



Written by [C. Mitchell Shaw](#) on May 31, 2021

Memorial Day: The Best Way to Honor Soldiers Is to Abide By the Constitution

This Memorial Day, as Americans remember those soldiers who have offered the greatest sacrifice in service of their country, one is reminded of the words of Jesus: “Greater love than this no man hath, that a man lay down his life for his friends.” Those soldiers who have died or been wounded — and those who are willing to — deserve the honor and respect of all Americans.

A major part of the honor and respect those men and women are due is the right to be sent to die and be wounded only when it is essential to the protection of the United States and in accordance with the Constitution, which grants to Congress (not the president) the power “to declare war.”



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The Founding Fathers did not want to give this power to the president because they did not want to entrust it with a single person. It is of course true that the president is “commander-in-chief” of the military, but that role is a limited one. As Alexander Hamilton 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 of the Confederacy; 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.)

By making the declaration of war a congressional responsibility, the Founding Fathers guaranteed that those who hold offices as representatives and senators would have to debate the particulars of each situation and vote — on the record — whether or not to send soldiers to die and be wounded in war. Those elected officials could then be held accountable in the next election for their decisions.

The last time Congress declared war was against Bulgaria, Hungary, and Romania on June 5, 1942, having already declared war on Japan December 8, 1941, followed by a declaration of war against Germany on December 11, 1941. That means that every war the United States has been involved in since WWII was unconstitutional. The question of whether or not the protection of America’s security was served by participating in any of those wars is beside the point; in the absence of a constitutional declaration of war, every soldier who fought in them was sent to kill, die, or be wounded without any constitutional justification.

On our nation’s 45th birthday — July 4, 1821 — Secretary of State John Quincy Adams delivered a speech on America’s foreign policy in keeping with the Constitution. He began by reading the full text of the Declaration of Independence and then addressed the principles that guided the United States’



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foreign policy. He said:

Let our answer be this—America, with the same voice which spoke herself into existence as a nation, proclaimed to mankind the inextinguishable rights of human nature, and the only lawful foundations of government. America, in the assembly of nations, since her admission among them, has invariably, though often fruitlessly, held forth to them the hand of honest friendship, of equal freedom, of generous reciprocity. She has uniformly spoken among them, though often to heedless and often to disdainful ears, the language of equal liberty, equal justice, and equal rights. She has, in the lapse of nearly half a century, without a single exception, respected the independence of other nations, while asserting and maintaining her own. She has abstained from interference in the concerns of others, even when the conflict has been for principles to which she clings, as to the last vital drop that visits the heart. She has seen that probably for centuries to come, all the contests of that Aceldama, the European World, will be contests between inveterate power, and emerging right.

Wherever the standard of freedom and independence has been or shall be unfurled, there will her heart, her benedictions and her prayers be. But she 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 will recommend the general cause, by the countenance of her voice, and the benignant sympathy of her example.

If subsequent generations had held to the Constitution and principles outlined by this great American patriot, the United States would have avoided the unconstitutional, undeclared foreign wars which have killed and injured nearly half a million American soldiers since WWII.

It is time — past time — to honor America's soldiers by not asking them to die and be wounded on foreign soil in wars that are not ours to fight. After all, don't these soldiers who are willing to risk life and limb deserve not to be sent to die and be wounded unnecessarily? Don't they deserve to live and marry and raise families?

The benefits to national security, the national budget, and the very fabric of American society — were America to stop going "abroad in search of monsters to destroy" — would be impossible to exaggerate.

This article was originally published on May 29, 2017.



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