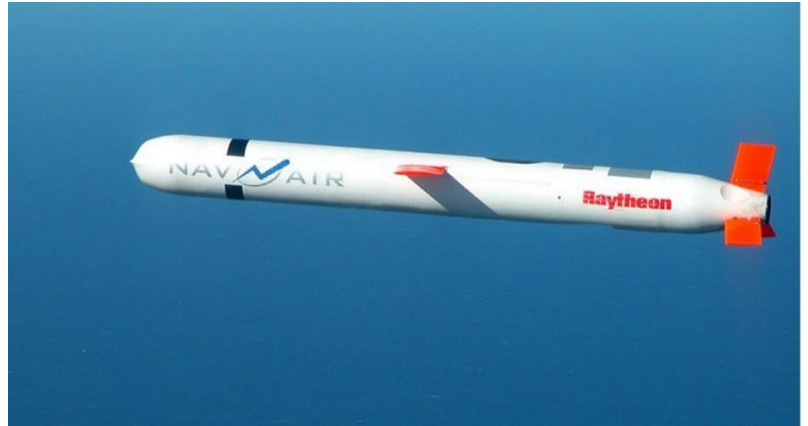




Written by [Alex Newman](#) on April 10, 2017

Trump Attack on Syria Violates the Constitution and His Pledges

President Donald Trump's attack on Syria last week was illegal and unconstitutional, legal experts and even many of his leading supporters argued, noting that the Constitution grants war powers to Congress and not the president. The attack was also contrary to Trump's own repeated pledges on the campaign trail to seek a constitutionally required declaration of war prior to launching military interventions abroad. In fact, Trump was a fierce critic of Obama's lawless and unconstitutional military machinations in Syria and the broader Middle East, which was among the key reasons so many Americans rallied behind his campaign. But now, the tables have apparently turned.



The Trump administration used a highly dubious legal explanation to justify its illegal attacks on a sovereign nation that did not attack the United States. "It is in this vital national security interest of the United States to prevent and deter the spread and use of deadly chemical weapons," Trump said after he ordered the attack, prompting outrage from many of his most loyal supporters. At first, in an unsourced document meant to help his officials answer questions, the administration cited various alleged violations of "international law" by the Assad regime for supposedly using chemical weapons. After the missiles began flying, though, instead of relying on "international law," the White House legal office improperly invoked Article II of the U.S. Constitution.

In the invocation of Article II of the U.S. Constitution, the administration offered no specifics on how any of that language could possibly be interpreted as allowing the president to take military action without permission from Congress. Instead, the dubious "legal" justification cited the idea of promoting America's alleged "national interest" — a phrase that appears nowhere in Article II or anywhere else in the Constitution — as the basis for the attack. And according to the rationale, the "national interest" in bombing Syria was the notion that the attack would help in "promoting regional stability, which the use of chemical weapons threatens."

"No authorization from Congress is necessary," the talking points distributed by the Trump administration asserted, falsely. "The U.S. strikes were a justified use of force because of several factors, including promoting regional stability, discouraging the use of chemical weapons, and protecting a civilian population from humanitarian atrocities." Of course, the Constitution does not authorize the president to take military action for any of those reasons without a declaration of war from Congress. Only Congress, under Article I, Section 8, has the constitutional authority to "declare War."



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Before becoming president, Trump understood that clearly, and indicated it publicly on numerous occasions. “The President must get Congressional approval before attacking Syria — big mistake if he does not,” Trump wrote on social media in August of 2013, following a false-flag attack perpetrated by Obama’s jihadist rebels aimed at blaming Syrian dictator Bashar al-Assad. Trump was also fiercely critical of Obama’s warmongering and lawlessness regarding the Middle Eastern nation. “What will we get for bombing Syria besides more debt and a possible long term conflict?” he asked on Twitter that same month. “Obama needs Congressional approval.” It was true then, and it is still true now.

The next month, Trump again warned “our very foolish leader” — a reference to Obama — not to attack Syria. “If you do many very bad things will happen and from that fight the U.S. gets nothing,” Trump warned. In another post, Trump warned Obama: “Don’t attack Syria — an attack that will bring nothing but trouble for the U.S. Focus on making our country strong and great again!” Earlier that year, he said: “We should stay the hell out of Syria, the ‘rebels’ are just as bad as the current regime. WHAT WILL WE GET FOR OUR LIVES AND \$ BILLIONS? ZERO.” Many similar posts by Trump consistently made similar points.

It seems many of the officials surrounding Trump, though, are agitating for war and regime change in Syria. Secretary of State Rex Tillerson, for example, justified the military machinations by claiming it was “important” that “some action be taken on behalf of the international community to make clear that the use of chemical weapons continues to be a violation of international norms.” In other words, globalism and the “international community,” also known as the United Nations, supposedly require that the administration launch illegal military attacks. Of course, the Constitution does not provide any presidential power to engage in any sort of “global police action” or “limited military strike” or anything of the sort, whether justified under the guise of “international law” or not.

