



Written by [Joe Wolverton, II, J.D.](#) on March 28, 2023

## **Biden Orders Retaliatory Airstrikes in Syria After U.S. Forces Killed**

“Wherever the standard of freedom and Independence has been or shall be unfurled, there will [America’s] heart, her benedictions and her prayers be. But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.” — [John Quincy Adams, July 4, 1821](#)

American airstrikes killed a total of 19 people in Syria this week, in retaliation for an Iranian drone attack that killed a U.S. contractor and wounded five American troops.



AP Images

The Defense Department claims that the targets were affiliated with the Iranian Revolutionary Guard Corps (IRGC). A human rights watch organization reports that the Pentagon’s air attack in Syria killed three Syrian troops, 11 members of a pro-Syrian regime militia, and five non-Syrian soldiers.

American F-15s reportedly carried out the “precision airstrikes,” which in turn were answered by the Iranians, who fired 10 missiles aimed at a U.S. base in northeast Syria — but missed their intended target and hit a civilian house, injuring two women and two children, according to information issued by U.S. Central Command.

Joe Biden sent a letter to the House and Senate defending the airstrikes, informing lawmakers that he was writing to keep them “fully informed.”

“The precision strikes were directed at facilities used by groups affiliated with the IRGC for command and control, munitions storage, and other purposes,” Biden wrote. “They were conducted in a manner intended to establish deterrence, limit the risk of escalation, and avoid civilian casualties.”

There is no doubt that this deadly and expensive tit-for-tat will continue, as it has off and on for over a decade. Before examining the airstrikes and Biden’s letter to Congress through the lens of the Constitution, here’s a brief backstory of U.S. military operations in Syria.

The federal government has been involved in the Syrian civil war since it began in 2011. At first, the the United States provided humanitarian aid and non-lethal assistance to groups opposing the Assad regime. However, in 2014, the United States initiated a military campaign against the Islamic State of Iraq and Syria (ISIS) in Syria.

The U.S.-led coalition carried out airstrikes against ISIS targets in Syria and provided training and equipment to Syrian opposition groups fighting against ISIS. The United States also supported Kurdish-led forces in northern Syria, who were instrumental in the defeat of ISIS.

In addition to its military involvement, the United States has provided significant financial and diplomatic support to the coalition of organizations included within the Syrian opposition. The United



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States has repeatedly called for the removal of President Bashar al-Assad.

The mainstream media insists that the United States has not provided direct military support to the Syrian opposition against the Syrian government. However, in 2018, the United States launched airstrikes against Syrian government targets in response to the use of chemical weapons, but this was a limited and targeted operation.

Additionally, the Pentagon deployed about 2,000 soldiers to the anti-Assad coalition, and in October 2015 supported the creation of the Syrian Democratic Forces, a group largely made up of the Kurdish People's Protection Units (YPG) militia.

Overall, the United States has played a significant role in the Syrian civil war through its military, financial, and diplomatic support for the opposition and its campaign against ISIS.

Now, let's view this 11-year military operation through the lens of the U.S. Constitution.

First, the government of the United States has spent over \$15 billion in trying to topple the government of Bashar al-Assad. The U.S. Constitution does not permit even one penny to be taken from the American people and sent to foreigners to fund their military operations.

Even though many would point out that much of that money was spent on humanitarian endeavors, I am reminded of the following observation made by the man known as the Father of the Constitution, James Madison: "Charity is no part of the legislative duty of the government."

Regardless of your opinion on the war in Syria, it is a demonstrable fact that there is not a syllable of the U.S. Constitution that authorizes either the President or the Congress to commit the United States to financing foreign wars, even civil wars seeking to overthrow a regime we don't like. No one who is a friend of the Constitution should be found backing the billions being taken from American working families and sent to Middle Eastern militias, who this week are our "allies" and next week are fighting on the other side, using weapons and materiel bought with money taken from American taxpayers.

If an individual American zealously seeks the overthrow of the Assad regime, then he should find ways to funnel funds to those Syrian (and non-Syrian) forces trying to topple the Syrian government. Americans should never be forced to fund such foreign armed engagements, unless, of course, Congress has declared war, which it has not — not in Syria, Ukraine, or any other country where American blood and treasure are currently being sent.

As for federal funding of such entanglements, then, as there is no grant of such power in the Constitution, the plain language of the Tenth Amendment declares that such a power is retained by the states and the people.

Next, there is not a single syllable in the U.S. Constitution that authorizes the executive branch — neither the President, nor the Department of Defense — to deploy American forces to participate in foreign wars unless and until war is declared by Congress.

As you might expect, the Founding Fathers warned against the assumption by the President of the power to foment war in foreign countries.

In his now nearly forgotten "[Helvidius](#)" letters, James Madison warned against allowing the President to exercise control over the military in the absence of a congressional declaration of war.

To allow the President to deploy American troops without a declaration of war would, Madison declared, "prove a snare to patriotism" and "strike at the vitals of the constitution."



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In the [second Helvidius letter](#), Madison warned that if Americans permitted the President the power to send troops into combat without a congressional declaration of war, “No ramparts in the constitution could defend the public liberty or scarcely the forms of republican government.”

That’s a very terrifying and timely warning. If we, the people of the United States, allow our elected officials — particularly the President, according to Madison — to conduct combat missions without a congressional declaration of war, then we are in very clear and present danger of losing our liberty and the Constitution that protects it.

On 23 November 2019, the head of U.S. Central Command stated there was no “end date” for the U.S. intervention in Syria. As of February 2021, there were around 900 U.S. soldiers operating in Syria, according to the U.S. Department of Defense.

As for the near future, during a press conference in Canada, speaking of the airstrikes, Biden said, “The United States does not — does not, I emphasize — seek conflict with Iran. But be prepared for us to act forcefully to protect our people.”

Well, President Biden, Syrian or Iranian forces could not have killed American servicemen in Syria if there were no American servicemen in Syria, and if we enforced the limits on the power of the federal government, then there would be no American servicemen in Syria in need of being protected from Iranian drone strikes.



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