensure that adequate and balanced forces are available and responsive for domestic and foreign military operations." The shared national security responsibilities of the states and federal government can only be effectively synchronized by having the Chief of the National Guard Bureau on the JCS to assure federal officials receive fully informed advice about Guard matters and that the National Guard forces of the 54 states and territories are able to perform their warfighting missions and their unique domestic security missions.

Guard Soldiers and Airmen are as proud of their membership in the Army and Air Force as Marines are of their membership in the Department of the Navy. Assertions that CNGB membership on the JCS would detract from intra-service unity are dispelled by the Marine Corps' long and distinguished record of service on the JCS and as a component of the U.S. Navy. National authorities have long required specialized Marine Corps advice. 21st Century national security requirements demand the unique advice and counsel of the Chief of the National Guard Bureau.

The Chief of the National Guard Bureau can no longer fully perform the duties of his office without being a member of the Joint Chiefs of Staff. We respectfully ask you to convey the states' strong and unqualified support for S.1025 to federal authorities.

Sincerely,



Michael D. Dubie
Major General
President



STATE OF MICHIGAN
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

MG GREGORY J. VADNAIS
THE ADJUTANT GENERAL AND DIRECTOR

22 July 2011

The Honorable Carl Levin
United States Senator

Dear Senator Levin:

I am writing to request your support for Senate Bill 242, the "Guardians of Freedom Act of 2011." Specifically, the changing role of the National Guard within the National Security structure compels full membership for the Chief, National Guard Bureau, on the Joint Chiefs of Staff. The National Guard is now relied upon as an operational force -- a fully engaged partner in our Nation's national and homeland security missions. Our nation's senior leadership needs to hear the voice of the Nation's second largest military force. The CNGB should be an integral part of the national security decision-making structure.

Together, the Army National Guard and the Air National Guard components comprise over 464,000 uniformed service members. The National Guard, when taken as a whole, is larger than the Air Force, Navy, or the Marine Corps. Only the active component Army is larger than the National Guard. Yet, the National Guard remains unrepresented at the Tank, and thus is not participating in the national security decision-making process in the Department of Defense.

Opponents have suggested that the National Guard is but a component of the Army and Air Force and thus, to preserve unity of service, the CNGB should not have separate representation on the JCS. I would observe in response that the US Marine Corps is a component of the US Navy, was considered and rejected for inclusion in the JCS in the debate on the National Security Act of 1947, and that after 30 years, the necessity of their inclusion in the national security and resourcing decisions of the nation were finally recognized in 1978. The role of the NG requires that they also be so included.

The Guard is the component of the U.S. military that connects all of America with multiple locations in every state and territory. Since the advent of the all volunteer force, military members in the active component have been increasingly separated culturally and geographically from civilian society. Many live in military enclaves for the majority of their careers and the requirement to rotate from base to base keep them from putting down roots in a community.

It is imperative that the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff receive advice from a commanding general representing the second largest uniformed military service.

I greatly respect your leadership and your support for our Nation and the National Guard. I respectfully request that you support us on Senate Bill 242.

Sincerely,



GREGORY J. VADNAIS
Major General, MI ARNG
The Adjutant General



STATE OF MICHIGAN
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

ALB GREGORY J. VAONAE
THE ADJUTANT GENERAL AND DIRECTOR

July 29, 2011

The Honorable Carl Levin
United States Senator

Dear Senator Levin:

Thank you for the opportunity to meet with you this past Tuesday afternoon, 26 July 2011, and candidly discuss the needs of the Michigan National Guard as well as the future of the National Guard as an operational force.

Your staff forwarded a partial transcript of the confirmation hearing of General Dempsey where his views were sought on the CNGB becoming a member of the JCS. I thank you for the opportunity to respond to the positions stated by General Dempsey. Any quotations below are directly from the transcript provided by your staff.

General Dempsey suggested that there would be difficulty with "two, four-stars overseeing the same force... [b]ecause we aspire to be one force."

