

Sec. 2. **APPROPRIATION FROM STATE AIRPORT ACCOUNT.** There is appropriated to the department of administration for the year ending June 30, 1971, out of the state airport account as a supplement to the appropriation for payroll preparation the sum of \$197.

Sec. 3. **APPROPRIATION FROM THE GAME AND FISH FUND.** There is appropriated to the department of administration for the year ending June 30, 1971, out of the game and fish fund as a supplement to the appropriation for payroll preparation the sum of \$4,330.

Sec. 4. **EFFECTIVE DATE.** This act is in effect from and after its final enactment.

Approved April 12, 1971.

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## CHAPTER 120—S.F.No.181

[Not Coded]

*An act relating to armed forces; authorizing the attorney general to take steps on behalf of a resident of the state to protect his rights under the Constitution of the United States.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **ARMED FORCES; HOSTILITIES IN FOREIGN COUNTRIES; VALIDITY.** There is deep concern amongst the people about the war in Viet Nam, President Eisenhower's use of advisors in Southeast Asia, President Kennedy's sending of combat troops to Viet Nam in 1963, the bombing of North Viet Nam, President Johnson's escalating of our military involvement during 1964-1968, the rate at which President Nixon has been "winding down" the war and the incursions into Cambodia and Laos. There are those who feel that our Constitution has been violated by these executive actions, in particular with respect to the use of draftees therein. Proposals are being made to cut military funds; to legislate against the draft, and the like.

Yet there are others who see in such proposals grave threats to the safety and welfare of our troops in Viet Nam and our prisoners of war; others are fearful that a hasty military withdrawal will precipitate a chain of international consequences which will endanger the peace of the world and the future security of the United States.

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

The Minnesota legislature recognizes its lack of power and responsibility in the field of international affairs and the defense and security of our nation; to pass judgment or enact laws with respect to areas which are solely the domain of the federal Congress and executive branch would be an improper use of a legislature's time and a disservice to our people; to lay blame upon or cause embarrassment to any administration would be a misuse of the legislative process; to create unwarranted expectations of an immediate withdrawal of Minnesota servicemen from foreign lands or the freeing of prisoners of war would be a cruel hoax upon those who suffer most.

Yet if constitutional questions about the United States overseas military involvement do exist, as some believe, the state, without passing judgment on the merits, can aid in raising said issues before the federal courts of this nation.

The Minnesota legislature, therefore, is authorizing its attorney general to assist in bringing suitable legal actions as hereinafter described.

Sec. 2. Any resident of the state who is serving in the armed forces of the United States and is ordered to serve, or is serving and participating, in armed hostilities in a foreign country not authorized by a declaration of war pursuant to Article I, Section 8, of the Constitution of the United States, not an emergency, and not otherwise authorized under the powers granted to the President of the United States as Commander-in-Chief under Article II, Section 2, of the Constitution of the United States, may notify the attorney general of the state that he has been so ordered or is so serving.

Sec. 3. The attorney general, in the name and on behalf of any one of such residents so notifying him, may bring an action in the appropriate federal court to determine the legality and constitutionality of his being required to so serve and to obtain appropriate relief. If such action shall be commenced in an inferior federal court, the attorney general may take all steps necessary to obtain a final decision thereon, including a decision by the Supreme Court of the United States.

Sec. 4. It is the intention of the legislature that only one action, as above described, be prosecuted. The attorney general is therefore authorized to pick from one or more of the foregoing notifications, the serviceman whose action he shall assist in bringing as herein described. If prior to final disposition of such action the resident selected ceases for any reason to serve and participate in armed hostilities in a foreign country according to the provisions of section 2, the attorney general is authorized to substitute another resident defined in section 2 who has notified the attorney general as provided in section 2, in order to continue with prosecution of the action.

Approved April 14, 1971.

Changes or additions indicated by underline, deletions by ~~strikeout~~.