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Lawmakers aim to restrict troop deployments from Wyoming

Nick Reynolds

For decades, hundreds of members of the Wyoming National Guard have been sent to serve in wars overseas, sometimes participating in military actions that have gone unapproved by Congress.

Wyoming's guardsmen have long been tapped by the federal government to serve wherever they are needed, no matter if the country they were deployed to was at peace or at war. A bill introduced this week by Rep. Tyler Lindholm, R-Sundance, however, seeks to end that practice.

Counting a group of 15 bipartisan cosponsors, Lindholm's "Defend The Guard Act" would prevent members of Wyoming's guard from being deployed by their government to serve overseas without the signing of a formal declaration of war by Congress — a hard-line approach to protesting a number of "forever wars" that have long kept the U.S. engaged in the Middle East.

If passed, the legislation would essentially end the involvement of the Wyoming National Guard in foreign conflicts, considering Congress has not signed a declaration of war since World War II.

Lindholm has been a vocal opponent of "forever wars" and has frequently called on both President Donald Trump and Wyoming's delegation to oppose continued military engagements in the Middle East. He wrote and Cheyenne Republican Rep. Jared Olsen co-authored an opinion piece in the *Washington Examiner* late last year, saying that "the last thing the American people, our troops, and veterans want is another endless war."



Sgt. Andrew McCown holds his niece Gianna Watson following the deployment ceremony for G Company, 2nd Battalion, 211th Aviation at the Wyoming National Guard Joint Forces Readiness Center in January 2019. A bill introduced by Rep. Tyler Lindholm, R-Sundance, would prevent members of the Wyoming National Guard from being deployed without Congress signing a formal declaration of war.

"We have a responsibility to the men and women of Wyoming who are putting on their boots and signing up and volunteering for the Guard... we need to be taking into consideration what we as a state are setting them up for," Lindholm said.

"They take an oath as National Guardsmen to the Wyoming and U.S. Constitutions ... they're our backup for floods and fires. We have a responsibility to defend our guard and ensure that if they're going to be used in active duty combat, that we are holding Congress accountable."

What does it do?

The legislation itself — a version of which has already been introduced in statehouses in Hawaii, Oklahoma, Michigan and West Virginia — has been boosted by groups like the states' rights-favoring Tenth Amendment Center and the group Bring Our Troops Home, of which Lindholm is a member.

According to the bill text, members of Wyoming's National Guard would

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not be able to leave the state unless there is a formal declaration of war approved by Congress or any other official action related to the military — a role that has been abdicated by Congress under a broadly applied authorization for use of military force that allows the executive branch to take whatever military action it deems necessary without the express approval of Congress.

"Rep. Lindholm's bill simply says that before ordering Wyoming's National Guard personnel to leave their families and do their job, Congress should first accept responsibility in the comforts here at home of doing their job," the group's founder, Dan McKnight said in a statement. "We shouldn't ask National Guard personnel to have the courage to put their boots on the ground, unless Congress at least has the courage first to put their names on the line."

Wyoming's congresswoman, Rep. Liz Cheney, declined to sign on to Democratically led legislation revising that authorization of force to require the approval of Congress for military action in countries like Iran, saying it would hinder the president's ability to protect national security.

However, similar efforts have been supported by figures like Kentucky Republican Sen. Rand Paul, who Lindholm said will be coming to Wyoming to lobby on behalf of the bill in a Valentine's Day rally at the Capitol.

"I really think that the Western Republicans, the ones that I've met in Wyoming and the ones I've met throughout the West, are very, very independent," Paul said in an interview with KTWO television late last year. "They're tired of spending \$50 billion a year in Afghanistan. They're tired of building roads in Afghanistan. They're tired of \$45 million gas stations in Afghanistan and \$90 million hotels. I think a lot of people in Wyoming would rather see that money spent at home."

Could it work?

Whether the legislation is constitutionally sound, however, is dubious, says Mark Cancian, a senior adviser for the International Security Program at the Washington-based Center for



Sgt. Derek Walker kisses his son Beau, 1, on the side of the head during a Wednesday deployment ceremony for the 2nd Battalion of the 300th Field Artillery at Natrona County High School. One-hundred and thirty Wyoming guardsmen will be heading to Texas ahead of a nine-month deployment to the Middle East. / Josh Galemore, Star-Tribune

Strategic and International Studies. Cancian said in an interview with the *Star-Tribune* that Lindholm's legislation should be read more as an expression of political frustration than actual policy.

The distinction between federal and state control of the Guard is a unique one, Cancian said. In peacetime, the Guard functions as an institution of its state, where officers can be appointed by their governors to oversee their command. There is also an informal agreement between the Pentagon and the states to only utilize up to half the enlisted men and women in any state at any given time. However, that agreement is not binding.

The federal government retains ultimate primacy over the Guard, which Cancian said could be invoked under any circumstance deemed by the president to be a national emergency. The most notable example was during the Civil Rights movement, when President Eisenhower enlisted Southern guardsmen to enforce racial integration against the will of the states.

"It really functions as a statement of political perspective — a frustration with the long wars," he said. "As a practical matter, it would have no effect — a state cannot withhold its National Guard from the federal government. If it was actually able to, it would make the national guard useless as an instrument of national security."

Could it pass anyway?

It remains to be seen how much support the bill gathers.

While Lindholm's bill counts several influential co-sponsors — including members of leadership in both chambers like Rep. Eric Barlow, R-Gillette, and Sen. Charles Pelkey, D-Laramie — it could face some hurdles. In 2019, lawmakers in West Virginia defeated an early version of the bill after local military officials cautioned it could have cost the state millions of dollars due to the potential that other states could be granted West Virginia's missions instead.

Though Lindholm acknowledges the critiques of his legislation, he said he believes his bill could begin to open up serious questions about the rights of state and federal governments, forcing the question of ending forever wars to finally receive its day in court.

And Lindholm means that literally.

"It's definitely a statement, but in my opinion it's more than that," Lindholm said. "I totally think we can hold our National Guard until a declaration of war. And the worst that can happen in that situation is we get sued, and we find ourselves in a situation where we have to defend that law."

"If it comes down to that, that's a great lawsuit to be involved in. I mean, talk about a piece that hits right on the Constitution."