



"Serving Western Legislatures"

APPROVED RESOLUTION NO. 97-5

National Guard Issue

(Introduced by the Executive Committee)

WHEREAS, the National Guard, a force of nearly 500,000 citizen soldiers and airmen, is a key component of our national defense; and

WHEREAS, states and territories rely heavily on National Guard units to respond to a myriad of local emergencies such as earthquakes, storms, plane crashes, floods, and civil disturbances; and

WHEREAS, the National Guard has repeatedly proven itself capable and available for federal missions, providing a significant portion of the Army's combat units and combat support units; and

WHEREAS, maintaining a strong National Guard is consistent with both our tradition of civilian control of the military and the constitutional principle of reliance on a small standing army that can be quickly augmented by citizen-soldiers; and

WHEREAS, the current administrative structure of the armed forces does not adequately protect the Guard's interests on budgetary and strategic decisions; and

WHEREAS, Federal restrictions affecting employment, in the form of the Joint Ethics Regulation (JER)- a "Standards of Conduct" directive issued by the Department of Defense in August 1993- as presently worded, is being applied to members of the Guard, not just when called to service (10 USC), but also when under the command of our governors (32 USC) and even when not in military status at all; and

WHEREAS, current application of the JER has hindered Guard members in professional pursuits ranging from practicing law to holding elective office, because such professional activities are judged to be a conflict of interest as if Guard members were under federal command; and

WHEREAS, National Guard members are subject to state standards of conduct, and any ethical standards of respective state military statutes, the Department of Defense must consider the unique constitutional dual command status of the National Guard in peacetime.

NOW, THEREFORE BE IT RESOLVED that the Council of State Governments-*WEST* endorses the efforts in Congress to authorize a 4-Star National Guard general officer as the Chief of the National Guard Bureau; and

BE IT FURTHER RESOLVED that the Department of Defense should remove an unnecessary impediment to service in the National Guard by applying the JER to Guard members only when in federal service under 10 USC; and that this resolution be transmitted to the President and to the appropriate members of Congress.

Adopted by CSG-WEST Executive Committee on December 5, 1997