

**Resolution on Amending the United States Code to Clearly State that U.S. Military Servicemembers are Noncitizen Nationals and Petition the Department of Homeland Security to Stay Their Removal from the United States of America**

1. Whereas United States Servicemembers are being and have been deported after serving in the military from the United States;
2. Whereas the current United States Code provides: that the term “national of the United States” means:
  - (A) a citizen of the United States, or
  - (B) 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)
3. Whereas Federal law requires everyone who enlists or re-enlists in the Armed Forces of the United States to take the enlistment oath. This oath is a *permanent oath of allegiance* to the United States of America. The oath is traditionally performed in front of the United States Flag and other flags, such as the state flag, military branch 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.”
4. Whereas The Oath of Enlistment is quite similar to the Oath of Citizenship which is also a permanent oath of allegiance to the United States of America and states:

“I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.”
5. Whereas US Military Veterans are currently being deported or have been deported have a long history in the United States:
  - a. They are legal permanent residents “Green Card Veterans” prior to entering the military;
  - b. They have served in all branches of the military for years;
  - c. They have served in Vietnam, Grenada, Kosovo, Somalia, Persian Gulf, Iraq, Afghanistan;
  - d. They have lived from 16 – 48 years legally in the United States;
  - e. Their Parents, Spouses, Children, Siblings, Partners are United States Citizens and Legal Permanent Residents.
  - f. They are Business Owners;
  - g. They are recipients of the GI Bill

6. Whereas they are subject to removal or have been removed due to criminal convictions;
7. Whereas the U.S. has a duty to protect those who protected it, regardless of their personal character. The United States now, and historically, has treated aliens admitted for an indefinite period, whether as lawful permanent residents, refugees, or asylees, as other countries would treat noncitizen “nationals” or subjects.” It requires these individuals to submit to the draft, to have an allegiance of political loyalty to the United States subjecting them to the death penalty for betraying that allegiance, and itself treats the individuals when in uniform as American nationals for a variety of purposes, including American jurisdiction in its Status-of-Forces Agreements.
8. Whereas the removal of veterans, particularly those who served during times of hostility, present a number of problems that the removal of other aliens do not:
  - (1) There is a moral question as to whether the character flaws and, in some instances, the commission of a crime, that would lead to denial of citizenship, are themselves the result of the psychological stress of service in war;
  - (2) There is the possible loss of native citizenship rendering the individual stateless;
  - (3) There is the possibility of criminal charges awaiting the alien in their native land for his service in the war; and
  - (4) There is possible exposure to the jurisdiction of the ICC (even though the US doesn’t partake) or the courts of their native lands for alleged war crimes committed while in an American uniform.

Therefore be it resolved that the National Lawyers Guild calls upon the U.S. House of Representatives and U. S. Senate to amend the United States Code to clearly state

“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. This shall be retroactive to servicepersons previously removed from the United States.”

Be it further resolved National Lawyers Guild calls upon the Department of Homeland Security to stay their removal from the United States of America;

Be it further resolved that the National Lawyers Guild will establish an NLG Banished Veterans Committee open to all members to coordinate action by the NLG in support of legislation to clearly state that US military servicemembers are noncitizen nationals and petition the Department of Homeland Security to stay their removal from the United States of America, to work with national and grassroots impeachment organizations, and to provide legal assistance for those efforts to strengthen the national campaign; and

Be it further resolved that the NLG Banished Veterans Committee will help organize and coordinate events at the local, state, and national level to build public participation in the campaign to educate the public, to push for enactment of legislation and a stay of removal for these veterans without further delay; and

Be it further resolved that the NLG Banished Veterans Committee will coordinate and assist all willing NLG members in contacting their respective members of Congress to urge support of the legislation to ask their respective member of Congress to support upcoming legislation, (bill numbers to be announced) and request the Department of Homeland Security to stay the removal of the US military veterans; and

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, labor unions to adopt similar resolutions and to use all their resources to build the campaign to clearly state that US military servicemembers are noncitizen nationals and petition the Department of Homeland Security to stay their removal from the United States of America; and

Be it further resolved that the NLG Banished Veterans Committee will forward a copy of this resolution to the Speaker and the Clerk of the US House of Representatives, to Representative John Conyers, Chair of the House Judiciary Committee, to Representative Bob Filner, Chair of the House Veteran Affairs Committee, to the various state and federal bar associations, to other peace and justice organizations, other military organizations, and to the news media.

Implementation: By the NLG Banished Veterans Committee established by this resolution, by the National Immigration Project, by the Military Law Task Force, by the San Diego NLG Chapter and by interested local chapters.

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