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114TH CONGRESS
1ST SESSION

H.R. _____
CITIZEN SOLDIER PROTECTION ACT OF 2015

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

This bill is enacted pursuant to the power conferred by the United States Constitution upon each house of Congress by:

- (a) Article I, Section 1, to exercise the legislative powers vested in Congress as granted in the Constitution;
- (b) Article I, Section 8, Clause 14, to make rules for the government of the land and naval forces; and
- (c) Article I, Section 8, Clause 18, to make all laws that shall be necessary and proper for executing the legislative power granted to Congress in the Constitution.

This bill is also enacted to bring the operation of the Uniform Code of Military Justice into compliance with (a) the Fifth Amendment guarantee that no person be deprived of his life, liberty or property without due process of law, and (b) with the Sixth Amendment right to trial by an impartial jury.

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4 114th CONGRESS
5 1st Session
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8 **H.R.** _____
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11 IN THE HOUSE OF REPRESENTATIVES
12

13 M_. _____ introduced the following bill; which was referred
14 to the Committee on _____
15
16

17 **A BILL**
18

19 To protect America's citizen soldiers foreign command and
20 control, and to secure due process of law and trial by jury
21 in court-martials for violation of Article 92(2) of the
22 Uniform Code of Military Justice.
23

24 *Be it enacted by the Senate and the House of Representatives of the United*

25 *States Congress assembled,*

26 **SEC. 1. SHORT TITLE.**

27 This Act may be cited as the “Citizen Soldier Protection Act of 2015.”

28 **SEC. 2. FINDINGS, PURPOSES, AND STATEMENT OF**
29 **CONSTITUTIONAL AUTHORITY.**
30

31 (a) FINDINGS- The Congress finds that--

32 (1) members of the Armed Forces are being compelled,

33 without lawful authority, to wear as part of their military uniform

34 badges, symbols, helmets, headgear, and other visible indicia or

1 insignia of the United Nations and foreign states; and

2 (2) members of the Armed Forces are being compelled,
3 without lawful authority, to serve under military and other officers
4 of the United Nations, certain international military alliances, and
5 foreign states;

6 (3) members of the Armed Forces are being granted rank and
7 are paid an emolument in the form of additional income by the
8 United Nations or other Regional Arrangements, in violation of
9 Article 1, Section 9, Clause 8 of the U.S. Constitution; and

10 (4) members of the Armed Forces are being court-martialed,
11 and threatened with courts-martial, on charges of violating a lawful
12 order (Article 92(2) without evidence of proving beyond a
13 reasonable doubt to a military jury that the order was lawful.

14 (b) PURPOSES- The purposes of this Act are--

15 (1) to clarify existing law in order to protect United States
16 citizens serving in the Armed Forces from involuntary servitude
17 under military and other officers of foreign states; including
18 required service pursuant to regional alliances or international
19 coalitions which do not comply with the Constitutional chain of
20 command;

21 (2) to restore to Congress its rightful constitutional authority
22 governing the deployment of members of the Armed Forces in

1 service alongside and in conjunction with foreign states with which
2 the United States from time to time is allied; and
3 (3) to restore due process of law and jury trial to courts-martial on
4 charges of violating an order to serve under foreign command and
5 control.

6 (c) POLICIES - The specific constitutional policies undergirding this Act
7 are--

8 (1) to preserve national sovereignty, to provide for the common
9 defense and to secure the blessings of liberty to the people of the
10 United States;

11 (2) to more effectively raise and support armies; provide and
12 maintain a navy; make rules for the government and regulation of
13 the land and naval forces; and provide for organizing, arming, and
14 disciplining the militia, and for governing such part of them as may
15 be employed in the service of the United States.

16 (3) to effect the limits of Article II, section 2, of the Constitution

17 in which--

18 (1) the President has the nondelegable power, by and with the
19 advice and consent of the Senate, to appoint all executive officers
20 of the United States, except in the case of inferior executive
21 officers wherein Congress may vest appointment of such inferior
22 officers, as they think proper, in the President alone or in the heads

1 of executive departments; and

2 (2) in no case may the President or Congress vest any of the
3 executive power of the United States in officers of a foreign state
4 or delegate to an officer of a foreign state such executive power,
5 except in time of military necessity in a lawfully declared state of
6 war and as authorized by Congress.

7 **SEC. 3. PROHIBITION AGAINST REQUIRING MEMBERS OF THE**
8 **ARMED FORCES TO WEAR UNIFORMS OR OTHER INSIGNIA OF**
9 **THE UNITED NATIONS AND FOREIGN STATES.**

10
11 (a) PROHIBITION- Chapter 45 of title 10, United States Code, is
12 amended by adding at the end the following new section:

13 “Sec. 777. Insignia of the United Nations and foreign states:
14 prohibition on requirement of wearing
15 No member of the armed forces may be required to wear as part of
16 the military uniform any badge, symbol, headgear, or other visible
17 indicia or insignia of the United Nations or any foreign state.”.

18 (b) CLERICAL AMENDMENT- The table of sections at the beginning of
19 such chapter is amended by adding at the end the following new item:

20 “777. Insignia of the United Nations and foreign states: prohibition
21 on requirement of wearing.”

22 **SEC. 4. PROHIBITION AGAINST REQUIRING MEMBERS OF THE**
23 **ARMED FORCES TO SERVE UNDER FOREIGN OFFICERS.**

24
25 (a) PROHIBITION- Chapter 39 of Title 10, United States Code, is

1 amended by adding at the end the following new section:

2 “Sec. 692. Service under United Nations or other foreign

3 command: prohibition

4 No member of the armed forces may be required to serve in any

5 capacity under an officer of the United Nations or any foreign

6 state, except as specifically authorized and provided by law and,

7 then, only during time of war declared by Congress in accordance

8 with Article I, section 8, of the Constitution.”

9 (b) CLERICAL AMENDMENT- The table of sections at the beginning of
10 such chapter is amended by adding at the end the following new item:

11 “692. Service under United Nations or other foreign command:

12 prohibition.”.

13 **SEC. 5 REQUIREMENT OF PROOF BEYOND A REASONABLE DOUBT**
14 **OF UNLAWFULNESS OF ORDER IN COURTS-MARTIAL FOR**
15 **VIOLATION OF ARTICLE 92(2) OF THE UNIFORM CODE OF**
16 **MILITARY JUSTICE.**

17 Chapter --- of Title 10, United States Code, Section 92(2) is amended by

18 adding at the end of subsection (2) the following: “provided however, that the

19 lawfulness of the order is a question of fact for the military jury and must be

20 proved beyond a reasonable doubt.”