



# NATIONAL SHERIFFS' ASSOCIATION

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February 20, 2007

The Honorable Patrick Leahy  
United States Senate  
Washington, DC 20510

The Honorable Christopher "Kit" Bond  
United States Senate  
Washington, DC 20510

Dear Senator Leahy and Senator Bond,

On behalf of the National Sheriffs' Association (NSA), I am writing to express our strong support for S. 513 to repeal the changes made to the Insurrection Act (10 U.S.C. §§ 331-335) under Section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109-364). These revisions to the Insurrection Act represent an unnecessary and unprecedented expansion of presidential power to invoke the Act to federalize the National Guard for domestic law enforcement purposes during emergencies without the consent of a governor or local law enforcement authorities.

The NSA is the voice of 3,086 elected sheriffs across the country and the largest association of law enforcement professionals in the United States. Given that sheriffs serve as chief law enforcement officers in their respective counties and are the first responders in times of emergency and disaster, NSA recognizes the enormous impact that Section 1076 may have on the functioning of sheriffs and other local law enforcement officials. Specifically, under Section 1076, when the Insurrection Act is invoked during disasters and other similar events, confusion in the chain of command may result, thereby inhibiting the ability of sheriffs to carry out their duties, respond to disasters and protect public safety.

We are gravely concerned that such empowering language, as well as ambiguity of the new language, particularly its reference to the "other conditions" under which the President can invoke the Act, creates the likelihood that the Act will be invoked more frequently and hastily during such emergencies. These possibilities represent an unwarranted diminution of state and local power as governors and local law enforcement officials will lose their command structure and capabilities during times when the Act is invoked. Furthermore, Section 1076 undermines the American tradition manifested under the original Insurrection Act of 1807 and the Posse Comitatus Act of 1878 (18 U.S.C. § 1385) which helped to enforce strict prohibitions on military involvement in domestic law enforcement.

NSA strongly believes that before such influential changes were made to the Insurrection Act, key officials and stakeholders should have been consulted. This being the case, in addition to the several potentially troublesome effects of the new Insurrection Act language, NSA strongly supports S. 513 and the repeal of Section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007.

Sincerely,

Sheriff Ted Kamatchus  
President