



Statement of Support: House Bill 220

To: House Health and Government Operations Committee
From: Eric Blitz, Chair, Libertarian Party of Maryland

February 13, 2023

Chair Pena-Melnyk, Vice-Chair Kelly, Members of the Committee:

The Libertarian Party of Maryland supports passage of HB 220.

The Defend the Guard legislation is part of a movement in over 40 states to reign in the federal government's practice of using state national guard units in undeclared and unconstitutional wars, the kind of wars that last a generation, have meandering goals and justifications, are entered into under false premises, and cost tens of thousands of lives. They are the kind of wars that continue merely out of inertia, regardless of whether strategic goals are being achieved or if the tactics are effective.

Despite engaging in countless armed conflicts, the United States government hasn't declared a war in accordance with its constitutional obligations since 1941. As a result, every war since World War II has been more controversial and less effectively waged. A declaration of war requires building a political consensus for the mission, acts as a check against executive branch overreach, and allows the people's representatives to be heard on the decision with robust and informative debate. By requiring the votes necessary to pass a declaration of war, you would reinstate the Constitution's political accountability for the momentous act of using military force and putting our National Guard members in grave danger.

From that political accountability, legislators are incentivized to go to their constituents to make the case for or against the war. In so doing, important questions are asked and answered before countless lives are put at risk. If the rationale for war is so secretive, politically sensitive, or perhaps ill-conceived that it can't be adequately defended by those advocating for war, a vigorous debate will disclose that and tragic miscalculations can be avoided. Your constituents that serve in the Maryland National Guard deserve to know that when deployed into active combat duty, they are doing so for a mission that has the broad and deep political support necessary to garner a declaration of war from Congress.

It is not enough to substitute an open-ended Authorization for the Use of Military Force (AUMF) as has been recent practice in Congress. Such acts stay on the books well after the hostilities that justified their passage have ended and give the President a blank check to use new military force with little to no oversight and on strained interpretations,

Libertarian Party of Maryland
P.O. Box 176, Abingdon, Maryland 20009-0176
1-800-MLP-1776
By Authority: Robert S. Johnston, II, Treasurer

largely relying upon vague and open-ended legislative language. In the current Congress they are considering legislation to end the AUMF passed in 1991 and 2002, decades old authorizations. Those AUMF's were used as a legal justification for the use of military force in 2020 notwithstanding the fact that the Gulf Wars were long over. That is not what our constitution requires and AUMFs are more often used as a method to avoid political accountability than to establish legitimacy.

One state passing the Defend the Guard Act will help other states to pass similar legislation. Maryland should show leadership on this issue. This should be a nonpartisan effort that focuses on the benefit to all your constituents who serve in the state's guard units.

On behalf of the Libertarian Party of Maryland, I ask the committee for a favorable report on HB 220.

Sincerely,

/s

Eric Blitz, Chair
Libertarian Party of Maryland