

United States Senate

WASHINGTON, DC 20510

March 20, 2002

The Honorable George W. Bush
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

We are writing about the recent interagency agreement on the activation of almost 1700 members of the National Guard to serve on the nation's border, which bars these highly-trained men and women from carrying firearms for protection. We think this decision places them in grave danger unnecessarily. It also adds an undue burden on federal agents to provide force protection when they should be rightly focused on preventing suspicious materials and people from entering the country.

We support the idea of temporarily calling members of the National Guard to active duty to serve on our porous borders. Members of the National Guard are needed to support overworked INS agents and Customs Inspectors. They are needed to assist these agents who will actually arrest possible terrorist suspects. They are needed to prevent bombs and other dangerous contraband from entering the country. Though they should not delay the permanent placement of more federal agents on border crossing, the National Guard can contribute significantly in the short term.

However, Guard forces need the flexibility to carry out the mission, including the ability to protect themselves in the event of danger. Many Adjutant Generals of the United States are sensibly concerned that the Guard forces on the border will be defenseless in the event of an attack. These forces will be in battle dress uniforms, which will make them more of a target for an attacker or fleeing suspect. Many INS agents and Customs Inspectors believe the Guard deployment will be counterproductive if border agents have to spend time worrying about protecting Guard forces, instead of focusing on the people and material actually crossing the border.

Previous call-ups of the National Guard to carry out border duties have permitted troops to carry firearms for protection. These activations include the extensive National Guard Counterdrug program. Additionally, Guard forces called up to increase security at the airports, the Capitol and the Olympics have also been permitted to carry weapons for protection. We do not see the extraordinary difference in the circumstances of this most recent border mission to warrant such a drastic change in policy.

We understand that under long-standing posse comitatus restrictions the National Guard may not participate in federal law enforcement activities when activated by the President under Title 10. We simply want Guard forces who might be in harm's way to have the ability to protect themselves. We hope that you will look into this situation quickly and respond to our concerns as soon as possible.

Sincerely,

Patrick Leahy

Jeff Bond

Em Boyh

Hillary Rodham Clinton

My

Patty Murray

Mike Cray

Max Cleland

Marc Cottrell

James M. Jeffords

Byron D. Egan

John P. Breaux

Max Baucus

Charles Schumer

Paul Wellstone

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George Allen

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Gene Christian

Herb Kohl

Tom Payne

Mike Dewine

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Dick Dur

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John Edwards

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Jay Ralphy

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Jim Dunning

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Tom Kasch

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Blanche R. Lincoln

Wey

Greg V. Voynovich

Paul Cochran

Jesse Helms

STEV HAGER

Signatories to the March 20 Letter to the President National Guard Border Mission

Total of 58

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Co-Chair, U.S. Senate National Guard Caucus

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Co-Chair, U.S. Senate National Guard Caucus

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Evan Bayh (D-IN)
Joseph Biden (D-DE)
Jeff Bingaman (D-NM)
Barbara Boxer (D-CA)
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Jim Bunning (D-KY)
Conrad Burns (R-MT)
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