

AMENDED IN ASSEMBLY AUGUST 10, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**Assembly Joint Resolution**

**No. 36**

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**Introduced by Assembly Member Hancock**  
**(Coauthors: Assembly Members ~~Dymally, Goldberg, Bass, Berg,~~**  
***Chu, Dymally, Evans, Goldberg, Jerome Horton, Koretz, Laird,***  
**~~and Leno Leno, Levine, Lieber, Oropeza, and Pavley~~)**  
*(Coauthors: Senators Alarcon, Cedillo, Figueroa, and Kuehl)*

September 2, 2005

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Assembly Joint Resolution No. 36—Relative to the California National Guard and the War in Iraq.

LEGISLATIVE COUNSEL'S DIGEST

AJR 36, as amended, Hancock. California National Guard and the War in Iraq.

This measure would ~~memorialize the President and Congress to restore the balance between the federal government and the states by limiting federal control of the California National Guard to cases where there is an insurrection or a declaration of war under the United States Constitution~~ *call upon the Governor to ensure that the President and Congress take immediate steps to initiate the return of California National Guard troops to the state.*

Fiscal committee: no.

- 1    WHEREAS, ~~The California State Legislature strongly~~
- 2    supports the women and men serving in the United States Armed
- 3    Forces in Iraq and recognizes the sacrifices that each of them is
- 4    making; and

1     ~~WHEREAS, In October 2002, the United States Congress~~  
2     ~~adopted a Joint Resolution to authorize the use of United States~~  
3     ~~Armed Forces against Iraq, relying on statements that were~~  
4     ~~untrue, when, in fact, the United States was not threatened with~~  
5     ~~attack by Iraq, Iraq had no weapons of mass destruction, and~~  
6     ~~Saddam Hussein played no role in the 9/11 attacks; and~~

7     ~~WHEREAS, The majority of Americans would like to see a~~  
8     ~~withdrawal of United States troops from Iraq but there is, to date,~~  
9     ~~no exit strategy; and~~

10    ~~WHEREAS, The costs of the call up of California National~~  
11    ~~Guard members for deployment in Iraq have been significant, as~~  
12    ~~determined in lost lives, combat injuries, psychic trauma,~~  
13    ~~disruption of family life, financial hardship for individuals,~~  
14    ~~families, and businesses, interruption of careers, and damage to~~  
15    ~~the fabric of civic life in many California communities; and~~

16    ~~WHEREAS, These are costs which would be suffered~~  
17    ~~willingly were there a threat to our nation, but which are not~~  
18    ~~tolerable where there is none; and~~

19    ~~WHEREAS, Californians have joined the National Guard~~  
20    ~~thinking that they would be serving their neighbors by helping~~  
21    ~~with California-based emergencies, unless there was a danger to~~  
22    ~~the United States requiring transfer to active duty; and~~

23    ~~WHEREAS, Stop-loss orders violate the mutual understanding~~  
24    ~~between Californians in the National Guard and the state and~~  
25    ~~nation they agreed to serve; and~~

26    ~~WHEREAS, There is reason to believe that the federalization~~  
27    ~~and deployment of National Guard members has rendered the~~  
28    ~~remaining National Guard force unable to carry out its state~~  
29    ~~activities effectively; and~~

30    ~~WHEREAS, The United States Constitution provides that~~  
31    ~~Congress shall have the power to “provide for calling forth the~~  
32    ~~Militia to execute the laws of the Union, to suppress insurrections~~  
33    ~~and repel invasions,” reserving to the California State Assembly,~~  
34    ~~the California State Senate, and the Governor of California the~~  
35    ~~authority to direct the training and arming of members of the~~  
36    ~~California National Guard for defense of the state; and~~

37    ~~WHEREAS, Since 1986 the President and Congress have had~~  
38    ~~nearly total control over state militias, including the California~~  
39    ~~National Guard; now, therefore, be it~~

1 ~~Resolved by the Assembly and the Senate of the State of~~  
2 ~~California, jointly,~~ That the Legislature of California request the  
3 ~~California Congressional Delegation to call on Congress to~~  
4 ~~restore the balance between the federal government and the~~  
5 ~~states, vis-a-vis the National Guard, by limiting federal control to~~  
6 ~~cases where there is an insurrection or a declaration of war under~~  
7 ~~the United States Constitution; and be it further~~

8 *WHEREAS, In recent years California has endured its share of*  
9 *terrorist threats and disasters, including earthquakes, floods,*  
10 *fires, storms, mudslides, and tsunami warnings; and*

11 *WHEREAS, Thousands of California's National Guard*  
12 *soldiers and much of their equipment have been deployed*  
13 *overseas; and*

14 *WHEREAS, The costs of deployments to our state have been*  
15 *high as firefighters, police officers, nurses, mechanics, teachers,*  
16 *doctors, dentists, pilots, and working people from all segments of*  
17 *our society have had to leave their jobs and lives behind; and*

18 *WHEREAS, In the case of Hurricane Katrina, National Guard*  
19 *Bureau Chief Lt. Gen. Steven Blum said that the assignment of*  
20 *thousands of Guard troops from Mississippi and Louisiana to*  
21 *Iraq delayed those states' initial hurricane responses; and*

22 *WHEREAS, There is reason to believe that the deployment of*  
23 *National Guard soldiers overseas may render the remaining*  
24 *National Guard force ill-equipped to carry out its primary state*  
25 *missions in the event of a catastrophic natural or manmade*  
26 *disaster; now, therefore, be it*

27 ~~Resolved, That the California State Legislature calls upon the~~  
28 ~~Governor of California to ensure that the President and Congress~~  
29 ~~take immediate steps to withdraw California National Guard~~  
30 ~~troops from Iraq; and be it further~~

31 *RESOLVED BY THE ASSEMBLY AND THE SENATE OF*  
32 *THE STATE OF CALIFORNIA, JOINTLY, That the Legislature*  
33 *of California calls upon the Governor of California to ensure*  
34 *that the President and Congress take immediate steps to initiate*  
35 *the return of California National Guard troops to the state; and*  
36 *be it further*

37 *Resolved, That the Chief Clerk of the Assembly transmit*  
38 *copies of this resolution to the President and Vice President of*  
39 *the United States, to the Speaker of the House of*  
40 *Representatives, to the Majority Leader of the Senate, and to*

- 1 each Senator and Representative from California in the Congress
- 2 of the United States.

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