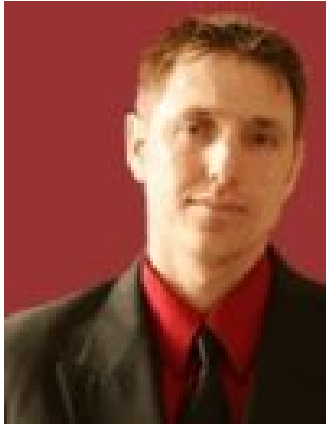


The Constitutionality of Long Distance Air Strikes



Jake MacAulay

The recent assassination of Iranian military leader Qasem Soleimani carried out by United States military personnel under orders from President Donald J. Trump has caused much turmoil in America.

From the instant that the details of the deadly mission were announced, critics of the president have been shrill in their condemnation of his actions.

At the same time, supporters of the President are universally outraged that the president's decisive and successful action is being criticized at all.

However, when I listen to the arguments that are put forward to defend and to justify this long-distance termination of human life I must admit I am very troubled.

It's a question of authority.

You see, I am struggling to find the authority for this termination of life.

Now, don't get me wrong. Along with many Americans, I am disposed to applaud Mr. Trump's boldness and decisiveness, along with his desire to protect the American people.

But while I appreciate his acting with certainty, I believe it to be the duty of all Americans to make certain that our president is acting within the limits of the authority vested in him under the Constitution and subject to the laws of nature and of Natures' God.

Please consider just how important this is for us all. If we allow our military to engage in deadly force without the benefit of a clear articulation of the lawful authority by which they kill, there is nothing to stop them from killing anyone they may someday, somehow, find convenient.

In Article II, Section 2, the Constitution provides that the President is the Commander-in-Chief of the Army and Navy. But the title "Commander in Chief" alone does not provide justification to kill anybody.

Just because Bush and Obama did something doesn't make it moral or constitutional.

Just because it is asserted that "Soleimani is a known terrorist" or that "he needed to be taken out" doesn't make it moral or lawful.

What would make it constitutional would be to comply with Article 1 Section 8 which vests the power in Congress "to declare war" on a nation-state, or "grant letters of marque and reprisal." These letters are essentially permits for private individuals to use force against enemies of the state on its behalf. This would include a renegade pirate or terrorists who is not a part of a recognized government.

That's relatively simple but Congress hasn't declared war since December 8, 1941, following Pearl Harbor.

If Soleimani and his ilk represent the nation-state of Iran then we ought to declare war on Iran and terminate the radicals as a matter of war.



If Soleimani is an individual terrorist killing and terrorizing American citizens then the president ought to request Letters of Marque from Congress to terminate this man and his forces.

Bypassing the Constitution and their own authority Congress, passed a "Use of Military Force Against Iraq Resolution" of 2002. Since then, there have been US Soldiers on the soil of the Middle East that haven't been authorized by Article 1 Sec. 8.

We clearly have a real conflict that does exist and has for some time, but this conflict has not been declared or defined which is causing an escalation of conflicts. I believe this is because we have abandoned what the constitution authorizes.

Again I am very troubled...

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