



Resolution in Support of the Hawai'i National Guard

Whereas to require the Governor of Hawai'i to withhold or withdraw approval of the transfer of Hawai'i's National Guard to federal control in the absence of an explicit authorization adopted by the Federal Government in pursuance of the powers delegated to the Federal Government in Article I, Section 8, Clause 15 of the U.S. Constitution;

Whereas under the Constitution of the United States, each State's National Guard is a defensive force controlled by the governor but can be called up for federal duty by the federal government, provided said duty is pursuant to the Constitution of the United States;

Whereas Article I, Section 8, Clause 15 of the Constitution of the United States delegates to the Congress the power to provide for "calling forth the militia" in three situations only: 1) to execute the laws of the union, 2) to suppress insurrections, and 3) to repel invasions;

Whereas James Monroe, member of the Virginia Ratifying Convention, 7th U.S. Secretary of State, and 5th President of the United States, wrote in 1815 "Congress shall have power to provide for calling forth the militia to execute the laws of the Union";

Whereas the Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas Daniel Webster, in his 1814 speech on the floor of Congress, said "The operation of measures thus unconstitutional and illegal ought to be prevented by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the State governments to protect their own authority over their own militia, and to interpose between their citizens and arbitrary power. These are among the objects for which the State governments exist"; now, therefore, be it

Resolved, that the Hawai'i Republican Party, in convention on May 15, 2021:

1. urges the Governor of the State of Hawai'i to:
 - a. examine every federal order, present and future, that places the National

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Guard on Active Duty to determine whether the order is Constitutional;

- b. if the order is unconstitutional, take appropriate action to prevent the National Guard from being placed on or kept on Active Duty; and
 - c. submit a report to the standing committees of the legislature with jurisdiction, that summarizes the aforementioned actions;
2. urges the Hawai'i State Legislature to support the Governor's Constitutional powers to maintain control of the Hawai'i National Guard; and
 3. will post copies of this resolution on the Hawai'i Republican Party website and transmit copies to the Governor of the State of Hawai'i; the Lieutenant Governor, and members of the Hawai'i State Legislature.