

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

592B0823

HOUSE CONCURRENT RESOLUTION NO.

1014

Introduced by: Representatives Gabriel, Belatti, Brooks, Brown (Gary), Brown (Jarvis), Brown (Richard), Cerny, Chicoine, Collier, Crisp, Cutler, Davis, de Hueck, Derby, Diedrich, Duenwald, Duniphan, Duxbury, Eccarius, Fiegen, Fischer-Clemens, Fitzgerald, Gleason, Hagen, Hagg, Haley, Hassard, Hunt, Jaspers, Johnson (Doug), Jorgensen, Kazmerzak, Koetzle, Konold, Kooistra, Koskan, Kredit, Lee, Lockner, Lucas, Madden, Matthews, McNenny, Moore, Munson (Donald), Napoli, Pederson (Gordon), Peterson (Bill), Pummel, Putnam, Richter, Roe, Rost, Schaunaman, Schrempp, Smidt, Sokolow, Solum, Sperry, Van Gerpen, Volesky, Waltman, Weber, Wetz, Wick, and Windhorst and Senators Rounds, Aker, Albers, Brosz, Brown (Arnold), Daugaard, Dennert, Drake, Dunn (Jim), Dunn (Rebecca), Everist, Flowers, Frederick, Hainje, Halverson, Ham, Hunhoff, Hutmacher, Johnson (William), Kleven, Kloucek, Lange, Lawler, Morford, Munson (David), Olson, Paisley, Reedy, Shoener, Stagers, Symens, Valandra, Vitter, and Whiting

1 A CONCURRENT RESOLUTION, Memorializing Congress to restore the historic role of the
2 National Guard in America's defense policy.

3 WHEREAS, the National Guard, as this Nation's organized militia, is recognized as an
4 existing and permanent part of our government and our way of life in the Constitution of the
5 United States; Article I, Section 8, of the Constitution of the United States of America provides
6 for the Congress to have the power to organize and discipline the militia, leaving to the
7 respective states the powers to appoint the officers of the militia and to train the militia to the
8 standard established by Congress; and the existence of a well-organized and disciplined militia
9 under the control of the respective states in peacetime was accepted by the prospective citizens

1 of the United States as sufficient protection of their liberties and freedoms from any standing
2 military forces under the control of the President; and

3 WHEREAS, the provision of the militia clause led directly to the adoption and ratification
4 to the Constitution of the United States; and under the enabling portion of this legislation,
5 Congress has appointed the secretaries of the Army and the Air Force as the custodians for this
6 nation's militia and requires them to insure their readiness at all times; and

7 WHEREAS, the Congress of the United States has seen fit to pass laws that place the
8 National Guard in the first line of defense alongside the standing military forces of the United
9 States, specified the National Guard as a separate land force and a separate air force, and
10 directed that they be organized in the same manner as the Army and the Air Force; and

11 WHEREAS, we believe that the United States of America should base its defense on the
12 militia concept in which large active military forces are only maintained when justified by an
13 immediate lethal threat to our well-being and existence and the bulk of our nonmaritime defense
14 capacity is maintained under the control of the people in the National Guard; and

15 WHEREAS, the Cold War ended in 1990, reducing and ultimately eliminating any direct
16 lethal threats from conventional military forces to the American people, their liberties and their
17 freedoms, and the Department of the Air Force has dutifully and effectively recognized the reality
18 of America being a militia nation and shapes its forces consistent with the beliefs of the American
19 people; and

20 WHEREAS, the Department of the Army has taken the opposite course, failing to support
21 the Army National Guard of the United States in its Constitutional and statutory responsibilities;
22 and

23 WHEREAS, the Army has reduced the size and reshaped the Army National Guard over the
24 last eight years; and, the active component Army is budgeting for a reduction of 38,000 in
25 authorized National Guard personnel and this reduction, if implemented, will call for closing of

1 National Guard Armories; and

2 WHEREAS, we believe these actions have resulted in a leadership environment within the
3 components of the total Army that is counter-productive to efficiency and effectiveness of our
4 Nation's military forces; and

5 WHEREAS, this situation in the Army indicates a lack of civilian control:

6 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
7 third Legislature of the State of South Dakota, the Senate concurring therein, that the
8 Legislature urges the Secretary of Defense to reestablish civilian control over the military
9 departments and to reestablish the effective custodianship of the Secretary of the Army over the
10 Army National Guard of the United States and requires the Army to take those steps necessary
11 to allow the Army National Guard to achieve the readiness levels established in law by the
12 Congress of the United States; and

13 BE IT FURTHER RESOLVED, that the Congressional Delegation of this state and all other
14 members of the Congress be encouraged to closely and continuously monitor the reestablishment
15 of civilian control of the military and its custodianship over the National Guard and to provide
16 whatever support is necessary to allow the Secretary of Defense to make this occur, and to insist
17 that Army leadership provides the resources and assistance prescribed for all units of the Army
18 National Guard to achieve and maintain the readiness level established by Congress; and

19 BE IT FURTHER RESOLVED, that national policy should be that nonmaritime military
20 forces will be in the National Guard unless an adequate rebuttal can be made that specified forces
21 must be in the active component to meet specified defense requirements.