

Opinion No. 22-3539

July 15, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Honorable M. C. Mechem, Governor, Santa Fe, New Mexico.

Members of National Guard Not Authorized to Make Arrests or Carry Arms Unless Martial Law Proclaimed.

OPINION

{*170} In reply to your oral request for an opinion regarding the rights of members of the National Guard to interfere in disorders and to carry arms at times and places where no martial law has been declared, {*171} nor when the Guard has been called out by the Governor, I wish to advise:

The authorities hold that members of the National Guard have no jurisdiction to act as officers or to in any way interfere with citizens, nor to carry arms as such members of the National Guard, unless the district within which they attempt to act is declared to be under martial law.

Members of the National Guard have no rights other than those granted to citizens, and are subject to all of the civil laws if they attempt to do any or perform any alleged duties as members of the militia.