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—For section.....Voices/Response
—Format.....Opinions
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Notes from editor (not for publication):

Here you go. Completely overwhelmed and drowning here.



HEADLINE ELEMENTS:

####BEGIN HED####

1 Defend the Guard Act aims to enforce, not defy, federal
2 law

####END HED####

####BEGIN SUBHED####

3 Bill would prohibit overseas combat deployments of
4 Vermont Guard troops without a congressional declaration of
5 war, as required by the Constitution

####END SUBHED####

6 TEXT BODY:

####BEGIN TEXT####

7 I WRITE WITH clarifications in response to Rep. Laura
8 Sibilia's [Commentary](#) on the Defend the Guard Act.
9 I echo her stance that many supporters of [H.355](#) are
10 veterans who "want clear congressional votes before war." H.355
11 is not a feel-good resolution: It speaks to her weighty concerns

12 for those veterans, for the need of clarity and protection from
13 Congress. It is grounded in the Constitution itself.

14 No one is talking about overriding the federal
15 government and its authority over the National Guard. We are
16 talking about upholding the U.S. Constitution when the federal
17 government is failing to do so — holding the line against any
18 administration misusing our Guard for unauthorized combat.

19 Americans are dying in a war started by the president
20 without the consent of the American people. In this moment of
21 worsening international crisis, Congress has abdicated its Article I
22 authority and deferred to executive overreach rather than achieve
23 proper authorization.

24 Vermonters require the implementable force of law to
25 protect their rights under the Constitution and gain accountability
26 from Congress. Thankfully, the Defend the Guard Act, introduced
27 a year ago would rectify this neglect, uphold the Constitution,
28 and provide accountability.

29 * * *

30 H.355 WOULD PROHIBIT the deployment of the Vermont
31 National Guard into overseas combat until Congress has voted to
32 declare war, as required by Article I, Section 8 of the U.S.
33 Constitution.

34 Similar bills have been introduced in more than 30 states
35 in recent years and have passed chambers in other states. The
36 New Hampshire House of Representatives passed theirs with a
37 bipartisan majority this January.

38 This is part of a national bipartisan movement,
39 predominantly led by veterans of Iraq and Afghanistan who do
40 not want to see the mistakes of the global war on terror repeated
41 for a new generation of soldiers.

42 Supportive of the Guard's dual rule under both state and
43 federal government, Defend the Guard is concise in its language
44 — [only three pages](#) — and limited in scope.

45 The bill specifies that it would not affect Title 32
46 domestic deployments, utilized under the governor's direction to

47 assist the civil authority and provide disaster relief, which was
48 vital during recent flooding. Neither would it affect overseas
49 training missions that take place under Title 10 federalization.

50 * * *

51 REP. SIBILIA, in *Perpich v. Department of Defense* (1990),
52 the Supreme Court [ruled](#) that governors cannot object to their
53 National Guard being deployed overseas to training operations,
54 the intended purpose of federal funding: training for readiness to
55 meet federal standards.

56 The justices were unanimous and wisely did not extend
57 the objection to combat operations, knowing the legal
58 prerequisites for that instance are already laid out by the
59 Constitution: Only Congress can declare war, and the National
60 Guard can be called into federal service only to repel invasion,
61 suppress insurrection, and enforce the laws of the union, which
62 include declarations of war.

63 Our entire Vermont congressional delegation voted to
64 end this illegal war with Iran. They were defeated — not in a vote
65 to legally authorize the war, but in a decision by Congress to sit
66 on its hands.

67 When the federal government fails to uphold federal law,
68 it is the obligation of the states to assert their sovereignty and
69 defend their residents, including citizen-soldiers such as the
70 National Guard, from arbitrary power. No one concerned with
71 the law can accept the Guard's activation into war without a vote
72 by their elected representatives.

73 Rather than superseding federal law, H.355 affirms
74 Article I, Section 8 of the Constitution and Title 10 of the U.S.
75 code and provides a further check on its violation. A
76 representative who votes in favor of the H.355 is doing nothing
77 more than recertifying their oath of office.

78 For decades, Congress has willingly and
79 unconstitutionally ceded its authority and oversight to the
80 executive branch. May the recent votes on war powers in Iran be

81 the final instance: A majority of Congressional members were
82 unwilling to accept the responsibility entrusted to them.

83 * * *

84 THIS IS NOT merely a disagreement of policy. It is an
85 overarching question: Do we have representative government, or
86 do we have one-man rule — one man with the power to make
87 war anywhere, at any time, and for any reason?

88 I say: Not with our Vermont National Guard members!

89 It is urgent that the Legislature proceed with H.355 and
90 ensure its passage before our Vermont Guard is sent, yet *again*,
91 into another deadly war on which no one voted.

92 In exchange for putting their lives on the line, Guard
93 members should at least be backed by the accountability of their
94 elected officials.

95 We owe them no less.

####END TEXT####

BIO/COATTAIL:

####BEGIN BIO/COATTAIL####

96 **MARYDIANE BAKER** volunteers as Action Corps Vermont
97 organizer for Vermont.

####END BIO/COATTAIL####

This piece is in response to “Let’s avoid legal confusion
and false expectations” [Legislative Update, March 11].

LAST ISSUE IN WHICH THIS FILE CAN BE RUN:

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