

HB 1319 FAV

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House Judiciary Committee:

I strongly support HB1319, the Defend the Guard Act. This straightforward, extremely timely, common-sense legislation restores a fundamental constitutional safeguard that has been ignored for decades: Congress alone holds the power to send American forces into foreign combat.

Article I, Section 8 of the U.S. Constitution gives Congress—not the President and not a Governor—the exclusive authority to declare War. HB 1319 simply enforces that clear text in Maryland law. It prohibits the Governor from ordering the Maryland National Guard or Maryland Defense Force into “active duty combat”—defined as participation in armed conflict, hazardous service in a foreign armed conflict, or duty through an instrumentality of war—unless Congress has either (1) passed an official declaration of war or (2) taken official action under Clause 15 explicitly calling forth the state militia.

The bill is narrowly tailored and preserves every existing power the Governor needs. It explicitly does **not** restrict deployments for: State emergencies, disasters, riots, or invasions; Enforcement of state or federal law within Maryland; Title 32 missions (Defense Support of Civil Authorities) anywhere in the United States or its territories. Maryland’s Guard can still answer floods in Western Maryland, secure the border, or assist after hurricanes, just as they always have. The only thing HB 1319 stops is the Governor from being able to unilaterally ship Maryland troops into undeclared foreign wars.

Since World War II, the United States has engaged in major combat operations in Korea, Vietnam, Iraq (twice), Afghanistan, Libya, Syria, and now Iran... none on which were preceded by a congressional declaration of war. Thousands of Maryland families have paid the ultimate price in these conflicts. HB 1319 honors their service by insisting that future deployments receive the constitutional legitimacy our nation’s founders demanded. This is not anti-military; it is pro-Constitution and pro-troop accountability.

Maryland has the opportunity to lead by example. Passage of HB 1319 will send a clear message: our state will no longer lend its sons and daughters to endless wars launched without the consent of the people’s representatives.

I respectfully urge the Committee to issue a favorable report without amendment. Thank you for your time and service.