



Written by [Joe Wolverton, II, J.D.](#) on April 14, 2019

Mike Pompeo vs. Rand Paul on the President's Presumed War Powers

During testimony at a hearing of the Senate Foreign Relations Committee, Secretary of State Mike Pompeo ducked and weaved regarding the question of whether the president has power to make war. Senator Rand Paul corrected Pompeo's lack of constitutional understanding.



At a Senate Foreign Relations Committee hearing on April 10, Senator Rand Paul (R-Ky.) was put in the position of professor, trying to teach Secretary of State Mike Pompeo what the Constitution says about where the power to make war lies.

Paul asked Secretary Pompeo if he believed that Iran had any connection to the people or organization that carried out the attacks of September 11, 2001, specifically referring to al-Qaeda.

"There is no doubt there's a connection," Pompeo responded.

As Pompeo continued his commentary, trying tenaciously to tie al-Qaeda to the government of Iran, Senator Paul interrupted him to once again school him on the facts of global affairs and the relationship of al-Qaeda to Iran.

"The Iranian government's not real happy with Sunni extremists. They have Sunni extremists in their country, but it's not sort of like they're joining forces to fight the West. They actually would just as soon eradicate Sunni extremists and have actually evicted quite a few and imprisoned quite a few, so I don't think that dog hunts very well," Paul informed Pompeo, correcting the secretary of state's comments regarding the alliance between Iran and al-Qaeda.

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Pompeo's appearance before the Foreign Relations Committee was prompted by President Trump's designation of the Iranian Revolutionary Guard as a terrorist organization.

In a Fact Sheet issued on April 8, the president wrote: "The Iranian regime is the leading state sponsor of terror. It exports dangerous missiles, fuels conflicts across the Middle East, and supports terrorist proxies."

For those paying attention, the United States of America does likewise, including sharing nuclear technology with Saudi Arabia, a country currently involved in a war against Yemen that has left innocent people in Yemen without food, water, and shelter, and with the grim necessity of burying their loved ones who were killed by missiles purchased from the United States and fired by Saudi jets also bought from the United States.

Of course, that's not to mention the fact that 15 of the 19 terrorists who carried out the attacks of September 11, 2001 were Saudi nationals.

And, we'll only mention briefly the fact that U.S. intelligence agencies told the president that the



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torture and murder of the journalist Jamal Khashoggi was ordered by the heir to the Saudi throne, Crown Prince Mohammed bin Salman.

Before getting back to the lessons on the Constitution that Senator Paul had to teach Secretary Pompeo (a man who swore to God that he would preserve, protect, and defend a document he apparently knows very little about), we'll set out more of President Trump's reasons for ratcheting up the martial rhetoric against Iran.

"The Iranian regime remains the world's leading state sponsor of terror, spending nearly a billion dollars every year to support terrorism," the fact sheet reports.

Here are some facts not printed in the president's Fact Sheet: the United States funds more terrorists than any other nation on the globe.

Here's a brief explanation provided by Global Research:

There are essentially three wars being waged in Syria: one between the government and the rebels, another between Iran and Saudi Arabia, and yet another between America and Russia. It is this third, neo-Cold War battle that made U.S. foreign policy makers decide to take the risk of arming Islamist rebels in Syria, because Syrian President, Bashar al-Assad, is a key Russian ally. Rather embarrassingly, many of these Syrian rebels have now turned out to be ISIS thugs, who are openly brandishing American-made M16 Assault rifles.

America's Middle East policy revolves around oil and Israel. The invasion of Iraq has partially satisfied Washington's thirst for oil, but ongoing air strikes in Syria and economic sanctions on Iran have everything to do with Israel. The goal is to deprive Israel's neighboring enemies, Lebanon's Hezbollah and Palestine's Hamas, of crucial Syrian and Iranian support.

ISIS is not merely an instrument of terror used by America to topple the Syrian government; it is also used to put pressure on Iran.

The last time Iran invaded another nation was in 1738. Since independence in 1776, the U.S. has been engaged in over 53 military invasions and expeditions. Despite what the Western media's war cries would have you believe, Iran is clearly not the threat to regional security, Washington is. An Intelligence Report published in 2012, endorsed by all sixteen U.S. intelligence agencies, confirms that Iran ended its nuclear weapons program in 2003. Truth is, any Iranian nuclear ambition, real or imagined, is as a result of American hostility towards Iran, and not the other way around.

America is using ISIS in three ways: to attack its enemies in the Middle East, to serve as a pretext for U.S. military intervention abroad, and at home to foment a manufactured domestic threat, used to justify the unprecedented expansion of invasive domestic surveillance.

That record isn't exactly the sort of stuff President Trump will tweet about.

Back to Paul and Pompeo.

When asked if the administration believed that the Authorization of the Use of Military Force of 2001 gave the president power to wage war on Iran, Pompeo ducked and weaved, refusing to give a straight answer. He tried hiding behind "the lawyers" and "legal counsel," but Paul pushed, insisting Pompeo give some sort of response.

"There is a connection between the Islamic Republic of Iran and al-Qaeda. Period, full stop," Pompeo said.



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And that was as close as he would come to answering the question.

Senator Paul had a little something to add after Pompeo's period, though.

"I am troubled that the administration can't unequivocally say that you haven't been given power [to go to war with Iran]," Paul said.

"I can tell you explicitly you have not been given power or authority by Congress to have war with Iran and in any kind of semblance of a sane world, you'd have to come back and ask us before you go into Iran," he added.

Paul informed Pompeo that he was not arguing over whether the Iranian Revolutionary Guard were terrorists, explaining, "My argument is that you do not have the permission of Congress to go to war in Iran. If you want a war in Iran you have to come to us. It's the way the Constitution was written.... This is our history."

And Senator Paul is right.

The executive branch may not declare war and the Constitution is very clear on that point. Additionally, James Madison wrote several essays on the subject, hoping to convince his countrymen in the 1790s that Alexander Hamilton was wrong when he insisted that the president could send the troops into combat.

In a letter called "Helvidius" written pseudonymously, James Madison explained that the power to declare war is "of a legislative and not an executive nature." He continued on that subject:

Those who are to conduct a war [the Executive Branch] cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued, or concluded. They are barred from the latter functions by a great principle in free government, analogous to that which separates the sword from the purse, or the power of executing from the power of enacting laws.

Madison was so strident in his insistence that the power to make war not be placed in the presidency, that his next letter (*Helvidius* No. 2) began with the bold pronouncement that if any president were to presume the war-making power, "no ramparts in the constitution could defend the public liberty or scarcely the forms of republican government."

Did you get that? If we, the American people, allow the president to presume power to send American soldiers to die without the approval of Congress, there is nothing in the Constitution that could preserve our form of government.

At its center, the issue comes down to whether Secretary Pompeo and President Trump are right when they insist that "the lawyers" get to decide whether or not the president can make war, or if Senator Rand Paul, James Madison, and the Constitution are correct in their grant of such authority exclusively to the representatives of the people in Congress.

Photos: Sec. of State Mike Pompeo and Sen. Rand Paul



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