

Nullify Unconstitutional Wars With West Virginia Bill SB 22

Members of the West Virginia Legislature are seeking to enact legislation nullifying unconstitutional federal deployments of the West Virginia National Guard.

Senate Bill 22 (SB 22), titled the "Defend the Guard Act," is sponsored by Senator Chris Rose (R-Monongalia). It would prevent combat deployments of the West Virginia National Guard by the federal government in the absence of a congressional declaration of war or another constitutional reason in accordance with Article I, Section 8, Clauses 11 and 15, of the U.S. Constitution.

According to the Tenth Amendment Center, more than 1.1 million National Guard troops may have been sent to foreign conflicts since 2001, and 45 percent of the total U.S. forces sent to Iraq and Afghanistan have been National Guard or Reserve troops. If West Virginia and other states prohibit unconstitutional National Guard deployments, the federal government's participation in these foreign conflicts would be severely hampered, therefore limiting the federal government's ability to further entangle the U.S. in any undeclared wars overseas.

Such a limitation on the federal government's ability to carry out an internationalist and interventionist foreign policy would be consistent with the wisdom of the Founding Fathers. In his 1796 Farewell Address, President George Washington affirmed, "It is our true policy to steer clear of permanent alliances with any portion of the foreign world." President Thomas Jefferson reiterated the same policy in his first inaugural address, advocating for "peace, commerce, and honest friendship with all nations, entangling alliances with none."

Importance

SB 22 is an excellent application of Article VI of the U.S. Constitution, which states, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof … shall be the supreme Law of the Land.”

Since the federal government’s engagement in endless, undeclared wars — subversion going back decades — violates the U.S. Constitution, it cannot be considered “in Pursuance thereof” and, thus, is not “the supreme Law of the Land.” Unfortunately, over the last several decades, thousands of unconstitutional laws on the federal, state, and even local levels have been created and enforced.

Because of this, state legislatures have a duty to rein in unconstitutional wars and robustly enforce the Constitution and only those laws and actions “in Pursuance thereof.” SB 22 is an excellent model for other states to follow.

Urge your state delegate and senator to support SB 22 and to push back against all other unconstitutional laws at every level of government.

How States Can Rein in Unconstitutional Wars