Some lawmakers on both sides of the aisle have recognized that Trump, as he himself pointed out for years, has no authority to attack Syria. Influential U.S. Senator Rand Paul (R-Ky.), for example, [pointed to](#) Trump’s past tweets on Syria noting that congressional approval would be necessary to attack Syria, and that attacking Syria would be a terrible idea possibly setting up a long-term conflict while costing U.S. taxpayers huge sums. “This remains true today as it was in 2013,” he said. “Both parts.” Paul, a leading constitutionalist and non-interventionist in Congress, made the same arguments when Obama was illegally meddling in the Middle East.

The popular and principled senator doubled down on his position. “Make no mistake, no matter who is president or what their party is, it is my firm belief that the president needs congressional authorization for military action, as required by the Constitution,” Paul wrote in [a piece published by Fox News](#), adding that the Founders placed the war power with Congress because they wanted foreign policy to be thoughtful and to be debated by the people’s elected representatives. “I call on this president to come to Congress for a proper debate over our role in Syria, just as I did in 2013 when President Obama contemplated acting in Syria.”

“The Constitution clearly states that it is Congress that has the power to declare war, not the president,” Paul continued, adding that fighting Assad put the U.S. government on the side of al-Qaeda and ISIS in the civil war there. “Even the War Powers Resolution, shoved forward by hawks as justification, clearly states criteria under which the president may act — a declaration of war, a specific statutory authorization, or a national emergency created by an attack on the United States. That’s it. Absent those criteria, the president has no authority to act without congressional authorization. Congress must stand up and assert its authority here and now. No president is above the law or the



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Constitution.”

The morning after Trump’s missiles began flying, U.S. Representative Mark Pocan, a Democrat from Wisconsin, [made a similar argument](#). “There is no legal basis for last night’s missile strike against Syrian military assets,” he said in an April 7 statement, calling on U.S. officials to be accountable to the U.S. Constitution. “Congress must be called back immediately, if President Trump plans to escalate our military involvement. He must send a new Authorization for Use of Military Force (AUMF) to Congress, as I have previously called for. The American people deserve a thorough debate in and vote in Congress as required by law if any escalation is expected.”

PolitiFact.com, a self-styled “fact-checking” operation that is really just a mouthpiece for the establishment, suggested the congressman was wrong. “Experts agree that in limited instances, such as the Syrian missile attack, a president has legal authority provided in the Constitution as commander-in-chief,” PolitiFact propagandists for war and unlimited executive authority claimed. But rather than citing the language in the Constitution, they pointed to discredited “experts” who also did not cite any real constitutional or statutory authority.

Multiple propaganda organs of the warmongering globalist establishment also trotted out pseudo-“experts” to assure everyone that because other presidents have similarly flaunted the Constitution, Trump’s illegal act is legal. Indeed, some lawless neoconservatives and globalists were downright giddy at the thought of Trump abandoning the Constitution and his campaign pledges to join their deadly warmongering faction.

While the American Civil Liberties Union often works to subvert the Constitution, in this case, perhaps because a Republican it dislikes is in office, it correctly noted that Trump’s attacks were illegal. “In the face of constitutional law barring hostile use of force without congressional authorization, and international law forbidding unilateral use of force except in self-defense, President Trump has unilaterally launched strikes against a country that has not attacked us, and without any authorization from Congress,” [said](#) Hina Shamsi, director of the ACLU National Security Project. “Doing so violates some of the most important legal constraints on the use of force.”

Among other points, she highlighted the indisputable fact that Congress, and only Congress, has the power to launch a war. “In order to ensure that war powers are exercised with wisdom, restraint, and popular approval, our Constitution assigns to Congress its most important and fundamental responsibility: to declare war by specifying enemies, defining clear objectives, and setting limits that keep the executive’s power as commander in chief within bounds,” the ACLU expert added. “This fundamental principle of separation of powers lies at the core of the Constitution.”

Indeed, there is a very good reason why the authors of the Constitution delegated the war powers to Congress and not the president. They debated it and decided that the American people’s representatives must control the awesome power to start wars, not a single man. Chief among those reasons is that the Founders understood the danger of war — and especially ill-thought-out wars — and they knew that allowing the president alone to declare war would lead to more war, and therefore less liberty.

“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,” noted James Madison, widely viewed as the “father” of the Constitution:

War is the parent of armies; from these proceed debts and taxes; and armies, and debts, and taxes



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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, 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.

Congress must stand on the Constitution and ensure that no more military scheming takes place without the constitutionally required declaration of war. Trump and every member of Congress took an oath to the Constitution — not nebulous “national interests” or anything else. The American people must ensure that they all adhere to that oath. If the American people truly feel a war is necessary, then Congress should discuss the objectives and vote to declare it. Otherwise, the Constitution demands that the United States stay out.

Alex Newman, a foreign correspondent for The New American, is normally based in Europe. Follow him on Twitter [@ALEXNEWMAN_JOU](#) or on [Facebook](#). He can be reached at anewman@thenewamerican.com.

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