Dual oversight is certainly not the intent nor would it be the practical outcome of S. 1025. Such a relationship would be impossible, because unlike the Chief of Staff of the Army or Air Force, the CNGB is a joint, not a service-specific, position. The intent of S. 1025 is not to offer either the Army or the Air Force a second voice on the JCS. When the Service Chiefs of Staff come to the Tank, they do so in with the concerns of their branch of service (Army, Navy, Air Force, and USMC) foremost in their minds. The CNGB would come with the concerns of the unique, non-Federalized mission of the National Guard foremost in mind. These concerns differ substantially from those of the Service Chiefs.

For example, the CNGB is much more involved in readiness for disaster relief and state-level missions than the Service Chiefs. This was a prominent concern for the Governors and the Congress in 2005 during the darkest hours of the Iraq War. It would have been helpful then (and will be helpful in the future) for the CNGB to offer the President and the Secretary some insight into how overseas operations are affecting National Guard's readiness for its critical homeland missions. The CNGB will promote consideration of how deployments, operations, and funding decisions will affect National Guard personnel living in towns and cities across America, working civilian jobs, many of whom live far from the bases where they perform their reserve duties. For these reasons, the CNGB will represent the capabilities of the Army and Air National Guard more accurately than the active component Chiefs of Staff.

In addition, it is wise to remember that the lack of CNGB having a seat at the table is what led to the National Guard's equipment being significantly depleted in 2003 when the United States was fighting a war on two different fronts. The equipment depletion led to a complete rebuild.

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General Dempsey also remarked that having a "National Guard four-star on the Joint Chiefs" would not do anything to assist in the delivery of capability.

Again, an important distinction needs to be made here. General Dempsey is describing the management role of a Service Chief, not the advisory role of a member of the Joint Chiefs of Staff (which can be easily confused since obviously the two coincide at the present time). But, neither the Chairman nor the Vice Chairman have service-specific budget authority—that is not their role. Yet they clearly have a role on the JCS. That role is advisory to the President and the Secretary of Defense—where should the money be spent, what capabilities are most important, should we undertake a certain operation and what are its ramifications to U.S. national security. That is the same role that the CNGB needs to fulfill as the stakeholder for the unique non-Federalized mission of the National Guard.

The CNGB has a "man, train, and equip" responsibility in this arena. As a member of the JCS he can, and will, offer valuable and unique advice to the President and the Secretary when requested. Accordingly, the CNGB does bring something to the table at the JCS in regards to capability. No one is better able to address the capacities of the Army and Air National Guard than the CNGB. The existing relationship the Chief of the National Guard Bureau has is analogous to "auditing" the class. You can sit in the classroom, but cannot ask questions or take the test.

The Chief of the National Guard Bureau would offer an important and unique take on right-sizing the National Guard and Reserve components as the Department of Defense looks to maintain capability in the face of increasing manpower costs and declining budgets. Historically, such periods have led to a hollowed-out-force that seems capable on paper but proves to be far less useful in action. The Chief of the National Guard Bureau would provide a unique set of National Guard and Reserve component options to the Chairman, Secretary of Defense, and the President as they look for ways to retain today's unparalleled military might while spending less on the Department of Defense.

The missions for the National Guard today are complex and demanding. We strive to balance our missions as an operational force in the warfight with our traditional missions of homeland defense and support to civil authorities. We do so in a time of increasing operational demands and of increasing budgetary constraints. The ability to discuss these issues candidly with our elected representatives strengthens our nation as well as our partnership. Please continue to give strong consideration to S. 1025 which would provide the CNGB an equal voice in our Nation's military decision-making.

Thank you.

Sincerely,



GREGORY J. VADNAIS
Major General, MI ARNG
The Adjutant General



STATE OF MICHIGAN
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

MG GREGORY J. VADWAIS
THE ADJUTANT GENERAL AND DIRECTOR

July 29, 2011

Dear Fellow Adjutants General:

Thank you for your efforts thus far in seeking support from your U.S. Senate delegation for S. 1025, the National Guard Empowerment and State-National Defense Act of 2011. We here in Michigan are your partners in this effort and have been working with our Michigan Senators to obtain their support of the bill which, among other provisions, would add the Chief of the National Guard Bureau (CNGB) to the Joint Chiefs of Staff (JCS).

