

Kansas State Senate Bill 38 (SB38)

Defend the Guard

Committee on Federal and State Affairs

Testimony brought by Lieutenant Colonel (Retired), US Army, Darin Gaub of Montana.

To the Chair and members of the Committee, thank you for hearing testimony on this critical legislation.

My name is Darin Gaub (GAAHWB).

I am a retired Army Lieutenant Colonel who spent twenty-eight years in service enlisted in the Infantry and as an Aviation officer flying helicopters. I completed seven overseas tours (Afghanistan, Korea, North Africa, Eastern Europe, Turkey/Syria), two of which were with the 1st Infantry Division out of Fort Riley. I commanded at the Battalion and Brigade level. I have two Master's degrees focused on Geopolitics and Strategy. Some of my time was spent in the National Guard. I am also a Kansas State graduate. Go, Wildcats.

During my career, I gained expertise in many areas relevant to this topic. These included:

- Funding (Title 10 and 32)
- Basing
- Training
- Equipment
- Force structure development
- DoD policy
- Global strategic contingency planning

Now, as a Senior Geopolitical and Military Strategist, I appear before millions of people each week on major news outlets and am frequently called upon to speak in person on these topics and about the United States Constitution.

What this bill is NOT, or those areas where it has ZERO impact:

1. Funding – no impact, has nothing to do with it. No fiscal statement should apply.
2. Basing – does not impact on any basing decisions.
3. Pay/Education/Schooling – no impact.
4. Equipment – no impact.
5. Readiness – no impact unless there's a leadership failure in the state.
6. A hindrance to training overseas on Title 10 orders.
7. A signal that the National Guard cannot or will not respond to crises here. In fact, the opposite is true.
8. That any military force cannot act in self defense in any location.
9. An attempt to tie the hands of the Commander in Chief.

What IT IS:

1. An affirmation that a given state's National Guard/Militia units cannot deploy overseas to foreign wars without the required declaration of war from Congress under Article I, Section 8, Clause 11 – which has never been rescinded or modified. An Authorization for Use of Military Force (AUMF) is not the same thing – that's Congress abdicating its duties.
2. When did Congress declare war on Syria? The AUMF to fight “terrorism” is a declaration of war on an idea. This kind of thinking generates perpetual war on a global scale. We are not Rome, the military is not the toy of the President. ANY President.
3. Legislation to support the State Governor as Commander in Chief of **THEIR** National Guard.
4. The continued ability to deploy overseas to training under Title 10 orders.
5. The singular most constitutionally aligned bill many will ever see brought before any state legislature. The Constitution requires the following.
 - a. The Congress to declare war.
 - b. The President to prosecute the war when authorized by Congress.
6. I ask the committee to pass this legislation because those who've been fighting America's wars the longest want to see the end of wars with no strategic value to the United States. We want the NG to be able to respond to hurricanes (NC), Fires (CA), and riots (OR/CA/WA) and, if necessary, repel invasions (Southern Border) rather than get sent overseas to undeclared forever wars.
7. These are YOUR sons and daughters, America's greatest asset.
8. Please let the people of Kansas know that you take your oath to support and defend the Constitution and your integrity seriously. I sacrificed a fast-track career to honor my oath; I'm asking you to honor yours.

Thank You