

# HOUSE . . . . . No. 3829

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Christine P. Barber, (BY REQUEST)***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting the Massachusetts National Guard from being deployed into active combat without a formal declaration of war by congress.

PETITION OF:

NAME:

*Jason Brand*

DISTRICT/ADDRESS:

DATE ADDED:

*1/16/2025*

# HOUSE . . . . . No. 3829

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By Representative Barber of Somerville (by request), a petition (accompanied by bill, House, No. 3829) of Jason Brand relative to prohibiting the Massachusetts National Guard from being deployed into active combat without a formal declaration of war by congress. Veterans and Federal Affairs.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
\_\_\_\_\_

An Act prohibiting the Massachusetts National Guard from being deployed into active combat without a formal declaration of war by congress.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 33 of the Massachusetts General Laws, as appearing in the 2022  
2   Official Edition, is hereby amended by inserting after Section 139 the following new section:-

3           Section 140

4           a) As used in this section, the following words and phrases shall have the following  
5   meanings unless the context clearly requires otherwise:

6           “Active-duty combat” is performing the following services in the active federal military  
7   service of the United States: participation in an armed conflict; performance of a hazardous  
8   service in a foreign state; or performance of a duty through an instrumentality of war.

9           “Official declaration of war” is an official declaration of war made by the United States  
10   Congress pursuant to Article I, § 8, Clause 11 of the United States Constitution.

11           b) Notwithstanding any other provision of the General Laws, the Massachusetts National  
12 Guard and any member thereof shall not be released from the state into active duty combat  
13 unless the United States Congress has passed an official declaration of war or has taken an  
14 official action pursuant to Article I, § 8, Clause 15 of the United States Constitution to explicitly  
15 call forth the Massachusetts National Guard and any member thereof for the enumerated  
16 purposes to expressly execute the laws of the union, repel an invasion or suppress an  
17 insurrection. The Governor shall take all actions necessary to comply with the requirements of  
18 this section.

19           SECTION 2. Section 1 shall become effective immediately upon passage.