In discussing the bill with our U.S. Senate delegation this week, we heard some concerns related to recent testimony offered by General Martin Dempsey before the Senate Armed Services Committee I wanted to share with you. His testimony, offered during his hearing to be confirmed as the new Chairman of the JCS, seemed to call into question the value of adding the CNGB to the JCS. He made two specific arguments: first, that adding the CNGB to the JCS would be tantamount to having two four-star generals represent and "oversee" the same service on the JCS (that is, the Army and the Air Force), and second, that the CNGB is not responsible for a service budget and therefore would have authority without accountability should he be added to the JCS.

These arguments are incomplete and potentially confusing. As it may help you educate your own U.S. Senate delegation, I have summarized our responses to General Dempsey's testimony below, which we have provided to Senator Levin's office at his request. Feel free to reiterate or amplify these arguments if your Senators or their military advisors raise General Dempsey's arguments to oppose the passage of S. 1025, and in particular to adding the CNGB to the JCS.

With regard to General Dempsey's first argument, namely that the CNGB would represent or oversee the same forces as the Chiefs of Staff of the Army and Air Force as a sitting member of the JCS, this argument reflects a misunderstanding of the CNGB's role. No one is suggesting that the CNGB "oversee" any part of either the Army or the Air Force. Unlike the Chief of Staff of the Army or Air Force, the CNGB is a joint, not a service-specific, position. When the Service Chiefs of Staff offer their advice in the Tank, they do so with the concerns of their branch of service foremost in their minds. The CNGB would come with the concerns of the joint National Guard foremost in mind. These concerns differ substantially from those of the Service Chiefs.

As an example, the CNGB is much more involved in readiness for disaster relief and state-level missions than any of the Service Chiefs—this was a prominent concern for Governors and for the Congress in 2005 during the height of the Iraq War. It would have been helpful then, and it will be helpful in the future, for the CNGB to offer the President and the Secretary of Defense

some insight into how overseas operations are affecting DoD readiness for homeland missions. The CNOB must also take into consideration how deployments, operations, and funding decisions will affect National Guard personnel living in towns and cities across America, working civilian jobs, many of whom live far from the bases where they perform their reserve duties. These are different concerns than those of the active components, and the Chiefs of Staff of the Army and the Air Force cannot represent them as well to the President and the Secretary of Defense as can the CNGB. Given that the National Guard is such a substantial portion of the overall uniformed military services, (the second largest in number) it's a viewpoint that must be heard at the highest levels.

General Dempsey's second argument, that the CNGB does not have responsibility for a budget, is simply incorrect. Based on 10 U.S. Code § 10503 and DoD Directive 5105.77, both of which define and clarify the functions and responsibilities of the NGB, the CNGB is the appropriations sponsor for eight accounts: military personnel, operations and maintenance, and military construction for the Army and Air National Guards, as well as the Army and Air National Guard portions of the National Guard and Reserve Equipment Account. He prepares a portion of the President's Budget submission to Congress for the first six accounts. He also performs several responsibilities for the Army and Air National Guard which are substantively similar to those responsibilities of the Service Chiefs, such as supervising the acquisition, supply, and accountability of U.S. Federal property, serving as the principal advisor to the Secretary of Defense, through the Chairman of the JCS, on matters related to non-federalized National Guard forces, and allocating unit structure, strength authorizations, and other resources to the Army and Air National Guards.

The importance of these functional responsibilities has been magnified with the expansion of operational missions coupled with the increasing (and increasingly likely further) budgetary constraints. Only by having an equal voice in the Tank can the NG, as a joint force be missioned, equipped and trained for both the "home and away games", be assured of fulfilling its missions in the years to come.

