Written by **Alex Newman** on September 11, 2014

Lawmakers Slam Obama for Skirting Congress, Constitution on ISIS

Despite not having even a smidgen of constitutionally required congressional approval to wage war, Obama announced on September 10 that he would be launching even more military attacks in the Middle East. Under the guise of attacking the "Islamic State" — a terrorist group his administration literally built up in the first place — the president plans to arm more jihadists and put more American lives at risk, all on his own. Some U.S. lawmakers faithful to their oath of office, though, are speaking out, calling on the president to obey his own oath to the Constitution and obtain necessary authority from Congress prior to waging even more war.

To supposedly deal with the threat Obama and his "allies" largely created, Obama boldly proclaimed to the world on Wednesday that he would defy the Constitution yet again — incredibly, claiming he already has the "authority" to do so. "I know many Americans are concerned about these threats," the president said. "Tonight, I want you to know that the United States of America is meeting them with strength and resolve." By "United States of America," he meant the executive branch, since neither the Constitution nor the American people through their members of Congress have given the president any legitimate power to decide when or where to start a war.

In another stunning statement, Obama also bragged about his previous violations of his oath. "Last month, I ordered our military to take targeted action against ISIL to stop its advances," he said, without citing the alleged authority that he thinks gave him the power to order the U.S. military to launch said attacks. "Since then, we've conducted more than 150 successful airstrikes in Iraq." Congress, of course, never authorized such scheming, making it unlawful by definition — much like the United Nations-approved "regime change" plot in Libya that ended up creating a terror state run by jihadists in North Africa.

Indeed, Obama implicitly admitted that he had no constitutional or congressional authority to wage more wars at this point. "With a new Iraqi government in place, and following consultations with allies abroad and Congress at home, I can announce that America will lead a broad coalition to roll back this terrorist threat," he claimed. "Consultations" with Congress or the "Iraqi government," obviously, do not constitute a congressional declaration of war, which is what the Constitution demands.

In fact, the Constitution could not be clearer on the issue. In Article I, Section 8, Congress — not the president, the UN, the Iraqi government, or "allies abroad" — is given the sole authority to "declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." The president is the commander in chief, but his authority to wage war is, constitutionally, entirely

dependent on Americans' elected representatives in Congress actually declaring one. The Founding Fathers made that clear in their own writings, too.

As an alleged constitutional law professor, Obama should know that, of course, yet he still claims to have the power to declare war on his own. "My administration has also secured bipartisan support for this approach here at home," he said, without noting that there has been no congressional vote to show that support — much less approve a war. "I have the authority to address the threat from ISIL," Obama added without elaborating, "but I believe we are strongest as a nation when the President and Congress work together." He did not say where he thought that "authority" to "address the threat" was hidden in the Constitution. It is certainly not to be found in Article II, which creates the executive branch and outlines its duties.

Incredibly, the president said he would "welcome congressional support for this effort in order to show the world that Americans are united in confronting this danger." However, despite taking an oath to uphold the Constitution, Obama made no suggestion that a lack of congressional or constitutional authority would stop him from doing whatever he pleases with America's treasure or armed forces. Instead, support from the American people's representatives would just be "welcome."

Still, at least some high-profile figures in Washington, D.C., seem to remember their Constitution 101 classes. Obama "absolutely" needs congressional approve to launch the next phase of his scheming, Sen. Rand Paul (R-Ky.) said on Fox News after the speech. "The Constitution is very clear. They debated this in the beginning. Hamilton as well as Madison are very explicit in the *Federalist Papers*, they say, 'we gave the war-making power to Congress because we wanted to make it difficult to go to war,'" said Paul, widely regarded as a leading 2016 contender for the GOP presidential nomination.

While noting that he would support this particular intervention against the "Islamic State," Senator Paul suggested that, beyond being necessary, congressional approval would also make it more likely to succeed. "I think the president would be more powerful, the country would be more united," the senator said. "He should have come before a joint session of Congress, laid out his plan as he did tonight, and then called for an up or down vote on whether or not to authorize him to go to war."

Obama failing to go to Congress was blatantly unconstitutional, Paul finally conceded when pressed. "It isn't the constitutional way," he told Fox News personality Sean Hannity after being asked whether Obama's plot was a violation of the Constitution. "It doesn't in any way represent what our Constitution dictates, or what our Founding Fathers [envisioned]."

Separately, liberty-minded Representative Justin Amash (R-Mich.) also criticized Obama's speech for lack of details and for the defiant attitude toward America's constitutional system of government and the American people's elected representatives. "The president boldly claimed, contrary to the Constitution, that he alone can order our Armed Forces into a protracted war," Amash, a leading defender of the U.S. Constitution in Congress, wrote on his Facebook page after the president's speech.

Even Republican Senator Ted Cruz of Texas, who has been very outspoken about the threat posed by ISIS, blasted the president. "I think the president should come to Congress and ask for authorization," he told Megyn Kelly on Fox News. "You want a demonstration of presidential hubris? Look no further than this speech tonight where he brazenly declares 'I have the authority to declare war regardless of what Congress says.'"

Beyond his constitutional obligation to get permission from Congress, it is also the logical and sensible course of action prior to risking more American lives and treasure. "Part of the reason for seeking

congressional approval, is it forces the president to go in front of Congress and the American people and articulate a clear military objective that furthers U.S. national security interests," Cruz added. "The president has failed to do so and it appears he still doesn't intend to do so."

Of course, the latest unconstitutional military adventure declared by Obama is hardly the first time he has brazenly defied the Constitution and his oath, which he took on the Holy Bible. From citing UN resolutions to wage war on Libya to lawlessly sending weapons to jihadists in Syria, on matters of war and peace — and much else, too — Obama appears to view himself as some sort of king or dictator. This time, he claims the unconstitutional war he unilaterally declared could last three or more years.

Congress must demand that the president obtain approval from America's elected representatives before starting yet another war. "Consultations" with Congress, or a "buy in" from lawmakers, is not enough. Defying the Constitution — the very contract that allows the federal government to exist in the first place — should never be an option. If ISIS, which Obama and his "allies" played a crucial role in creating and empowering, is truly a major threat to Americans, the people's elected representatives in Congress will have an opportunity to take appropriate action. Either way, lawmakers need to take their duty to the people and to the Constitution seriously.

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