

Trump's Unconstitutional "Good Idea" in Syria

According to a recent poll conducted on behalf of CBS News by SSRS of Media, Pennsylvania, "President Donald Trump's decision to launch airstrikes against Syria garnered 57 percent approval from Americans."

But, does "approval from Americans" translate into "Constitutional in America"?

My colleague and mentor, Michael Anthony Peroutka, suggested that to say something is "a good idea" and something is "constitutional" is to say two different things. I submit the following analogy to your candor.

Suppose you invite me to your house for dinner and while I'm there I notice that your window treatments are shabby and that your furniture does not match your wall colors. In fact, it looks rather hideous! So, the next day, while you're not at home, I break into your house and change the windows, the walls, and replace your old furniture. Not only do I approve of this extreme home makeover but your wife and children unanimously agree that what I did was a fantastic idea and will bring lasting happiness to your family.

However, amidst my wonderful action both you and I know that, in fact, I am guilty of the crimes of breaking and entering and trespass.

Do you see that even if it was a good idea to change the décor, it was a crime because it was outside of my authority to do it?

Now let's apply the analogy to Trump's decision to launch airstrikes against Syria. Because we are not a democracy and

the Constitution does not grant the president any authority to unilaterally attack other nations, it wouldn't matter if a majority of Americans approved of this recent action.

"The Constitution vests the power of declaring war in Congress," said George Washington, "Therefore no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure."

James Madison asserted, "The executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war."

The operative clauses to look up here are Article I, Section 8, Clause 11 of the U.S. Constitution, which grants Congress the power to declare war. The President, meanwhile, derives the power to direct the military after a Congressional declaration of war from Article II, Section 2, which names the President Commander-in-Chief of the Armed Forces.

So while cooperation between the President and Congress regarding military affairs is required, only Congress has the authority to attack or "declare" war; not the President.

Unfortunately, throughout the 20th and 21st centuries, many Presidents have engaged in military operations without express Congressional consent. The Korean War, the Vietnam War, Operation Desert Storm, the Afghanistan War of 2001 and the Iraq War of 2002 are some examples.

These dangerous trends, I believe, have led to a mentality in America that if it is a good idea, the President should act with force.

We would do well to remember that many people have conflicting definitions of just what is a good idea and that power to execute these ideas does not make them virtuous, constitutional, or legal.

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