



CATHLEEN BABINEAUX BLANCO  
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September 3, 2005

President George W. Bush  
The White House  
Washington, DC 20502

By Facsimile: 202-██████████

Dear Mr. President:

On behalf of all Louisianans, I thank you for your visit yesterday to see the devastation Hurricane Katrina has inflicted on the lives of our citizens. The enormity of the situation is, as you saw yourself, impossible to truly comprehend without seeing it firsthand.

I am deeply grateful for your willingness to come down to personally pledge to the people of Louisiana to do whatever it takes to get the job done. We appreciate the unique contributions that the Department of Defense has made, and know that if the soldiers and assets I have requested are immediately deployed consistent with that pledge, we can rescue our citizens still in harm's way, reclaim our communities and rebuild them, and give our people renewed hope for the future.

I also agree with your idea that – given the unprecedented requests for federal military assistance that I, and my fellow Governors in Mississippi and Alabama have made – a “single military commander” of “Federal Joint Task Force Katrina” be named for federal forces.

I believe such a decision is critical to improving the timeliness of fulfilling and coordinating the requests for federal assistance that have already been made. This officer would serve as the single military commander for all Department of Defense resources providing support to the Department of Homeland Security and the State of Louisiana. This could also enhance the contribution of over 25 National Guard states currently being commanded by the Louisiana Adjutant General.

I ask that you direct the assigned Federal Coordinating Officer at the Department of Homeland Security (FEMA) to co-locate with my Homeland Security and Emergency and Preparedness Office at the Federal Joint Task Force headquarters. This would make the Joint Interagency Operations Center a truly integrated operation.

Mr. President, these actions are essential to ensure unity of effort and a fully coordinated federal, state and local response to this extraordinary natural disaster. I look forward to your favorable response to my request and welcome any comments or suggestions you might have. Thank you again for your efforts on behalf of Louisiana.

Sincerely,

Kathleen Babineaux Blanco  
Governor  
State of Louisiana

09/02/05 FRI 23:20 FAX

September 3, 2005

President George W. Bush  
The White House  
Washington, D.C. 20502

Dear Mr. President:

As you know, Hurricane Katrina caused massive devastation in the State of Louisiana. Working with our Federal partners, and with the help of National Guard forces from other states throughout our nation, we are providing much-needed disaster relief of unprecedented scope. We appreciate the unique contributions of the Department of Defense.

In order to enhance Federal and State efforts, and if you grant permission, I would like to appoint the Regular Army officer commanding the Federal Joint Task Force Katrina to be an officer in the Louisiana National Guard. I would assign him to command the National Guard forces under my command. This officer would then be the single military commander for all Department of Defense military forces, including active, reserve, and National Guard, providing support to the Department of Homeland Security as the lead Federal agency.

I ask that you direct the assigned Principal Federal Officer of the Department of Homeland Security (FEMA) to collocate with my Homeland Security and Emergency and Preparedness Office and the headquarters of the Federal Joint Task Force Commander as the Joint Interagency Operations Center.

Finally, I request that the Department of Defense be tasked to support the Joint Interagency Task Force in the planning and logistics efforts associated with the disaster response effort.

Mr. President, these actions are essential to ensure unity of effort and a fully coordinated state and Federal response to this extraordinary natural disaster. I thank you in advance for your support.

Respectfully,

**MEMORANDUM OF AGREEMENT CONCERNING AUTHORIZATION,  
CONSENT, AND USE OF DUAL STATUS COMMANDER FOR  
JTF-KATRINA**

1. Purpose. This Memorandum of Agreement (MOA) outlines the separate chains of command responsibilities of the dual status commander for JTF-Katrina, focused on the aftermath of Hurricane Katrina. The President of the United States, or his designee, and the Governor of Louisiana, by executing this agreement have provided authorization and consent for the activation of this commander pursuant to 32 USC 315(a). The commander's activation is not expected to exceed three months beginning on or about 2 September 2005 and ending on or about 2 December 2005.

2. Mutually Exclusive Chains of Command. The dual status commander will receive orders from a Federal chain of command and a State chain of command. As such, the dual status commander is an intermediate link in two distinct, separate chains of command flowing from different sovereigns. While the dual status commander may receive orders from two chains of command, those chains of command must recognize and respect the dual status commander's duty to exercise all authority in a completely mutually exclusive manner, i.e., either in a Federal or State capacity, but never in both capacities at the same time. This MOA contains special procedures to maintain the required separation of State and Federal chains of command.

