



**Libertarian Party of Oregon Public Policy Board
Resolution 22-03 Concerning Defending the Guard**

Whereas,

Article I, Section 8, Clause 11 of the Constitution of the United States vests in the United States Congress the exclusive power of war;

Whereas,

despite the clear language of the United States Constitution, vesting the power to declare war exclusively in the Legislature, the Executive Branch has unconstitutionally assumed war powers following the Congress' gradual abdication of its constitutional duty;

Whereas,

Article I, Section 8, Clause 15 of the Constitution of the United States delegates to the Congress the power to provide for "calling forth the militia" in three situations only: 1) to execute the laws of the union, 2) to suppress insurrections, and 3) to repel invasion;

Whereas,

although the U.S. Congress has not declared war since 1942, the nation has since gone to war repeatedly at the whim of the Executive Branch;

Whereas,

when such unconstitutional actions are taken by the federal government, it is the proper role of the states themselves to take action to remedy such situations, as outlined in the Kentucky and Virginia Resolutions of 1798;

Whereas,

the author of the Declaration of Independence, Thomas Jefferson, once wrote: "Considering that

Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided”;

Whereas,

the Father of the Constitution, James Madison, wrote, “The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war to the Legislature.”; and

Whereas,

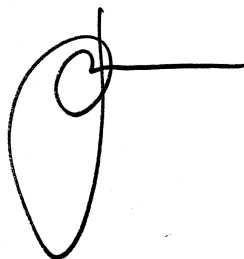
congressman, senator, and secretary of state to three U.S. Presidents, Daniel Webster, once wrote: “It will be the solemn duty of the State Governments to protect their own authority over their own Militia, & to interpose between their citizens & arbitrary power. These are among the objects for which the State Governments exist; & their highest obligations bind them to the preservation of their own rights & the liberties of their people”; now

Therefore, be it Resolved that the Libertarian Party of Oregon;

1. Calls upon the State Legislature to enact legislation to prohibit the States’ National Guard and any member thereof to be deployed overseas in service of combat operations unless the U.S. Congress has declared war pursuant to Article I, § 8, Clause 15 of the U.S. Constitution, and only for the express and explicit purposes enumerated in the Constitution: to “execute the Laws of the Union,” repel an invasion, or suppress an insurrection;
2. Calls upon the Governor of Oregon not to comply with any order from the federal government to release the Oregon National Guard into federal service unless the U.S. Congress has declared war pursuant to Article I, § 8, Clause 15 of the U.S. Constitution, and only for the express and explicit purposes enumerated in the Constitution: to “execute the Laws of the Union,” repel an invasion, or suppress an insurrection; and
3. Further, calls upon the State to bring home said National Guard troops already so deployed to foreign conflicts immediately.

Adopted date: 10/22/22

SECRETARY attest:

A handwritten signature in black ink, consisting of a large, loopy initial 'S' followed by a horizontal line extending to the right.