

Written testimony only
January 29, 2022

As PROPONENT of bill SB370

To Chairman Olson and the Senate Committee on Federal and State Affairs members,

I write in support of this bill, which puts reasonable checks on two egregious federal overreaches while embodying the spirit of the Constitution, which clearly states that wars are to be declared by the two Houses of Congress. This is reinforced by the discussions in the Constitutional Convention as well as the Federalist Papers.

In every conflict since WWII, this power has been usurped by the Executive. Truman claimed that the UN Security Council's call for military action authorized him to unilaterally send troops into Korea. During the Korean War, he sent 4 divisions to West Germany, again asserting that he had the authority to do so. Congress backed down in the face of the Red Scare and took action to fund the deployments both directly and indirectly, giving implied consent for his actions. The 1945 assurances to Congress that their approval would be sought for UN operations were forgotten. In this "police action under the UN," as Truman called it, over 2.5 million people were killed, 36,000 of them Americans.

This precedent was made into law in 1973 with the War Powers Act, allowing the president to initiate an armed conflict for up to 60 days before it would either be terminated or Congress would authorize its continuation. Whether it's labeled a "police action," a "peacekeeping mission," or "fighting terrorism," what it amounts to is allowing one man to begin a war, then putting Congress into the position of either "supporting the troops" or "not paying the troops." Support does not involve flippantly risking their lives in subversion of the Constitution that they swore to support and defend, but that has been done many times in the decades since.

I have worked with many of these brave citizen soldiers over the years and have witnessed a small part of the mental, emotional, and physical toll that these illegal wars take on them. Over 650,000 were deployed to Iraq and Afghanistan, making up 45% of the total force and suffering 18.4% of the casualties. The constitutional analog to the National Guard is the militia, which was always intended to be a volunteer force whose primary duty is to their state. The federal government is authorized to call them forth only in time of insurrection or invasion. When they're used to supplement the federal army overseas, they're unavailable to defend or serve their home states, whether that be for disaster relief or for filling hospital positions after all of the unvaccinated health care workers are fired, despite most of them possessing natural antibodies.

I was especially pleased to see that the vaccine mandates are blocked by this bill. It is a particularly offensive violation of bodily autonomy to mandate a substance to be injected for any purpose. The argument that their bodies are federal government property doesn't apply to the Guard. For many and perhaps most, these particular vaccines pose more risk than the disease that they provide limited, short term protection for. This is a very personal decision and there are no one-size-fits-all solutions in health care, as every individual's body and risk tolerance is unique. Further, these ineffective and experimental vaccines have already resulted in 22,607 reports of death and 1,071,854 reports of adverse events to VAERS, as opposed to the average of 150 deaths per year for all vaccines combined. This constitutes a threat to the readiness of the military as a whole. The protection quickly fades, even showing NEGATIVE efficacy against the variants as the antibodies wane and the virus mutates to evade the vaccines. Natural immunity has been shown by many credible studies, including a recent one by the CDC, to be longer lasting and more protective against the variants than the vaccines.

All of the vaccines available in the US are under EUA. Comirnaty is the only vaccine that has received an FDA approval and is NOT currently available. An EUA product can only be mandated for the national military by a waiver from the president under 10 US Code 1107A declaring that informed consent and personal choice is not in the interest of national security, itself a ridiculous claim given the danger of these vaccines. As noted in the current Alaska and Texas lawsuits to block the mandates, the president does not have command authority over the National Guard, as their Commander in Chief is the governor of their respective states, invalidating the 1107A claim. The vaccines don't prevent one from catching or spreading Covid19, negating even the fallacious argument that it is a civic duty to protect others.

With the federal government so out of control, it falls to the states to hold it to some degree of Constitutional accountability, and that's exactly what this bill does. I appreciate your efforts and consideration. In liberty,

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“War is the art of conquering at home.” - Thomas Paine