A. **State Command and Control**

1. The Louisiana Governor will provide command and control over the supporting National Guard forces. As a member of the Louisiana National Guard in a state status, the dual status commander is subject to the orders of the Governor of the State of Louisiana.
2. The dual status commander, acting pursuant to state authority, may issue orders to National Guard forces serving in a state status (*i.e.*, Title 32 or State Active Duty).
3. Command and control of National Guard forces provided to Louisiana from other states will be determined by prior coordination between those states and Louisiana.
4. All military justice issues concerning Louisiana National Guard forces will be determined in accordance with the Louisiana code of military justice. Military justice issues concerning National Guard forces from states other than Louisiana will be determined in accordance with their respective states' codes of military justice.

B. Federal Chain of Command.

1. The Commander, U.S. Northern Command (USNORTHCOM), will provide command and control over the supporting Federal forces. The dual status commander, as a Federal officer ordered to active duty under Title 10, U.S. Code, is subject to the orders of the President, the Secretary of Defense, and the Commander USNORTHCOM, or other Federal officers ordered to act on their behalf.
2. The dual status commander, acting pursuant to Federal authority, may issue orders to Federal forces, *i.e.*, active duty forces including reserve forces serving on active duty such as federalized National Guard forces (Title 10 status). Such Federal forces are required to act in accordance with the Posse Comitatus Act.
3. All military justice issues for supporting Federal forces will be determined in accordance with the Uniform Code of Military Justice as implemented by applicable Military Department regulatory guidance.

3. Missions.

A. *State Military Mission:* Plan, coordinate, and provide requested, authorized, and approved support to lead Federal agencies, and state agencies, performing activities related to JTF-Katrina.

B. *Federal Military Mission:* Plan, coordinate, and provide requested, authorized, and approved support to lead Federal agencies performing activities related to JTF-Katrina.

\* Purpose of Dual Status Command Structure. Utilizing a dual status commander allows the efficient use of both Federal and state authorities to execute authorized missions in support of Federal agencies for JTF-Katrina. This relationship will capitalize on the military expertise of both sovereign military forces, reduce duplicative effort, provide better coordination and synergy, and ensure unity of effort. The dual status commander will have enhanced situational awareness through this dual status, and both Federal and state chains of command will have a common operating picture. This enhanced situational awareness will ensure optimal tasking and mission accomplishment by state and Federal military forces.

5. Compliance with Federal and State Law. The dual status commander must comply with all applicable state and Federal laws appropriate to the mission, while executing his duties. If the dual status commander perceives that orders provided by the Federal or state chain of command might violate Federal or state law or create a potential conflict of interest or mission conflict, the dual status commander must immediately inform both chains of command of the perceived problem.

6. Sharing of Documentation. To avoid miscommunication, the Federal and state chains of command should share all documents and guidance concerning their respective missions at the earliest possible opportunity.

7. Anti-Terrorism/Force Protection Standards. During JTF-Katrina, the Louisiana National Guard agrees to comply with anti-terrorism/ force protection guidance established by USNORTHCOM unless the Louisiana National Guard has established more stringent guidance. USNORTHCOM will provide AT/FP guidance in all warning, planning, alert, deployment, or execution orders. Any obstacles in achieving compliance with this paragraph will be resolved by the Governor or her designee and the Commander, USNORTHCOM.

8. Mission Conflicts.

A. The dual status commander should attempt to ensure there are no conflicts between Federal and state mission taskings. If the dual status commander believes a conflict exists, he should notify both chains of command at the earliest possible opportunity. Both chains of command and the dual status commander must be involved in the resolution of such conflicts.

B. In the event that a mission tasking conflict cannot be resolved, the dual status commander should consult with a judge advocate from both the Federal chain of command and the state chain of command. While the conflict is being resolved, the dual status commander will continue to execute his Federal mission, and will continue to execute her state missions in areas not subject to the conflict.

9. Status. During the course of this mission, the dual status commander shall describe the status of all forces in writing. The purpose of this requirement is to minimize possible confusion in appropriate Federal/state force taskings by the dual status commander. If it becomes necessary to make a change to the status of forces, the dual status commander will ensure both chains of command are aware of any changes.

10. Incapacity of the Dual Status Commander. In the event that the dual status commander becomes incapacitated, subordinates will need to be in place to assume command of both the Federal and state chains of command. For this

reason, the dual status commander needs a Federal status deputy commander and a state status deputy commander.

11. Effective Date. This MOA shall become effective upon the signing of this document by both parties. Upon the effective date of this MOA, the dual status commander may maintain ongoing direct liaison authority with his Federal and state chains of command and exercise state authority and Federal authority as provided by those sovereigns.

12. Termination. This MOA will automatically terminate upon the redeployment of forces from the performance of activities related to JTF-Katrina. If either party wants to withdraw from this agreement, it should do so in writing with sufficient notice to allow proper mission accomplishment, if possible, by the other party.

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor of Louisiana

\_\_\_\_\_  
Date