



The President's Unconstitutional and Immoral War

I am opposed to U.S. involvement in the war in Libya. I feel confident that the vast majority of Americans, if they once again understood the moral and political fundamentals upon which this nation was founded, would oppose this war as well.



I previously stated a couple of reasons why I stand against America's involvement in this war. Let me restate them, and throw in a few more.

1. The President of the United States went to war with Libya, as did the kings of old, without the consent of the American people. Those who have read Article 1, Section 8 of the United States Constitution know that to get our consent the President must acquire it via a formal declaration of war from the U.S. Congress, or in other words, with the consent of those Representatives and Senators in Washington closest and most accountable to the people, the very people who will be required by their government to sacrifice their time, money, and lives in such wars.

A declaration of war, had it been sought, would have required a majority vote in favor of such a declaration, both in the U.S. Senate and in the Republican Party-controlled U.S. House. That would have been a tough road for the President, with two wars already being fought, with our economy already sunk, and with no attack or threat of attack on U.S. land, citizens, or interests having taken place. But we'll never know, will we, because a declaration of war was never sought. No, the President did not even consult Congress, period.

2. Now, there is a long standing common sense exception to this congressional declaration of war requirement. When our land, people, or property come under sudden attack, the first duty of the officer in the field, whether of his own accord, or with concurrence from his superior officers up to the Commander-in-Chief, is to deal promptly with the attack at hand, to protect and defend, if not, pursue and destroy. The thinking is that when under actual attack, a state of war already exists, for it is forced upon us; and as such, our national military and even our state militias (if a particular state is under attack), on the spot, exercise the primitive right of self-defense, no questions asked. It would be foolish, and disrespectful to life and property to do otherwise. But for most of our history the tradition has been still to request a declaration of war from Congress as soon as possible after the initial military defense, if a prolonged and expanded war is deemed necessary. This is what FDR did when Japan attacked Pearl Harbor, after our military had acted in self-defense to the best of its ability.

But does this special case apply here? No. We were not attacked by Libya. So again, why wasn't Congress convened?

3. Before I answer that question, it would be well to explore the root issue of consent. Men possess moral agency, or free will, a gift from God bestowed upon all his sons and daughters. Believing this to be the heritage of man, the American Founders reasoned that men ought to be governed only by their consent. For why else would God give man this gift? They backed up this belief by first practicing representative government among themselves, for over a century in colonial America, and then by fighting a War for Independence when the British terminated that right. Remember the key area of American protest? No taxation, no legislation, no military service, no quartering of troops in American homes, no anything, without representation, without the consent of the governed, without the consent



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of that being possessed of agency — man. But where is the respect for that sacred right to consent when one man — far removed from the people, living in a lap of luxury in Washington D.C. — decides to go to war all on his own, and orders an entire nation to comply ... or else?

4. This war is clearly unconstitutional and clearly in violation of our sacred right to consent that God gave each of us and which our Founding Fathers and generations of other forefathers fought and died for. But what about the justness of this war on other fronts? Were we attacked? No. Was an attack upon us imminent? No. Were we threatened in any way? No. Do we have legal jurisdiction over the people or government of Libya? No. Did they ever hold a constitutional convention, or pass a referendum to give us that right? No.

So, did we respect the right of the people of Libya and/or the sovereign power of Libya to control their own government and work out their own destiny as we expected the English to respect that right in America in 1776? Did we respect the Libyans' right to act upon the God-given right to consent or self-government, or whatever principle they as a sovereign people or nation within their sovereign borders deem just and legal? No. Even so, did the Libyan people by some sort of one-time ballot come forth as a majority to request our help? No. Nor by any other means did they communicate such a message to us.

5. So we attacked Libya without provocation, without legal authority, and without a plea for help from the people within Libya? Yes. Does this then disqualify this war as a defensive war, and in fact make it an offensive war begun by the United States, or more specifically, the current regime? Yes.

And what was the American Founding philosophy, based on moral law, in regard to offensive wars? Thomas Paine summed it up well:

My own line of reasoning is to myself as straight and clear as a ray of light. Not all the treasures of the world, so far as I believe, could have induced me to support an offensive war, for I think it murder.

And that is the way that inspired generation felt, and this was the American attitude, with a few unfortunate exceptions, well into the 20th century.

In my own religious tradition I have been taught that when a nation goes out to war rather than insisting on and practicing a policy that permits defensive war only, the Lord withdraws his protection from that people. And while it is also true that God may reserve to Himself the right to continue to protect a nation in its wickedness, “for the sake of the righteous,” who still live within that nation’s borders — as we learn in the story of Abraham pleading for Sodom and Gomorrah — I’m not sure it is a good idea to rely on such a hope. After all, it didn’t work out for Sodom and Gomorrah.

That is, I would think it is unwise to tempt God, and perhaps wicked to be among those who join in the banging of the drums of war in support of executive power run amok, or of a presidency that acts in violation of our inspired Constitution, in violation of the people’s divine right to consent, in violation of another nation’s sovereign right to chart out its own destiny (even if we disagree with it), and in violation of that moral and religious standard which has forever forbidden, condemned, and warned nations against, offensive war.

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