

Power of the President to Unilaterally Launch Attacks

*Posted by Clint Bishop in the Constitution Party National Grassroots Movement Facebook group
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For those saying the President has the power to launch an attack:

Article 1, Section 8, Clause 11 of the Constitution of the United States: [The Congress shall have Power To...] Declare war...

Article 2, Section 2, Clause 1 & 2 of the Constitution of the United States: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States... He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur...

For those citing that Commander-In-Chief = ability to unilaterally launch attacks in which Americans are not in imminent danger:

Thomas Jefferson, in 1801 as President: He was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense."

Federalist 69, Alexander Hamilton: The President is to be the "commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He is to have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment; to recommend to the consideration of Congress such measures as he shall judge necessary and expedient; to convene, on extraordinary occasions, both houses of the legislature, or either of them, and, in case of disagreement between them with respect to the time of adjournment, to adjourn them to such time as he shall think proper; to take care that the laws be faithfully executed; and to commission all officers of the United States." In most of these particulars, the power of the President will resemble equally that of the king of Great Britain and of the governor of New York. The most material points of difference are these: — First. The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The king of Great Britain and the governor of New York have at all times the entire command of all the militia within their several jurisdictions. In this article, therefore, the power of the President would be inferior to that of either the monarch or the governor. Second. The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies — all which, by the Constitution under consideration, would appertain to the legislature.¹ The governor of New York, on the other hand, is by the constitution of the State vested only with the command of its militia and navy. But the constitutions of several of the States expressly declare their governors to be commanders-in-chief, as well of the army as navy; and it may well be a question, whether those of New Hampshire and Massachusetts, in particular, do not, in this instance, confer larger powers upon their respective governors, than could be claimed by a President of the United States.

For those insinuating that an Act, Treaty, Resolution, or international law warrants usurpation of the Constitution and carries the same weight as a Constitutional Amendment which changes the Constitution:

St. George Tucker, View of the Constitution of the United States: "Let it be supposed, for example, that the president and senate should stipulate by treaty with any foreign nation, that in case of war between that nation and any other, the United States should immediately declare against that nation: Can it be supposed that such a treaty would be so far the law of the land, as to take from the house of representatives their constitutional right to deliberate on the expediency or in expediency of such a declaration of war, and to determine and act thereon, according to their own judgement?"

Also... James Madison, Constitutional Debates: "Does it follow, because this power [treaty power] is given to Congress. That it is absolute and unlimited? I do not conceive that power is given to the President and Senate to dismember the empire, or to alienate any great, essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation."

And Thomas Jefferson, Manual of Parliamentary Practice: "By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are regulated by treaty and cannot be otherwise regulated. . . . It must have meant to except out of these rights reserved to the states, for surely the President and Senate cannot do by treaty what the whole government is interdicted from doing in any way."

Obvious logical flaws with support for the strikes...

Who did it, with proof, please? – People are so convinced that Assad conducted the chemical weapon attacks. Why would he? Assad has changed the tide of the war over the past couple of years and has finally even been winning the P.R. War. None of this matters because it isn't Constitutional, but there's no logic behind an Assad attack.

But the innocent children! – 1. Don't we hate when liberals demagogue and use the heart-wrenching, doomsday, or Alinskyite tactics? Why would conservatives resort to them? 2. We killed 4 innocent children in those strikes. If this provokes a war, how many of our children will die in a war that we have no business being in? 3. Millions of innocent AMERICAN children are murdered at the hands of Planned Parenthood. Where is the outcry regarding the genocide at home? Isn't Trump's daughter lobbying for PP now? Would there be rage if it were Planned Parenthood being attacked due to what they do to innocent children and women daily, or is that ok?

Was the United States in imminent danger? – Were we on the brink, with verifiable intelligence, of being attacked by Syria? Even if someone states that we were, intelligence informed us about WMD's in Iraq, none there. They told us that Benghazi was caused by a video. Instead, our Intelligence agencies were running guns from Benghazi to Syrian rebels, aka TO ISIS!

Are we now siding with ISIS? – It is common knowledge that Assad is fighting ISIS. Are we not assisting ISIS by firing missiles on the Syrian military? Hint: Yes

Ohhhhh the Hypocrisy! – Donald J. Trump in 2013 after a previous, supposed chemical weapon attack by Assad on his people via Twitter: "The President must get Congressional approval before attacking Syria-big mistake if he does not!"