



## Defense Bill Undercuts President's Constitutional Authority

The Constitution of the United States makes the president of the United States the commander-in-chief of the armed forces, supporting the important principle of civilian control of the military. This does not mean that presidents have the authority to go to war on their own — the Constitution gives that power to Congress.

But the Defense spending bill, passed in an unusual New Year's Day session on Friday, 81-13, directly hit at the president's role as commander-in-chief. The vote overrode President Donald Trump's recent veto of the National Defense Authorization Act (NDAA), the first time Congress has managed to override a Trump veto in his presidency. The House of Representatives earlier overrode his veto, 322-87.



President Trump (AP Images)

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Senator Rand Paul was one of the 13 in the upper house of Congress who voted no to the override of the veto. Paul zeroed in on one aspect of the bill, which was designed to prevent Trump from withdrawing American armed forces from foreign countries. An amendment to the act, which was co-sponsored by Reps. Liz Cheney (R-Wyo.) and Jason Crow (D-Colo.), blocks troop pull-outs in Afghanistan unless the Pentagon submits inter-agency reports certifying that the drawdowns would not jeopardize national security.

Paul, speaking against the Cheney amendment on the Senate floor, compared Liz Cheney to her father, former Vice President Dick Cheney, and charged that they are both neoconservatives who favor "perpetual war." He added, "The philosophy of these people is about war and substantiating war and making sure that it becomes and is perpetual war."

Cheney tweeted a response that is typical of neoconservatives, saying that Paul was "blaming America," and was "delaying hazardous duty pay to hundreds of thousands of our service members." Cheney, in a snarky remark reminiscent of her father, said, "Rand and I do have one thing in common, though. We're both 5'2" tall." (Paul is actually 5-8, which is pretty close to the 5-9 average of American adult males).

Cheney's retort ignored the substance of the issue, however. The provision that Trump's subordinates in the Pentagon submit a report to Congress, rather than to their commander-in-chief, circumvents the constitutional designation of the president as commander-in-chief. It is interesting that neoconservatives have asserted that a president can commit the country to a war, without any authorization from Congress (which was Dick Cheney's position in the George W. Bush Administration, when he argued that Bush needed no approval from Congress to go to war against Iraq), but a president



Written by [Steve Byas](#) on January 2, 2021

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cannot withdraw troops without the permission of Congress. This would seem to confirm Senator Paul's charge that neoconservatives are for "perpetual war."

Another provision in the bill, which Senator Mitt Romney (R-Utah) favored, would limit planned troop withdrawals from Germany. One would think that, 75 years after the end of World War II and almost 30 years after the implosion of the Soviet Union, there is no need for U.S. troops in central Europe. But to neoconservatives, having a military presence around the world seems to be their greatest goal.

Senator Ted Cruz (R-Tex.) was another of the 13 who voted to sustain Trump's veto, and he expressed concerns similar to those of Paul, arguing the bill "diminishes our ability to execute military strategies ... and wind down endless wars by interfering with the president's Article II authority."

Cruz also condemned the "brazenly political attempt to erase our nation's history" by requiring the Department of Defense to rename military bases.

The 13 senators who voted in opposition to the over-ride of Trump's veto included not only some of the more conservative members of the Senate, such as Paul and Cruz, and Senator Mike Lee (R-Utah), but also some of the most left-wing members of the Senate, such as Bernie Sanders (I-Vt.), Ron Wyden (D-Ore.), and Elizabeth Warren (D-Mass.).

Not surprisingly, then, the reasons for voting against the bill varied. Senator Wyden, one of Congress' most ardent left-wingers, who voted against the bill's passage, issued a statement complaining about federal agents occupying Portland. "Federal agents have already shot a protester in the head with crowd-control munitions, sending him to the hospital with a fractured skull, and abducted demonstrators in unmarked vans." (What exactly this had to do with a defense-spending bill is unclear).

Wyden also objected to the amount of money being spent on the military "at a time when Senate Republicans are proposing mere crumbs for aid to schools and unemployed workers in the midst of a global pandemic and economic crises." He was also disappointed that the bill did not include an amendment from Senator Brian Schatz (D-Hawaii) "that would've restricted the militarization of America's law enforcement."

But Wyden said he was "encouraged" that the Senate had begun the process to "root out Confederate names and symbols from the military."

While Trump has been the most non-interventionist president in modern times, this bill demonstrates that those who favor the continuation of foreign military adventures have maintained their great clout. Presidents come and go, but the globalist goals remain.



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