



*Peace and Justice Works*  
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To: Governor John Kitzhaber  
160 State Capitol  
900 Court Street  
Salem, Oregon 97301-4047 (by e-mail and postal mail)

January 10, 2013

Governor Kitzhaber

We are writing you today as organizations who, in 2009, worked with the legislature to keep the Oregon National Guard from deploying into undeclared military conflict zones in Iraq and Afghanistan, hoping you will exercise your authority of the Commander in Chief of the Guard to keep them from the planned deployment to Afghanistan in 2014.

Over 5500 people signed the petition supporting our legislation, known as HB 2556, and nearly 50 organizations supported the effort. We had pledges from at least 30 members of the House to support the legislation, but it was never brought to the floor.

The legal framework of the legislation was that the Authorization for Use of Military Force of September 18, 2001, which launched the "War on Terror," is overly broad and has allowed the United States to occupy Afghanistan and attack Somalia, Pakistan, and elsewhere, invade Iraq, as well as enabling the opening of the prison camp at Guantanamo, the PATRIOT act, military tribunals, and other affronts to human, civil and constitutional rights. The 2001 AUMF has been renewed annually by Presidents Bush and Obama, and has no provision to end the "war," a termination date nor a process or procedure to determine when the authorization should terminate.

Recognizing that in 1986, Congress passed and the President signed the "Montgomery Amendment," which provides that a governor cannot withhold consent with regard to active duty outside the United States because of any objection to the location, purpose, type, or schedule of such duty, we hold that the President must act pursuant to the Constitution and laws of the United States. The War Powers Act of 1973 (Public Law 93-148) specifically limits the power of the President of the United States to wage war without the approval of Congress. the 2001 AUMF could provide for the National Guard to be deployed indefinitely.

Deployment of Oregon National Guard members in Afghanistan has resulted, and continues to result, in significant harm to guard members and their families, including death and injury, loss of time together, and financial hardship.

While the bill at that time focused on the then-upcoming deployment of the Guard to Iraq, we feel it is your duty to ensure that the request by the federal government for Oregon's sons and daughters to be called into harm's way are lawful and Constitutional.

We concur with the Eugene Register-Guard, which wrote in its editorial on December 4, "The Oregon Army National Guard's 41st Infantry Brigade Combat team, with a battalion based in Springfield, is scheduled to deploy 1,800 soldiers to Afghanistan in 2014. It's Oregon's second-largest overseas deployment since World War II -- and it is a deployment that can be avoided if Obama heeds the advice of the U.S. Senate and decides that the time has come, not for sending more troops to Afghanistan, but for bringing the 66,000 who are there now home as quickly as possible."

Thank you for your consideration

Sincerely,

Dan Handelman  
for  
Peace and Justice Works

Adele Kubein  
for  
Military Families Speak Out of Oregon

Bart Bolger  
for  
Veterans for Peace Chapter 132 (Corvallis)

Clayton Knight  
for  
Veterans for Peace Chapter 72 (Portland)

Jim Woods  
for  
Rogue Valley Veterans for Peace Chapter 156 (Grants Pass)

Michael Carrigan  
for  
Community Alliance of Lane County

Allen Hallmark  
for  
Citizens for Peace & Justice (Medford/Rogue Valley)

Herbert Rothschild  
for  
Peace House (Ashland)

Peter Bergel  
for  
Oregon PeaceWorks

Kelly Campbell  
for  
Oregon Physicians for Social Responsibility

John Grueschow  
for  
War Resisters League--Portland Chapter

John Schweibert  
for  
18th Avenue Peace House (Portland)

Rev. W. J. Mark Knutson  
for  
Augustana Lutheran Church (Portland)

Geraldine Foote, St. Luke Lutheran Peace and Justice Advocacy Group\*

Trudy Cooper, American Iranian Friendship Council\*

\*organizations listed for identification purposes only

reference: Read excerpts from our August 11, 2008 letter to Governor Kulongoski at  
<http://www.pjw.info/kulongoskiletter08summary.html>