

**Testimony of Steve Lane of *Keep the Maryland Guard at Home***

**To the Senate Education Health and Environmental Affairs Committee**

**March 4, 2009**

**SB 501--Public Safety - National Guard Deployment - Governor's Powers**

**SUPPORT**

Chairwoman Conway, members of this committee:

Keep the Maryland Guard at Home is a broad coalition of veterans, labor, religious, political and peace groups in support of SB 501. They are:

Veterans for Peace, Baltimore;  
Veterans for Peace, DC Region;  
United Workers;  
Episcopal Peace Fellowship, MD/DC;  
Network of Spiritual Progressives, MD;  
Maryland Green Party;  
Green Party, Montgomery County;  
Green Party, Anne Arundel County;  
Progressive Maryland;  
Democracy for America, Montgomery;  
Del-Mar Action Network;  
Progressive Cheverly;  
Quixote Center;  
Progressive Working Group of Maryland;  
Progressive Democrats of America, MD;  
Prince George's County Peace and Justice Coalition;  
Howard County Coalition for Peace and Justice;  
Howard County Friends of Latin America;  
Peace Action of Anne Arundel County;  
PeaceAction Montgomery;  
Maryland United for Peace and Justice;  
Grandmothers and Others for Peace, MD;  
VotersForPeace; and  
Baltimore Pledge of Resistance.

Keep the Maryland Guard at Home is part of a national movement. Legislation to Keep the Guard at Home has been introduced in Maryland, Oregon, New Mexico, New Jersey, Rhode Island, Vermont and Pennsylvania. Legislation is pending in Alaska, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin. There are also active campaigns in California, Florida, Illinois,

Maine, Ohio, South Carolina, Texas, Virginia, and Washington DC. There was a press conference to launch the national movement on January 21, 2009, in Washington DC.

The legislation submitted so far varies from one state to another, although Maryland's language has been taken as a model in more than one state.

Federal law requires either an Authorization for the Use of Military Force or a declaration of war to call the states' National Guard into federal service. Similarly, SB 501 requires either a valid AUMF or a declaration of war before the Governor releases the Maryland National Guard into federal service. In the absence of legal authority to the contrary, control of the Maryland Guard must remain with the Governor.

The immediate need for SB 501 arises through the Maryland National Guard's contribution to the US occupation of Iraq without either a declaration of war or a valid AUMF. Under those circumstances it is against our Constitution and our laws and our state's interests and our moral values that Maryland send its National Guard there. SB 501 will have a profound impact on those issues.

*Restoring the Constitutional principle that war powers are shared between Congress and the President*

SB 501 reaffirms the Constitutional principle that powers in general, and war powers in particular, are shared between the executive and legislative branches of government. The Iraq war set a bad precedent for expansion of presidential powers and war-making; SB 501 challenges that precedent.

*Preventing future wars of aggression:*

SB 501 will discourage future presidents from starting and continuing a war or occupation without a legal basis, as occurred in Iraq. The National Guard and the Reserves together contributed over 600,000 members to the occupation of Iraq, out of a total of 1.2 million US troops. Without the National Guard, the administration could not have continued that occupation for so many years. SB 501 will discourage military adventurism, by requiring that all US military operations have a sound legal basis.

*Protecting the people of Maryland in time of need:*

Maryland's emergency response capability is compromised when the National Guard is deployed abroad. When many of the Guard's troops and most of their equipment are in a foreign country, they clearly cannot carry out their mission of protecting their state. SB 501 will keep them here where they are needed.

*Restoring and preserving fair treatment for the men and women of our National Guard:*

Duty in Iraq is unfair to Guard members in multiple ways. Compared to the Regular Army, the Guard gets inferior pay, inferior benefits and inferior health care. They also suffer unexpected separation from their jobs, homes and families. Regular Army soldiers signed up for all that, but the Maryland National Guard signed up to protect our State. That's what the Guard should be doing, and that's what SB 501 will ensure that it will do in the future.

We had better have some very good reasons for sending our soldiers to a foreign country to fight and die for us there. Ours is a government of laws, not of men, so there must be not only a moral reason but a legal reason for all that we do as a nation. SB 501 will ensure that we have a legal reason for our soldier's sacrifices in our name.