

# The Progress Report

## *Imitating the Soviet Union*

---

### **Bush Seizes Control Over State Militias**

Centralized, paternalistic government was a bad Soviet Communist idea, so why does AWOL Bush favor it?

Here are portions of a news article appearing at [stateline.org](http://stateline.org)

**by Kavan Peterson**

A little-noticed change in federal law packs an important change in who is in charge the next time a state is devastated by a disaster such as Hurricane Katrina.

To the dismay of the nation's governors, the White House now will be empowered to go over a governor's head and call up National Guard troops to aid a state in time of natural disasters or other public emergencies. Up to now, governors were the sole commanders in chief of citizen soldiers in local Guard units during emergencies within the state.

A conflict over who should control Guard units arose in the days after Hurricane Katrina in 2005. President Bush sought to federalize control of Guardsmen in Louisiana in the chaos after the hurricane, but Gov. Kathleen Blanco (D) refused to relinquish command.

Over objections from **all 50 governors**, Congress in October changed the 200-year-old Insurrection Act to empower the hand of the president in future stateside emergencies. In a letter to Congress, the governors called the change "a dramatic expansion of federal authority during natural disasters that could cause confusion in the command-and-control of the National Guard and interfere with states' ability to respond to natural disasters within their borders."

The change adds to tensions between governors and the White House after more than four years of heavy federal deployment of state-based Guard forces to fight in Iraq and Afghanistan. Since the 2001 terrorist attacks, four out of five guardsmen have been sent overseas in the largest deployment of the National Guard since World War II. Shortage of the Guard's military equipment -- such as helicopters to drop hay to snow-stranded cattle in Colorado -- also is a nagging issue as much of units' heavy equipment is left overseas and unavailable in case of a natural disaster at home.

A bipartisan majority of both chambers of Congress adopted the change as part of the budget-busting, 439-page, \$538 billion 2007 so-called Defense Authorization Bill signed into law last October.

The nation's governors through the National Governors Association (NGA) successfully lobbied to defeat a broader proposal to give the president power to federalize Guard troops even without invoking the Insurrection Act. But the passage that became law also "disappointed" governors because it expands federal power and could cause confusion between state and federal authorities trying to respond to an emergency situation, said David Quam, an NGA homeland security advisor.

"Governors need to be focused on assisting their citizens during an emergency instead of looking over their shoulders to see if the federal government is going to step in," Quam said.

Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked several times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police who were caught on videotape beating Rodney King.

Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Mark Smith, spokesperson for the Louisiana Governor's Office of Homeland Security and Emergency Preparedness, said local and state emergency responders know what their communities need during a crisis better than officials in Washington.

"The president should not be able to step in and take control of the National Guard without a governor's consent. The Guard belongs to the states, has always belonged to the states and should remain a function of the states," Smith said.

**Also see:**

**[Bush Trying to Imitate Soviet Union Government](http://www.progress.org/2006/foia01.htm)**

<http://www.progress.org/2006/foia01.htm>

**[Big-Government Bush Wants Expanded Spying Power Against U.S. Citizens](http://www.progress.org/2006/aclu62.htm)**

<http://www.progress.org/2006/aclu62.htm>

**[Bush Against American Values](http://www.progress.org/2006/censor03.htm)**

<http://www.progress.org/2006/censor03.htm>

[Email this article](#)

[Sign up for free Progress Report updates via email](#)

---

What are your views? Share your opinions with The Progress Report:

Your name

Your email address

Your nation (or your state, if you're in the USA)

Check this box if you'd like to receive occasional Economic Justice announcements via email. No more than one every three weeks on average.

---

[Page One](#)

[Page Two](#)

[Archive](#)

[Discussion Room](#)

[Letters](#)

[What's Geoism?](#)

