1	A bill to be entitled
2	An act relating to mobilization of the National Guard;
3	creating s. 250.475, F.S.; providing a short title;
4	providing definitions; prohibiting release of the
5	Florida National Guard or any member thereof from this
6	state into active duty combat without a declaration of
7	war or other official action by the United States
8	Congress; requiring the Governor to take all necessary
9	actions to comply with such prohibition; providing an
10	effective date.
11	
12	WHEREAS, Article I, Section 8 of the Constitution of the
13	United States vests in the United States Congress the exclusive
14	power of war, and
15	WHEREAS, in spite of the clear language of the United
16	States Constitution vesting the power of war exclusively in the
17	United States Congress, the United States executive branch has
18	unconstitutionally assumed that power while the United States
19	Congress has abdicated its constitutional duty, and
20	WHEREAS, although the United States Congress has not
21	declared war in over 70 years, the United States has since gone
22	to war repeatedly at the whim of the executive branch, and
23	WHEREAS, when such unconstitutional actions are taken by
24	the Federal Government, it is the proper role of the states
25	themselves to take action to remedy such situations, as outlined
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26 in the Kentucky and Virginia Resolutions of 1798, and

27 WHEREAS, a founder of the United States, George Washington, 28 once wrote, "The Constitution vests the power of declaring war 29 in Congress; therefore, no offensive expedition of importance 30 can be undertaken until after they shall have deliberated upon 31 the subject and authorized such a measure," and

32 WHEREAS, the Father of the Constitution, James Madison, 33 once wrote, "The Constitution supposes, what the History of all 34 Governments demonstrates, that the Executive is the branch of 35 power most interested in war, and most prone to it. It has 36 accordingly with studied care vested the question of war to the 37 Legislature," and

WHEREAS, the author of the Declaration of Independence, 38 39 Thomas Jefferson, once wrote, "We have already given in example one effectual check to the dog of war by transferring the power 40 of letting him loose from the Executive to the Legislative 41 42 body...," and, "Considering that Congress alone is 43 constitutionally invested with the power of changing our 44 condition from peace to war, I have thought it my duty to await 45 their authority for using force in any degree which could be 46 avoided, " and

WHEREAS, another Constitutional framer, Alexander Hamilton, once wrote, "'The Congress shall have the power to declare war'; the plain meaning of which is, that it is the peculiar and exclusive duty of Congress, when the nation is at peace, to

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FLORIDA HOUSE OF	R E P R E S E N T A T I V E S
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51	change that state into a state of war," NOW, THEREFORE,
52	
53	Be It Enacted by the Legislature of the State of Florida:
54	
55	Section 1. Section 250.475, Florida Statutes, is created
56	to read:
57	250.475 Mobilization of National Guard into active duty
58	combat
59	(1) SHORT TITLE This section shall be known as the
60	"Defend the Guard Act."
61	(2) DEFINITIONSAs used in this section, the term:
62	(a) "Active duty combat" means performing the following
63	services in the active federal military service of the United
64	States:
65	1. Participation in an armed conflict;
66	2. Performance of a hazardous service in a foreign state;
67	or
68	3. Performance of a duty through an instrumentality of
69	war.
70	(b) "Official declaration of war" means an official
71	declaration of war made by the United States Congress pursuant
72	to Article I, Section 8, Clause 11 of the United States
73	Constitution.
74	(3) MOBILIZATION INTO ACTIVE DUTY; DECLARATION OF WAR
75	Notwithstanding any other provision of this chapter, the Florida
	Dogo 2 of 4
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76	National Guard and any member thereof may not be released from
77	this state into active duty combat unless the United States
78	Congress has made an official declaration of war or has taken an
79	official action pursuant to Article I, Section 8, Clause 15 of
80	the United States Constitution to explicitly call forth the
81	Florida National Guard and any member thereof for the enumerated
82	purposes of expressly executing the laws of the union, repelling
83	an invasion, or suppressing an insurrection. The Governor shall
84	take all actions necessary to comply with this section.
85	Section 2. This act shall take effect upon becoming a law.

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