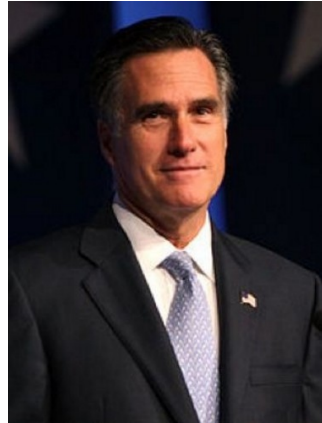




Written by [Raven Clabough](#) on June 20, 2012

Sen Paul Responds to Romney's Iran War Remarks

According to GOP presidential contender Mitt Romney (pictured, left), as president, he would not require congressional approval before launching a war against Iran. Romney's assertion seems more based on the precedent set by the last few administrations than any constitutional authority. In response to Romney's startling declaration, Kentucky Senator Rand Paul (pictured, right) issued a scathing rebuttal.



Appearing on *Face the Nation* on Sunday, Romney [said](#) this:

I can assure you if I'm president, the Iranians will have no question but that I will be willing to take military action if necessary to prevent them from becoming a nuclear threat to the world. *I don't believe at this stage, therefore, if I'm president that we need to have a war powers approval or special authorization for military force. The president has that capacity now.* I understand that some in the Senate for instance have written letters to the president indicating you should know that a containment strategy is unacceptable. We cannot survive a course of action which would include a nuclear Iran we must be willing to take any and all actions. [emphasis added]

All those actions must be on the table.

Romney's assertions have put Senator Paul in a rather uncomfortable position. Paul has already faced some harsh public backlash for his endorsement of Governor Romney, particularly since Senator Paul's own father, Rep. Ron Paul, remains in the presidential race. Likewise, some opponents of Paul's endorsement of Romney contend that Paul has sold out his ideals to further his political career.

Perhaps for that reason, Senator Paul felt compelled to issue a formal response to Romney's statements. In an article published on the Daily Paul, Senator Paul [writes](#):

I endorsed Governor Romney for many reasons, not the least of which is that we simply cannot afford four more years of President Obama. Obamacare, Dodd-Frank, an out-of-control EPA and NLRB, and trillion-dollar deficits are combining to strangle our economy. I am afraid if that chokehold is not released quickly, our country may quickly follow Europe into destruction. Anyone who doesn't believe there is a difference between the two candidates on economic issues is simply not looking or not being honest with their assessments.

Where I don't know if there is as much of a difference as I would like is foreign policy.

Reiterating his opposition to President Obama's military efforts in Libya, as well as in Iraq and Afghanistan, Senator Paul writes: "I do not know yet if I will find a Romney presidency more acceptable on foreign policy. But I do know that I must oppose the most recent statements made by Mitt Romney in which he says he, as president, could take us to war unilaterally with Iran, without any approval from Congress."

Paul notes that Romney's assertions are a "misreading of the role of the president and Congress in declaring war."



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Romney's statement is in gross violation of the United States Constitution, as well as the War Powers Resolution, which, in and of itself, is an entirely unconstitutional resolution because it permits Congress to shirk what arguably is its most important power — that of declaring war.

James Madison wrote in 1793, "In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department. Beside the objection to such a mixture of heterogeneous powers, the trust and the temptation would be too great for any one man."

Unfortunately, the United States Congress has been all too acquiescent in its abdication of that power in the past few decades, while the executive branch has been all too keen on usurping it.

The George W. Bush administration denied that congressional authority was necessary to start the Iraq war, and even though Congress authorized Bush to make the decision on Iraq, it did not itself declare war. Bill Clinton's Kosovo campaign is yet another example of a military operation that lacked congressional declaration, and the Gulf of Tonkin Resolution is further proof that Congress's role in military operations has been increasingly diminished. The most recent example of a Congress that has been entirely circumvented in order for the president to pursue his own agenda involves President Obama's military operations in Libya, which Democratic Representative Dennis Kucinich called "impeachable."

Sadly, the War Powers Resolution was in fact intended to limit the president's use of force by placing a time limit on how that force is used. But as [analyzed](#) by the Cato Institute, the WPR has proven to be a significant failure:

In the 35 years since the resolution's passage, presidents have put troops in harm's way over 100 times without letting the WPR cramp their style. The WPR's time limit is supposed to kick in when the president reports that he has sent American forces into hostilities or situations where hostilities are imminent. However, the statute is ambiguous enough to allow the president to "report" without starting the clock, and presidents have exploited that ambiguity. Of 111 reports submitted from 1975 to 2003, only one president deliberately triggered the time limit, and that was in a case where the fighting had ended before the report was made.

There have been a number of proposals to reform the War Powers Resolution.

John Hart Ely's "Combat Authorization Act" sought to shorten the current 60-day "free pass" allotted in the WPR to 20 days with a mandate for the courts to hear suits by members of Congress who want to start the clock. Leslie H. Gelb (President Emeritus and Board Senior Fellow at the Council on Foreign Relations) and Anne-Marie Slaughter (also a CFR member, professor of politics and international affairs at Princeton University, and a former director of policy planning at the State Department from 2009 to 2011) proposed a law that would have restored the original intent of the Framers by requiring a congressional declaration of war in advance of any troop commitment. Under that proposal, any military engagement without congressional declaration would prompt an automatic cut off of funding for troops in the field.

But as noted by the Cato Institute, until Congress is eager to retrieve the war powers assigned to it in the Constitution, reform proposals ultimately fall by the wayside.

Meanwhile, the United States Congress has not declared war since 1942, and it seems that under Romney, not much would change.



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