



## 2022 South Dakota Legislature

# House Concurrent Resolution 6006

Introduced by: **Representative Aylward**

1 **A CONCURRENT RESOLUTION, To urge the United States Congress and the President**  
2 **of the United States to take no action to employ military forces of the United**  
3 **States in active-duty combat unless the United States Congress has passed**  
4 **an official declaration of war and to bring troops home who are engaged in**  
5 **unconstitutional foreign conflicts.**

6 WHEREAS, article I, section 8, clause 11 & 15, of the Constitution of the United States  
7 vests in the United States Congress the exclusive power to declare war and to call forth the  
8 Militia; and

9 WHEREAS, despite the clear language of the Constitution of the United States, the United  
10 States Congress has abdicated its constitutional power, too often vesting the power to make  
11 war solely in the Federal Executive Branch; and

12 WHEREAS, the first President of the United States, George Washington, wrote: "The  
13 Constitution vests the power of declaring war in Congress; therefore no offensive expedition  
14 of importance can be undertaken until after they shall have deliberated upon the subject and  
15 authorized such a measure" and "Overgrown military establishments are under any form of  
16 government inauspicious to liberty, and are to be regarded as particularly hostile to republican  
17 liberty."; and

18 WHEREAS, the father of the Constitution of the United States and the fourth President,  
19 James Madison, wrote: "The Constitution supposes, what the history of all governments  
20 demonstrates, that the Executive is the branch of power most interested in war, and most  
21 prone to it... It has accordingly with studied care vested the question of war in the  
22 Legislature." "The executive has no right, in any case, to decide the question, whether there  
23 is or is not cause for declaring war."; and

1        WHEREAS, the author of the Declaration of Independence and the third President, Thomas  
2 Jefferson, wrote: "Considering that Congress alone is constitutionally invested with the power  
3 of changing our condition from peace to war, I have thought it my duty to await their authority  
4 for using force in any degree which could be avoided"; and

5        WHEREAS, another constitutional framer and the first Secretary of the Treasury,  
6 Alexander Hamilton, wrote: "The Congress shall have the power to declare war; the plain  
7 meaning of which is that it is the peculiar and exclusive duty of the United States Congress,  
8 when the nation is at peace, to change that state into a state of war."; and

9        WHEREAS, contrary to these clear intentions of the Founding Fathers, the United States  
10 Congress has not declared war in over seventy years, and the nation has since gone to war  
11 repeatedly at the direction of the Executive Branch; and

12        WHEREAS, even when the United States Congress has passed authorizations for the use  
13 of military force in the past 70 years, they have featured broad and unspecific language that  
14 has consistently empowered the Executive Branch to engage in open-ended war with little to  
15 none of the oversight and debate about our foreign policy that the Founding Fathers intended;  
16 and

17        WHEREAS, due to its broad and unspecific language, the 2001 Authorization for the Use  
18 of Military Force has been invoked over 41 times to deploy United States troops to over 19  
19 countries since 2001, far beyond the intended scope of its sponsors; and

20        WHEREAS, the decision to put an American soldier in harm's way is among the most  
21 important votes a Legislator can take; and

22        WHEREAS, South Dakota is home to Ellsworth Air Force Base, almost 3,000 active duty  
23 personnel, forty-two Army Guard units, seventeen Air Guard units, over 4,100 Guard  
24 personnel, over 550 reserve military personnel, and over 64,100 veterans; and

25        WHEREAS, the United States' post-9/11 wars alone have carried a heavy price, including  
26 more than 7,000 service members lost in war operations, over 30,000 service member and  
27 veterans suicides, over 53,000 wounded, an estimated 1.1 million veterans who have  
28 developed service-connected disabilities, and over \$8 trillion spent; and

1        WHEREAS, 68 percent of American veterans supported bringing our troops home from  
2 Afghanistan, and 51 percent of veterans and the general population think we should be less  
3 militarily engaged around the world, according to 2021 polling:

4        NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-  
5 Seventh Legislature of the State of South Dakota, the Senate concurring therein, that

6        (1) The President of the United States and the United States Congress be urged to take  
7        no action to employ military forces of the United States in active-duty combat unless  
8        and until the United States Congress has passed an official declaration of war or has  
9        taken an official action or renewed action to authorize the use of military force except  
10       for when our forces must respond to attack;

11       (2) The President of the United States and the United States Congress be urged to follow  
12       the Just War Theory when contemplating foreign intervention;

13       (3) The President of the United States and the United States Congress be urged to repeal  
14       the 2001 Authorization for the Use of Military Force and to ensure any future  
15       authorizations feature geographic and mission-specific language on their intended  
16       scope, regular reporting on their use, and automatic sunsets to require their periodic  
17       review, debate, and approval by recorded vote;

18       (4) The State of South Dakota call on the President of the United States and the United  
19       States Congress to end any periods of endless or perpetual armed conflict with no  
20       clear conditions of conclusion or connection to our vital national interests that risk the  
21       lives of our military members;

22       (5) That the State of South Dakota reaffirm its support of our armed forces who have  
23       sworn to protect and defend our union's freedom and prosperity; and

24       (6) That the Secretary of State send a copy of this resolution to the President of the United  
25       States, the Majority Leader of the United States Senate, the Speaker of the United  
26       States House of Representatives, and the members of the South Dakota Congressional  
27       Delegation with the request that this resolution be officially entered into the  
28       congressional record.