**RESOLUTION ON DEPORTED MILITARY VETERANS**

1. Whereas there are more than 32,000 non-U.S. citizens currently enlisted in the United States military and 94,000 veterans who are not citizens;
2. Whereas United States veterans are being and have been deported based on criminal convictions, sometimes minor, after serving in the military of the United States;
3. Whereas the United States Code provides that the term “national of the United States” means:
4. a citizen of the United States; or
5. a person who, though not a citizen of the United States, owes *permanent allegiance* to the United States (8 U.S. C. 1101(a)(22).)
6. Whereas federal law requires everyone who enlists or re-enlists in the Armed Forces of the United States to take an enlistment oath. The oath is traditionally performed in front of the United States flag and states:

“I, (NAME), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.” This oath is a permanent oath of allegiance to the United States of America as required.

1. Whereas many U.S. Military veterans who are currently being deported or have been deported have strong ties to the United States including for example:
2. Those who are legal permanent residents “Green Card Veterans” prior to entering the military;
3. Those who have served in all branches of the military for years;
4. Those who have served in Vietnam, Grenada, Kosovo, Somalia, Persian Gulf, Iraq and Afghanistan;
5. Those who have lived from 16-48 years legally in the United States;
6. Those whose parents, spouses, children, siblings and partners are United States citizens and Legal Permanent Residents.
7. Whereas the deportation of veterans, particularly those who served during times of hostility, present a number of problems that the removal of other non-citizens do not:
8. There is a moral question as to whether the commission of the crime which resulted in deportation is itself the result of the psychological stress of service in war;
9. There is the possible loss of native citizenship rendering the veteran stateless;
10. There is the possibility of criminal charges awaiting the veteran in their native land for his or her service in war; and
11. There is possible exposure to the ICC or the courts of their native lands for alleged war crimes committed while in the U.S. military.

Therefore, be it resolved that the National Lawyers Guild calls upon the U.S. Congress to amend the United States Code to clearly state as follows:

“Unless they have been naturalized, the following shall be nationals but not citizens of the United States: (1) A person who, by conscription or enlistment, entered any branch of the United States armed forces, including any active or reserve component, and (2) was discharged Honorably or Under Honorable Conditions. This designation shall be retroactive to service-persons previously removed from the United States.”

Be it further resolved that the National Lawyers Guild calls upon the Department of Homeland Security to stay the immediate removal of U.S. veterans from the United States.

Be it further resolved that the National Lawyers Guild calls upon the Department of Homeland Security to repatriate those veterans already deported, who often live in poverty, without veterans benefits and separated from their families.

Be it further resolved that the National Lawyers Guild calls on all other state and national bar associations, state and local government bodies, community organizations and labor unions to adopt similar resolutions and to use all their resources to build a campaign to clearly state the U.S. military servicemembers are noncitizen nationals and petition the Department of Homeland Security to stay their removal from the United States of America.

Implementation: Military Law Task Force

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Compliance with Bylaw 8.7. The proponent is the only Guild entity impacted by the resolution