



Written by [Gary Benoit](#) on January 21, 2022

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Who Should Wield the Power of the Sword?

The U.S. Constitution assigns to the U.S. Congress the “power ... to declare war.” Yet many view this congressional power as an anachronism that’s no longer applicable to today’s world.

The last time the United States declared war was during World War II, following the Japanese attack on Pearl Harbor in 1941, more than 80 years ago. In 1995, following American military interventions from Korea to Vietnam, and from the Persian Gulf to Bosnia, Congressman Henry Hyde opined, “I think it is a fact of modern history that declarations of war are gone. I think they are anachronistic.” Hyde at least acknowledged that “the Constitution assigns the declarations of war function to Congress and only to Congress.” But he added that “declaring war has consequences in a technologically advanced world that nobody wants to face.”



U.S.Army/StaffSgt.KeithAnderson

What we have faced instead has been the exercise of executive powers by presidents who claim to possess the authority to decide when to go to war. In his January 28, 2003 State of the Union Address, President George W. Bush said that “sending Americans into battle is the most profound decision a president can make.” The previous October, the Congress had passed a resolution that said essentially the same thing, by delegating its war-making authority to the president. The resolution authorized the president “to use the Armed Forces of the United States *as he determines to be necessary and appropriate*” (emphasis added) to defend the United States against Iraq and enforce United Nations Security Council resolutions against Iraq.

We have also faced the transfer of war-making powers not only to the president, but also to international bodies such as the United Nations and its military affiliate NATO that the president and the rest of the U.S. government are expected to obey. For instance, on February 14, 2001, Secretary of State Colin Powell said that “with respect to U.S. policy, when it comes to our role as a member of the [UN] Security Council, we obviously are bound by UN resolutions.” Two years later, the president made the decision to invade Iraq to enforce UN resolutions to disarm the country. As Powell explained on March 17, 2003, three days before Bush launched this war, “We believe ... that there is sufficient authority in [UN Security Council Resolutions] 1441, 678, and 687 ... for whatever military action might be required.”

Under NATO, the United States and all other member nations “agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all,” per the



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North Atlantic Treaty that established the military alliance in 1949. Originally there were 12 members of NATO. There are now 30, which means that the United States is now pledged to come to the defense of any of the other 29 NATO members should any of them be attacked. This military commitment, it could be argued, increases rather than decreases the likelihood of the United States being pulled into a war.

Certainly the contravention of the congressional power to declare war by the president and international organizations has not resulted in the elimination of war. There have been many since World War II, and today new wars in Asia (over Taiwan) and Europe (over Ukraine) seem distinct possibilities. Although Ukraine is not a member of NATO (though that could change), it is easy to imagine how an attack on Ukraine by Russia could trigger the intervention of NATO and the United States, which are supportive of Ukraine.

But who should decide if and when America goes to war? NATO? The United Nations? The U.S. president? Or Congress?

The Founding Fathers supported the latter, which is why they designed the president's role as "Commander in Chief" to be a limited one and delegated to Congress the power to declare war. They did not want to deposit the war-making power in a single man, and they did not want that power to be abused. In general, they viewed the mission of the military as being limited to defending the United States and the lives, liberty, and property of its citizens; and they cautioned against becoming entangled in foreign alliances that could draw America into a war.

George Washington's Advice

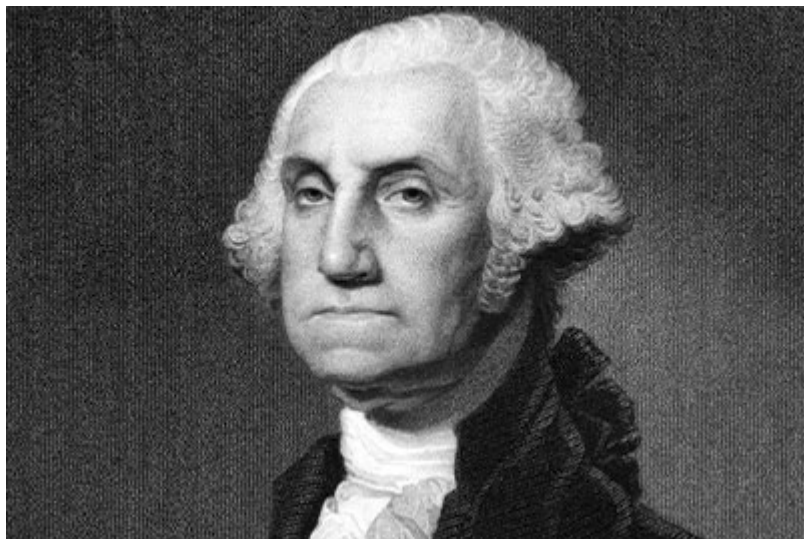
Internationalists unfairly deride that traditional view of American foreign policy as "isolationist." But George Washington was not advocating "isolationism" when, in his Farewell Address of September 17, 1796, he wisely counseled the new nation: "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop."

