S.C.R. No. 64

By: Van de Putte

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CONCURRENT RESOLUTION

2 WHEREAS, The Texas National Guard has served Texas well and 3 faithfully since its origins as a militia during the Republic of 4 Texas era and continues to serve our state and nation, both at home 5 and abroad; and

6 WHEREAS, The Texas National Guard supports civil authorities 7 in a multitude of ways that are particular to our local communities 8 and to our state and region; and

9 WHEREAS, The militia clause of the United States Constitution 10 guarantees to each state the right to maintain an organized 11 militia, the function of the National Guard, for the protection and 12 defense of its citizens; and

WHEREAS, The Texas National Guard plans, trains, and conducts exercises with local, state, and federal officials to provide relief under the control of the governor of Texas during emergencies and disasters that may befall the State of Texas or any other state; and

18 WHEREAS, State control of the Texas National Guard in the 19 event of such emergencies is critical to execution of the National 20 Response Plan, the Texas State Emergency Management Plan, city and 21 county emergency plans, and all intrastate and interstate mutual 22 aid arrangements such as the Emergency Management Assistance 23 Compact; and

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WHEREAS, Placing the Texas National Guard under federal

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1 control without the consent of the governor of Texas would 2 undermine the Texas National Guard's effectiveness and deprive the 3 State of Texas of the ability to perform its most essential 4 function, the protection of its own citizens; and

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5 WHEREAS, Section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Pub. L. No. 109-364), which 6 was adopted without any public hearing, improvidently amended the 7 federal Insurrection Act by authorizing the president of the United 8 States to impose federal control over the National Guard, without 9 10 notice, consultation, or consent of the nation's governors, in the event of a "natural disaster, epidemic or other serious public 11 emergency, terrorist attack or incident"; and 12

WHEREAS, The unilateral presidential authority conferred by Section 1076 of Public Law 109-364 is similarly devoid of any required consultation or consent of the United States Congress; and WHEREAS, The provisions of Section 1076 of Public Law 109-364 were signed into law despite the opposition of the nation's governors acting on behalf of their respective sovereign states; and

Imposing presidential control over the Texas 20 WHEREAS, National Guard for domestic purposes without the consent of the 21 22 governor of Texas would compromise the unity of effort needed between local, state, and federal authorities in times of domestic 23 peril and would undermine the speed and efficiency with which the 24 25 Texas National Guard responds, under the governor's control, to emergencies within the State of Texas and in support of other 26 27 states; and

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1 WHEREAS, S. 513 and H.R. 869, if enacted into law, will 2 rescind the objectionable provisions of Section 1076 of Public Law 3 109-364; now, therefore, be it

4 RESOLVED, That the 80th Legislature of the State of Texas 5 hereby respectfully urge the Congress of the United States to 6 ensure state control of the National Guard by enacting S. 513 and 7 H.R. 869; and, be it further

8 RESOLVED, That the Texas secretary of state forward official 9 copies of this resolution to the president of the United States, to 10 the speaker of the house of representatives and the president of the 11 senate of the United States Congress, and to all the members of the 12 Texas delegation to the congress with the request that this 13 resolution be officially entered in the *Congressional Record* as a 14 memorial to the Congress of the United States of America.

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