I am interested to note that the subject that has occupied the National Guard's leadership during 1987 has been truly a Bicentennial issue. It is the National Guard's part of the bicentennial of the Constitution: the Militia Clause.

Much of this Bicentennial issue of NATIONAL GUARD revolves around discussion of the Militia Clause. But it is not a new subject to us. Indeed, we have been wrestling with the intent of the Founding Fathers in writing the Militia Clause for more than a year, beginning with the drafting of the Montgomery Amendment to the Defense Authorization Act of 1986.

Our experiences this past 15 months on this constitutional subject have given us a renewed appreciation of the flexible, living nature of the Constitution and at the same time the great wisdom of the Founding Fathers in writing what they wrote 200 years ago. Not only did the Militia Clause give us the legal framework for the existence of the National Guard as a part of the Total Force, but it also has allowed us over the past 200 years to provide the largest, best equipped and most combat ready element of the Total Force.

The times were different, but the delegates to the Constitutional Convention had had military experience in gaining U.S. independence. There were military threats facing the United States just six years after the signing of the Treaty of Versailles. These could not be ignored by the Founding Fathers; indeed, the need for a strong national defense was one of the reasons for the convention.

It is also possible to take the debate about and the language of the Militia Clause one step further. Like other parts of the Constitution that have proved remarkably adaptive to modern problems, the Militia Clause also needs to be given a modern interpretation. Indeed, this has been required in this century on at least two occasions in order that the National Guard can be the preeminent reserve force. The two occasions are the National Defense Acts of 1916 and 1934.

In this regard, it is well to reread paragraph 15 of section 8 of article I of the Constitution: "15. To provide for calling forth the Militia to execute the laws of the Union, suppress insurrections and repel invasions."