Washington acknowledged in his Farewell Address that "Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest." But he also warned that "the nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest." Regarding America's interests, and those of Europe, he noted:



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Wise counsel: In his Farewell Address, George Washington observed, “It is our true policy to steer clear of permanent alliances with any portion of the foreign world.” (*Photo credit: GeorgiosArt/iStock/GettyImagesPlus*)

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off ... when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Washington continued: “Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?” Why indeed? Which is why Washington counseled: “It is our true policy to steer clear of permanent alliances with any portion of the foreign world.”

Washington’s sage advice guided the Republic during its early years. Our military was used to defend our homeland and our liberties, but it was not sent abroad to meddle in foreign quarrels. Because of this sound policy, the United States prospered. Thomas Jefferson expressed this traditional view of U.S. foreign policy in his Inaugural Address of March 4, 1801, when he cited, among the “essential principles of our Government,” “peace, commerce, and honest friendship with all nations, entangling alliances with none.” And John Quincy Adams, our sixth president, expressed a similar view when he observed that America “goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.... She well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication in all the wars of interest and



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intrigue, of individual avarice, envy and ambition, which assume the colors and usurp the standards of freedom.”

The Isolationist Fallacy

But that was many years ago, whine the internationalists. Hasn't the world gotten smaller since the days of sailing ships? With the development of intercontinental ballistic missiles and supersonic aircraft, what kind of “moat” does the Atlantic now provide for “fortress” America? And what about World War II? Is not the death and destruction of that conflagration a direct consequence of “isolationism”?

Not so — as should be evident to anybody willing to survey the historical landscape. Nazi Germany, Fascist Italy, and Imperialist Japan, recall, were *aggressive* regimes. They did not build fortresses of “isolationism” but engaged in naked aggression against their neighbors. So did the Soviet Union, which joined Hitler in carving up Poland prior to Germany's surprise attack on Russia.



Folly of “isolationism”? Conventional wisdom claims that World War II was a consequence of “isolationism.” The claim ignores the fact that the nations that started that terrible conflagration were imperialistic, not “isolationist.”

Germany declared war on the United States after Japan attacked the United States at Pearl Harbor, because of Germany's treaty obligations to Japan. U.S. entry into the European theater facilitated the destruction of one totalitarian “ism” (Nazism), but it also strengthened another (Communism). The Soviet Union, bolstered by American lend-lease and given vast territorial concessions at the Yalta wartime conference, emerged from WWII as a world power. But this power, which was created largely with U.S. assistance and was our WWII “ally,” quickly became our Cold War “adversary.”

Even prior to Pearl Harbor, the administration of Franklin D. Roosevelt was doing what it could to provoke Germany and (later) Japan to attack the United States as the means of pulling us into the war. As Secretary of War Henry Stimson wrote in his diary after a meeting with FDR: “The question was how we should maneuver them [the Japanese] into the position of firing the first shot.” Japan decided to fire “the first shot” by launching a surprise attack at Pearl Harbor; the Roosevelt administration learned of these plans but failed to alert the commanders at Pearl.

That duplicity, which entailed sacrificing our Pacific Fleet as bait in order to drag the nation into war, was the exact opposite of George Washington's admonition: “To be prepared for war is one of the most



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effectual means of preserving peace.” Or, as Benjamin Franklin put it, “The way to secure peace is to be prepared for war. They that are on their guard, and appear ready to receive their adversaries, are in much less danger of being attacked than the supine, secure and negligent.” On another occasion, Franklin recalled an old Italian saying: “Make yourselves sheep, and the wolves will eat you.” The Roosevelt administration made our military sheep so as to invite the attack of imperialist wolves. Switzerland, on the other hand, was able to avoid the Nazi wolves by being prepared for war. Even though Switzerland is located in central Europe, the Nazis decided to bypass the country since they recognized that, by attacking Switzerland, they would have to fight not just the Swiss military but an entire people ready and willing to defend their homeland and liberties. The Nazis decided that the subjugation of Switzerland would not be worth the cost. Yet, by inverting reality, internationalists claim with a straight face that “isolationism” and not “interventionism” is responsible for WWII.

Fortunately, not everyone has been deceived by such claptrap. One 20th century leader who understood the folly of interventionism was Senator Robert Taft of Ohio. In his book *A Foreign Policy for Americans* (1951), he wrote, “Fundamentally ... the ultimate purpose of our foreign policy must be to protect the liberty of the people of the United States.... To achieve that liberty we have gone to war, and to protect it we would go to war again.” But he also recognized the horrible results of war — including not just the military and civilian casualties and the destruction to property but the fact that it “may lead, even if the war is won, to something very close to the destruction of liberty at home.” And so he cautioned, “No foreign policy can be justified except a policy devoted without reservation or diversion to the protection of the liberty of the American people, with war only as the last resort and only to preserve that liberty.”



Why go to war? GOP Senator Robert Taft, unlike today’s interventionist-minded, neoconservative Republicans, believed that “no foreign policy can be justified except a policy devoted without reservation or diversion to the protection of the liberty of the American people, with war only as the last resort and only to preserve that liberty.”

