



State of South Carolina

Office of the Governor

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April 24, 2007

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member
Committee on Judiciary
United States Senate
Washington, DC 20510

Dear Messrs. Chairman and Ranking Member,

I would like to begin by thanking you for today's hearing on the repeal of Section 1076 of the FY 2007 Defense Authorization Act. This hearing will, I hope, offer Washington a chance to see how this far-reaching legislation will impact the lives of citizens around the country in times of natural disaster.

We have evaluated how this law will affect South Carolina, as well as states around the country and I wanted to share those concerns with you today. Unfortunately, I could not be here with my colleague and neighbor, Governor Michael Easley, to meet with you in person.

To begin, both as a member of the U.S House of Representatives for six years and now in my second term as Governor, I have always subscribed to Thomas Jefferson's belief that, "[t]he government closest to the people serves the people the best." Section 1076 sets aside that notion and instead, blurs the lines of authority in a time of crisis within a state and weakens an operational structure that, I believe, serves the states well.

Both Governor Easley and I represent Atlantic Coast states prone to hurricanes. In fact, over the last century and a half, North Carolina and South Carolina rank fourth and fifth, respectively, of all states impacted by hurricanes in the Gulf and Atlantic regions. In my home state of South Carolina, we have been impacted by slightly more than one of every ten hurricanes.

As a result, South Carolina has constructed a well thought out and well designed hurricane plan that deals with large scale evacuations, loss of power, and support of local law enforcement. This plan relies on the participation of not only the National Guard, but also state and local law enforcement, emergency management, first responders, medical personnel and transportation officials. In short, every natural disaster is a team effort instituted to ensure that our state's resources can be committed in times of need along the coast or some other part of the state. No

plan is perfect, but I believe that the folks involved in this process know the communities and, the people they serve, better than anyone else, and are key to disaster recovery in times of need.

In South Carolina, we have instituted a plan that relies on local government first, with state government providing resources as needed. We do this because local emergency management can provide us on the ground intelligence and a working knowledge of the affected areas more effectively than at the state level. This should logically extend to the federal government to play a support role, not the lead role, in responding to natural or manmade disasters.

Instituting a federal role in the middle of this process, I believe, only weakens our ability to respond fast and flexibly to events occurring with the best information available. Moreover, adding a chain of command from Washington, without the consent of the Governor, invites mass confusion that could result in greater, not lesser, harm being done.

Mr. Chairman and members of the Committee, I am grateful for the service rendered by the men and women of the South Carolina National Guard, both at home and abroad. They and their families have made tremendous sacrifices in defense of this nation and in times of the greatest needs within South Carolina. They have answered the call of duty whenever asked, and we know they always will. This provision, while well intended, will not help them in our times of distress, but instead, will undermine a well-thought out command structure.

I stand ready, with Governor Easley and the rest of our colleagues, to work with Congress and the federal government on improving our disaster response capabilities. We objected to this provision long before its enactment and are now asking Congress to reconsider this expansion of the Insurrection Act and, ultimately, repeal Section 1076.

Again, thank you for your leadership on this issue, and the leadership of the entire National Guard Caucus in the United States Senate. We stand ready to work with you and your colleagues to repeal this section of the FY 2007 Defense Authorization Act and work in coordination to address the needs of our citizens in times of need. Take care.

Sincerely,



Mark Sanford

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cc: Governor Mike Easley