



Written by [Joe Wolverton, II, J.D.](#) on May 25, 2016

Rand Paul: Power to Wage War Must Be Reclaimed by the Congress

As Americans learn the news that another suspected terrorist was summarily executed by order of the president, one senator sees a threat to liberty in the multitude of combat operations being carried out by the United States that were not authorized by Congress as mandated in the Constitution.



In an article published in *Time* magazine, Senator Rand Paul of Kentucky reminded readers that Barack Obama has “been at war longer than any other president in history.”

That’s a startling statement. No president in the history of the United States has prosecuted any war or wars for as long as Barack Obama has. There are millions of Americans who have never lived a day that this country was not fighting in some foreign field of combat.

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Senator Paul says, “That must end.” As for the prospect of that happening, Paul doesn’t like the chances.

“In his last months in office, you would think President Obama might be trying to wind down these seemingly never ending and growing series of wars. You would be wrong,” he insists.

Paul then presents a roster of the wars — some he perpetuated, some he initiated — overseen by Barack Obama:

President Obama said he was ending the War in Afghanistan, but he had to expand it before he could end it; and yet it has not ended. Together Bush and Obama have now spent more than [\\$100 billion on nation-building in Afghanistan](#), and still many doubt the ability of the Afghan government to stand on its own two feet.

While our bridges crumble here at home, President Obama continues the cycle of bombing and then replacing their infrastructure.

He brags of ending the Iraq war, but the war there hasn’t ended. The enemy has just changed names. [Combat troops have slowly grown](#).

Air wars and “advisors” are now in Syria and Iraq. Last month the President declared he was sending [250 Special Operations Forces to Syria](#). Who goes to war with 250 soldiers?

President [Obama spent \\$500 million to train 250 Syrian “moderates.”](#) He proceeded to send ten of them into battle and they were captured within ten minutes and stripped of millions of dollars in weapons. Who sends ten soldiers to war?

With that sobering summary in mind, Paul wonders how such an extraordinarily bellicose president won the Nobel Prize for Peace.



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Next, Senator Paul asks the question that others — particularly those who supported the candidate Barack Obama who promised to end these endless wars, but continue to support him despite his obvious betrayal of that promise — dare not: Where does the president get the authority to deploy troops into (seemingly) every overseas civil war?

Paul's answer: "The Constitution explicitly gives the power to declare war to Congress. But this administration still continues to use Authorization for Use of Military Force (AUMF), which was passed way back in 2001 and 2003, and originally intended to give President George W. Bush the green light for the wars in Afghanistan and Iraq after 9/11, as justification for continuing military actions abroad today."

It's true. There is not a single syllable in the Constitution even suggesting that the drafters of that document intended for the executive to send soldiers into wars, with or without some "authorization" by Congress.

And it is that last little bit of historical truth that should most concern constitutionalists.

From the very moment the powers of the president were being debated in Philadelphia in 1787, delegates warned of vesting war power in the executive. In fact, upon hearing a motion by Pierce Butler of South Carolina to grant this power to the president, Elbridge Gerry of Massachusetts retorted that he "never expected in a republic a motion to empower the executive to declare war."

Although not present during the Constitutional Convention, Thomas Jefferson, in a letter to James Madison, wrote, concerning this issue, "We have already given, in example, one effectual check to the dog of war, by transferring the power of letting him loose from the executive to the legislative body, from those who are to spend to those who are to pay."

Today, unfortunately, the leash on the "dog of war" is being held by one hand: the hand of the president, and he is far too ready to release this deadly and demoralizing beast wherever he fancies.

To try to keep the leash of the beast in the hands of the people's representatives, Senator Paul proposes the following constitutional correction to the president's war-making agenda. "I will be introducing an amendment to the upcoming defense bill that will state in no uncertain terms that the President cannot use vague, out-of-date authorities to send our troops to war," he writes in the *Time* article.

"My amendment will state that it is the sense of the Senate that the 2001 9/11 AUMF and the 2002 Iraq war AUMF do not apply to today's war in Iraq and Syria and that if war is to continue there must be a new declaration of war by Congress."

Paul points out that "one generation cannot bind another generation to perpetual war." There is wisdom in that declaration. Perhaps the senator has read James Madison and recognizes the urgent need to hear his warning.

From a letter written in 1795:

Of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies; from these proceed debts and taxes; and armies, and debts, and taxes are the known instruments for bringing the many under the domination of the few. In war, too, the discretionary power of the Executive is extended; its influence in dealing out offices, honors, and emoluments is multiplied; and all the means of seducing the minds, are added to those of subduing the force, of the people. The same malignant aspect in republicanism may be traced in the inequality of fortunes, and the opportunities of fraud,



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growing out of a state of war, and in the degeneracy of manners and of morals engendered by both. No nation could preserve its freedom in the midst of continual warfare.

From Sparta to Macedonia, from Rome to our own Republic, the truth of Madison's message has been proven true, time and time again. The shortest path from virtue and self-government is commitment to constant warfare, and under the Obama administration, the United States has been at war for longer than any other period in its existence.

Remarkably, President Obama once claimed to believe this principle. As written by Rand Paul:

President Obama ran calling for a repeal of the very AUMF he now hides behind for unconstitutional warfare. In 2014, a reporter confronted White House Press Secretary Josh Earnest about the "irony in using as your legal justification for these airstrikes an authorization for military force that the President himself has called for repeal of."

There is nothing, it seems, of the promised "change" in the presidency of Barack Obama, and as his policies protract the breadth and depth of global insertion of American military might, there may be no "hope" for liberty, either.



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