Taft had voted for the UN charter, but later concluded that “The U.N. has become a trap. Let’s go it alone.” On the other hand, he voted against NATO, recognizing that the treaty “obligates us to go to war if at any time ... anyone makes an armed attack on any one of the ... [member] nations.” When, based on a UN Security Council vote, President Harry Truman plunged the United States into the Korean War without a congressional declaration of war, Taft told his Senate colleagues, “If the incident



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is permitted to go by without protest, at least from this body, we would have finally terminated for all time the right of Congress to declare war, which is granted to Congress alone by the Constitution of the United States.” He added: “If the President can intervene in Korea without Congressional approval, he can go to war in Malaya, or Indonesia, or Iran or South America.”

The dangerous precedent having been established in Korea, subsequent presidents have gone to war without a congressional declaration. Those who support such deployments should ask themselves if one man should possess this awesome power. Taft indicated that he would have supported a congressional declaration of war against North Korea, based on his belief that communism represented a significant threat to the United States, but he did not believe that the president should be allowed to go to war without congressional approval or that the Constitution permitted such action. In his book, he warned:

If in the great field of foreign policy the President [Harry Truman] has the arbitrary and unlimited powers he now claims, then there is an end to freedom in the United States not only in the foreign field but in the great realm of domestic activity which necessarily follows any foreign commitments....

History shows that when the people have the opportunity to speak they as a rule decide for peace if possible. It shows that arbitrary rulers are more inclined to favor war than are the people at any time.

Presidential Powers

Taft’s view about the limitation of presidential power “in the great field of foreign policy” is in harmony with that of the Founding Fathers. It is true that under the Constitution the president possesses powers to conduct foreign policy: He nominates ambassadors; he makes treaties; and he is the “Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.” But the ambassadors he appoints must be confirmed by a majority vote of the Senate, the treaties he makes must be ratified by a two-thirds Senate vote, and his role as “Commander in Chief” is restrained by the following *congressional* powers: “To declare War”; “To raise and support Armies”; “To provide and maintain a Navy”; “To make Rules for the Government and Regulation of the land and naval Forces”; “To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions”; and “To provide for organizing, arming, and disciplining the Militia.”

Internationalists argue that the president can go to war without congressional approval since the Constitution grants to Congress only the power to *declare* war, not the power to *make* war. That argument is erroneous, however, since it is in contradiction to the clear intent of the Founders with regard to the wording. As the Senate Foreign Relations Committee explained in its “Report on War Powers” of February 9, 1972: “The Constitutional Convention at first proposed to give Congress the power to ‘make’ war but changed this to ‘declare’ war, not, however, because it was desired to enlarge Presidential power but in order to permit the President to take action to repel sudden attacks.” Far from being anachronistic, the wording the Founding Fathers settled on is very apropos for today’s times, when missiles targeted at the United States can cross the ocean much quicker than sailing ships. In short, the president does not possess the war-making powers of a king, as Alexander Hamilton



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explained in *The Federalist*, No. 69: “The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral ... while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies — all which, by the Constitution under consideration, would appertain to the legislature.” (Emphasis in original.)

Hamilton revisited this theme in later years, writing in 1793, “It is the province and duty of the Executive to preserve to the Nation the blessings of peace. The Legislature alone can interrupt those blessings, by placing the Nation in a state of War.” The following year he stated, “War is a question, under our constitution, not of Executive, but of Legislative cognizance. It belongs to Congress to say — whether the Nation shall of choice dismiss the olive branch and unfurl the banners of War.”

If the Constitution is to be taken seriously, then the president not only cannot go to war without congressional authorization, but cannot place the military in situations that will inevitably lead to war. Daniel Webster addressed this fundamental point in a speech he gave on December 2, 1846: “No power but Congress can declare war; but what is the value of this constitutional provision, if the President of his own authority may make such military movements as must bring on war?” The deployment of American troops to areas where war could break out will likely mean American casualties if war does break out, pulling the United States into a war Congress might otherwise have opted to stay out of.

The constitutional limitations on the president’s use of the sword provide an important safeguard for American liberty and against foreign adventurism. As James Madison noted in 1798 in a letter to Thomas Jefferson, “The constitution supposes, what the History of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has, accordingly, with studied care, vested the question of war in the Legislature.” Or, as Abraham Lincoln observed in 1848 in a letter to William Herndon, “Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our [1787] Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us.” (Emphasis in original.)

Changing Course

Since World War II, U.S. presidents have exercised war-making powers as if they were kings. They have ignored the congressional power to declare war and have claimed that their authority to go to war comes from international bodies such as the United Nations.

When the UN was established in 1945, it was supposed to be “mankind’s last best hope for peace.” That promise has not been kept — not for the world, not for the United States. History has shown that the internationalist path America has pursued since World War II has been the wrong one.

It is now long past time to change course. It is time to put America first, to reject foreign entanglements in favor of the noninterventionist policy advocated by the Founding Fathers, to get the United States out of the UN and NATO, and to insist that Congress reclaim its constitutionally delegated power to declare war — and to exercise that power only when absolutely necessary to defend the United States



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and its citizens.

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