



North Dakota House of Representatives

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Chairman Schauer and members of the GVA committee,

I am Representative Matt Heilman from North Dakota's seventh legislative district. I am here today to testify in favor of HB 1315. This bill is to help bring us back to our constitutional foundation. Unless Congress exercises their constitutional authority under clause 15 of section 8 of article I of the Constitution, the North Dakota National Guard may not be deployed into active duty combat. This bill would not restrict the ability of the governor to deploy the national guard for civil authority missions. HB 1315 not only addresses the abandonment of the U.S. Constitution, but also addresses the issue of endless wars, and the sanctity of life

The last constitutional war was World War II. In 1950, President Harry Truman deployed soldiers to fight in Korea. He sought no declaration of war from Congress and claimed the United Nations empowered him to engage in "police actions" unaccountable to the people's representatives. Over 36,000 GIs died in Korea. During the Korean War the legislature of North Dakota passed a resolution demanding that Congress act to bring all troops and military personnel home from the peninsula and end the fighting. Governor Norman Brunsdale also demanded a withdrawal of military recruiters from our state. My great uncle fought and died in the Korean War at the Battle of Chosin Reservoir. My grandpa who passed away about four years ago now also served in the Korean War.

This type of legislation has been supported by many notable people including Director of National Intelligence nominee Tulsi Gabbard, Secretary of health and human services nominee RFK Jr., U.S. Senator Rand Paul, U.S. Senator Tim

Sheehy, and Congressman Thomas Massie. One of the biggest supporters of this legislation is current Secretary of Defense nominee Pete Hegseth. This legislation has been introduced in multiple states and has been passed in one chamber in Idaho, Arizona, and New Hampshire.

I included an attachment of all the North Dakota National Guard members who have died since 2001. This is a real issue where our people are dying, and for what? Fourteen souls have left this world and many of these people were around my age when they died. The justification for the invasion of Iraq was that they had weapons of mass destruction, and we all know that ended up being not true. Eight of the fourteen members from North Dakota died in Iraq. The United States spent 20 years in Afghanistan until President Biden pulled out all troops. What did North Dakota or our National Guard benefit from these wars? Did the families and loved ones of the fourteen people below benefit?

President Dwight Eisenhower warned against the military industrial complex in his farewell address saying "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist." I also believe that if this legislation is passed the recruitment in the National Guard will increase. People can sign up knowing that they won't have to fight in unconstitutional wars.

You'll hear many opposing legal arguments, but the fact of the matter is that the U.S. Constitution is the supreme law of the land. One of the other main arguments will be around money and losing federal funding. You'll notice that there is no fiscal note attached at all to this bill. I don't see in any world where our military is defunded. It would be incredibly unpopular as we saw with the movement recently to defund the police. Even if there was a loss of federal funding, is that money worth losing the lives of our fellow North Dakotans?

Name	Rank	Date of death	Age at time of death	Cause of death
Jon P. Fettig	Specialist	7/22/03	30	Died when his Heavy Expanded-Mobility Tactical Truck was hit by a rocket-propelled grenade outside of Ramadi, Iraq
Kenneth W. Hendrickson	Staff Sergeant	1/24/04	41	Died when his convoy was attacked by an improvised explosive device north of Fallujah, Iraq
Keith L. Smette	Sergeant	1/24/04	25	Died when his convoy was attacked by an improved explosive devise north of Fallujah, Iraq
Philip D. Brown	Specialist	5/8/04	21	Died in Balad, Iraq, from injuries sustained when an improvised explosive device detonated west of Samarra, Iraq
James J. Holmes	Specialist	5/8/04	28	Died in Landstuhl, Germany, from injuries sustained on May 3 in Iraq when an improvised explosive device detonated near the driver side of his military vehicle
Lance J. Koenig	Staff Sergeant	9/22/04	33	Died when an improvised explosive device detonated while he was conducting a dismounted patrol in Tikrit, Iraq
Cody L. Wentz	Specialist	11/4/04	21	Died when an improvised explosive device detonated near his military vehicle while he was on patrol in Iraq
Michael L. Hermanson	Specialist	5/23/06	21	Died of injuries sustained when his RG-31 Mine Protected Vehicle came under attack from an improvised explosive device, a rocket-propelled grenade, and enemy small-arms fire while on a route-clearing mission in Abayachi, Iraq
Travis A. Van Zoest	Sergeant	6/6/06	21	Died when his Humvee struck two anti-tank mines during combat operations in Khogyani, Afghanistan
Curtis R. Mehrer	Corporal	6/6/06	21	Died when his Humvee struck two anti-tank mines during combat operations in Khogyani, Afghanistan
Nathan J. Goodiron	Corporal	11/23/06	25	Died of injuries sustained when his unit came in contact with enemy forces using small-arms fire and rocket propelled grenade in Qarabagh, Afghanistan
Christopher K. Kleinwachter	Corporal	11/30/06	29	Died of injuries sustained when his vehicle rolled over during combat operations in Ghazni, Afghanistan
Darren M. Linde	Sergeant First Class	12/3/12	41	Died in southern Afghanistan of wounds sustained by an improvised explosive device
Tyler J. Orgaard	Specialist	12/3/12	20	Died in southern Afghanistan of wounds sustained by an improvised explosive device