March 21, 2017

Mr. James Franklin
Executive Director
Minnesota Sheriff's Association
100 Empire Drive, Suite 222
St. Paul, MN 55103

Dear Mr. Franklin:

I am in receipt of your letter of March 15, 2017, in which you describe my administration's handling of a recent request for assistance from the State of North Dakota through the nationwide Emergency Management Assistance Compact (EMAC). I would be glad to meet with you and any of your members to discuss this matter; however, I first want to respond to some of the issues you have raised.

As you may know, the request from the North Dakota Department of Emergency Services was sent to all 50 states. The Minnesota Department of Public Safety Homeland Security and Emergency Management (HSEM) division received it, and Commissioner Dohman immediately informed my office. I am told that HSEM Director Kelly promptly acknowledged receipt of the request to his North Dakota counterpart and discussed it with him by phone.

I had no intention to "withhold this request from public disclosure," as you accuse me. The pipeline conflict in North Dakota has received significant national attention, and I expected that this request would also. I had no reason to hide anything about it. Every decision I make is a public decision, and I am entirely comfortable with that reality.

Additionally, based upon the prior episode, in which North Dakota's local law enforcement authorities made their own contacts directly with some of their Minnesota counterparts, I had every reason to assume that they would do so again, especially if they wished to pursue the matter further.

Commissioner Dohman informed me that her office did, promptly and directly, communicate with North Dakota authorities. The request was processed through the normal administrative channels at the Department of Public Safety. Numerous officials there had full knowledge of the request and my response to it. It was not "shared" with other entities, because no one else was involved in the decision-making process.

Under the Compact, the request for assistance is made to the Governor of each state, through the State Department of Public Safety. Under the terms of the Compact, approval is expressly and solely assigned to that Governor. I exercised my proper authority, and I stand by my decision.
Your letter also asserts that "EMAC requests are not political," implying that my decision was somehow tainted by "political" considerations, whereas North Dakota's was not. I have found that, in these situations, people usually characterize decisions with which they agree as "principled" and decisions with which they disagree as "political."

I contend that this situation was made extremely "political" well before it was brought to my attention. North Dakota's and the pipeline company's responses to the dispute created a highly charged, very public confrontation, which has engaged two Presidents' administrations, numerous national organizations, and an extremely polarized political environment.

I believed it would be unwise to send Minnesota law enforcement personnel into that highly-charged and very volatile political situation. In other words, I wanted to prevent Minnesotans from being drawn into a political situation, not to create one.

Furthermore, as I monitored the earlier participation of three Minnesota local law enforcement agencies, I was very concerned to learn that, under the terms of the Compact, Minnesotans serving there were under the command of the North Dakota authorities. Except in extreme circumstances, I believe it is very unwise for any Governor to place dedicated law enforcement personnel from his or her state under someone else's command.

Minnesota has been a party state to EMAC since 1998. We have regularly provided support to other states requesting assistance. While the compact and the enabling statute allow us to provide that support, they do not obligate us to do so. State law is clear that the Governor has that discretion, when deciding to dispatch personnel and equipment, if there is an emergency or disaster outside of this state. Under the terms of the Compact, approval is also expressly and solely assigned to the Governor.

Finally, I strongly disagree with your claim, "Unfortunately, your decision has set a very regrettable precedent here in Minnesota, and perhaps even beyond our State's borders. Based upon this precedent, it may be necessary for Sheriffs across this country to develop a new EMAC request for assistance system devoid of political influence and which focuses strictly on public safety issues."

Public safety is not only your concern. I take my responsibilities, as the Chief Executive of Minnesota State Government and Commander-in-Chief of the Minnesota National Guard, to safeguard the citizens of our state every bit as seriously as do your members. You are obviously entitled to disagree with my decision; however, to ascribe some lower motive to it is inaccurate and offensive.

I look forward to our meeting.

Sincerely,

Mark Dayton
Governor

cc: Members of the Minnesota Sheriff's Association
Representative Tony Cornish, Chair, Public Safety & Security Policy
Senator Warren Limmer, Chair, Judiciary & Public Safety Finance & Policy
Commissioner Mona Dohman, Minnesota Department of Public Safety
Sheriff Klye Kirchmeier, Morton, North Dakota