

Senate Transportation Committee rejects Defend the Guard bill

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Maj. Jeremy Anderson hugs one of his children on July 11, 2020, at the Wyoming Air National Guard in Cheyenne. Anderson, a member of the Wyoming Army National Guard 115th Field Artillery Brigade, was deployed to the Middle East for nearly a year before being sent back to the United States.

Michael Cummo/Wyoming Tribune Eagle

CHEYENNE — Tensions were high among lawmakers late Monday night before the Senate Transportation, Highways and Military Affairs

Committee voted unanimously to reject a “Defend the Guard” bill.

Senate File 119 stated that the U.S. Constitution vests “in the Congress the

exclusive power to declare war. By abdicating the power to the executive branch, the United States Congress has failed to follow the United States

More information: [BringOurTroopsHome.US](https://www.bringourtroopshome.us) and [DefendTheGuard.US](https://www.defendtheguard.us)

Constitution and the intent of the founders.”

“The Defend the Guard Act aligns the governor’s authority to protect Wyoming’s National Guard and citizen soldiers from participating in undeclared wars with a purpose and clear language of the U.S. Constitution,” said Sen. Bob Ide, R-Casper, the sponsor of the bill. “Absent a congressional declaration of war, the governor shall withhold the National Guard troops in Wyoming from being released into federal service for the purposes of waging undeclared war.”

He told lawmakers if there is some national interest in a foreign land that is worthy of sending uniformed men and women to go to defend, then it is worth “our elected leaders putting their name on it with a declaration of war, and then to provide the full backing and support of the United States of America to ensure that we fight and win with a clearly defined victory.”

Ide was joined by co-sponsors Sen. Lynn Hutchings, R-Cheyenne, and Rep. Ocean Andrew, R-Laramie. They were all questioned by veteran Sen. Brian Boner, R-Douglas, on the difference between an Authorization for Use of Military Force and a declaration of war, as the legal standing of troops in Iraq, Afghanistan and Syria were brought into light.

“We had fought a 20-year war that had become multigenerational. I believe many of us don’t appreciate the gravity of the situation, and how endless war is not just on our national finances, but on our national soul,” Andrew said. “Senate File 119 would ensure that the Wyoming National Guard does not participate in open-ended and extra-legal conflicts like these.”

Andrew debated with Boner on the “substantive difference” between declaring war on a country and sending military forces.

Boner asked him if the Authorization for Use of Force in Iraq and Afghanistan wasn’t legal, and as the conversation continued, Andrew said that “it seemed self-explanatory to him, but maybe not to you.”

Wyoming Military Department attorney Chris Smith represented the Guard, and said he was against the

bill both as a retired member of the military and as a current representative of the Military Department. He said every action since Vietnam was under the law of the land, following the passage of the War Powers Act to create a methodology for Congress to authorize the use of military force. He noted there were other legal ways for the Guard to be mobilized.

Smith also recognized nearly all of the major weapons and equipment the Wyoming Guard are federally owned. He said the latest inventory revealed approximately \$880 million worth of equipment is loaned out, spanning from Blackhawk helicopters to rocket systems.

He said the president can take it all away under the Uniformed Services Code, and \$110 million annually comes into the state for the Wyoming Guard. Close to \$35 million of that funding is for salaries.

“Thirty-one states considered the Defend the Guard Act last year in 2022. None of those states passed it,” Smith said. “In my opinion, the reason for that this is not the kind of thing you want to be the first state to pass.”

This is the third time a “Defend the Guard” bill has come before the Wyoming Legislature, and it has never been passed. But it didn’t stop supporters from trying to push the bill through the committee.

Americans for Prosperity State Director Tyler Lindholm said the military was going to threaten to withhold money, and it was done the first time the bill was run in 2020. He asked committee members how much they were willing to trade “Wyoming lives for money.”

Lindholm brought the American founders’ history and the Constitution into his testimony, and also asked about the oath legislators swore to the state and the U.S. Constitution. He said it was the law of the land, and if they agreed, then they would stand with its stance on a declaration of war.

The lobbyist was followed by veterans who were in support of the bill, including Cody resident Tom Rullman.

“For our elected officials to take office, they must swear to support and

defend our nation’s constitution. They may say the words, but especially today, our elected officials in Washington knowingly violate our Constitution,” he said. “As our history shows, our elected officials in Washington have not only disregarded their constitutional responsibility to declare war when deploying our soldiers into combat, (they) have also disregarded many other elements of our Constitution, as well.”

While committee members remained respectful as they heard testimony, all of them disagreed with the legislation in the end. Many said the fight was with the federal government, fear was being used as a tactic, and reputations were being impugned to argue that lawmakers didn’t care about Guard members.

Sen. Stephan Pappas, R-Cheyenne, said as a former commander of the Wyoming Guard, he saw their action as an offense to the troops who served under him. He said they understood the sacrifice they would have to make, and that the Constitution does authorize a declaration of war, but it is not the only way to go into an armed conflict.

Boner said he could even get behind amending the War Powers Act of 1973, and may not necessarily support an Authorization for Use of Military Force that was as open-ended after 9/11 — but he said the “Defend the Guard” effort was “just a little too dishonest” for him to get behind.

“I support the military, my sons, my family,” said Sen. John Kolb, R-Rock Springs, before he voted no. “So, please, I will not stand by and have anything tarnished by what I do and why I do it. And I just want people to know that.”

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