But an equal concern with General Dempsey's second argument is that its substance is unrelated to the advisory role of the JCS. What General Dempsey is describing is the management role of a Service Chief, which could be confused with the role of the JCS since the two coincide at the present time. Neither the Chairman nor the Vice Chairman, however, has service-specific budget authorities, yet they clearly have a crucial role in providing their advice on the JCS. That role is advisory to the President and the Secretary of Defense—where the money should be spent, what capabilities are most important, should we undertake a certain operation and, if so, its ramifications to U.S. national security. Even if the CNGB did not have a "man, train, and equip" mission, he would still—and should still—offer valuable and unique advice to the President and the Secretary when asked. To emphasize, General Dempsey himself will still sit on the JCS—as Chairman—without service-specific budget authority. We do not believe he is arguing to invalidate or marginalize himself in his new role as Chairman, and neither should his argument be allowed to prevent the CNGB from offering his much needed advice to the President and the Secretary of Defense.

Finally, I want to remind you of a few other key provisions in S.1025 that I find exciting. Please consider advising your Senators of those provisions that would authorize the State Partnership Program, continue and expand the Task Force on Emergency Response, assure a closer relationship with NORTHCOM and reestablish the position of Vice Chief of NGB. Section 2 would disestablish the Director of the Joint Staff of the National Guard Bureau in favor of reestablishing the Vice Chief of the National Guard Bureau. Section 4 would continue the Task Force on Emergency Response and be of immense value as it would authorize the Adjutants General to assist in the development of state and local emergency planning efforts. Similarly, Section 11 would authorize the State Partnership Program and would call upon the National Guard to use its emergency planning expertise to assist in training our international partners in disaster relief and other military support to civil authorities missions. Sections 5, 9 and 10 together would create a closer working relationship between the NG, NNC and DHS by requiring, respectively, unity of effort between DoD and DHS, giving NNC (and PACOM) primacy of responsibility for DOMS amongst the COCOMs, and requiring a NG officer for commander of ARNORTH and AFNORTH.

I hope you may find these responses to General Dempsey's comments before the Senate Armed Services Committee and other thoughts helpful. S. 1025 is critically important to the National Guard. I would strongly encourage that you contact your Senators and recommend their support for S. 1025.

Sincerely,



GREGORY J. VADNAIS
Major General, MI ARNG
The Adjutant General



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

October 24, 2011

Honorable Carl Levin
269 Russell Building
Washington, D.C. 20510

Dear Senator Levin:

Thank you for your response to my previous letter requesting your support for S. 1025. As you are no doubt aware, last Monday, 3 October 2011, Senators Leahy and Graham, the co-sponsors of S. 1025, announced that they had 61 co-sponsors for this bill. As of the writing of this letter, I am informed that the number has now risen to 65 co-sponsors.

We write this letter to urge your reconsideration of your previous letter in light of the overwhelming support for this important bill. Certainly, concerns have been raised by the active branches of the military to this bill, but they have been soundly answered. For example, the issue raised that the Chief of the National Guard Bureau (CNGB) would disrupt the budgetary authority of the Chiefs of Staff misidentifies the role of the Joint Chiefs of Staff; they are the ultimate military advisors, but the Service Secretaries have the budgetary authority. Further, the proposition that S. 1025 would split unity of command is simply untrue; the CNGB will speak only for the 450,000 uniformed members of the Army and Air National Guard and only on issues important to the National Guard.

Of greater importance, however, is the tremendous positive impact of this bill on Michigan and on the men and women of the Michigan National Guard. The provisions of S. 1025 focus on utilizing the National Guard's core missions and expertise in support of our nation's defense. In particular, Section 4, would continue the Task Force on Emergency Readiness. It also will be of great value to our state and local emergency managers as it authorizes the states' Adjutants General to assist them with their emergency planning efforts, thereby assuring unity of response efforts within the state. Similarly, Section 11 authorizes the State Partnership Program and would call upon the National Guard to use its emergency planning expertise to assist in training our international partners in disaster relief and other missions providing support to civil authorities.

Thank you for giving further consideration to this bill that is so vital to Michigan's preparedness and response efforts.

Sincerely,

Rick Snyder
Governor

Gregory J. Vadnais
Major General, MIARNG
The Adjutant General