



Written by [Joe Wolverton, II, J.D.](#) on September 5, 2013

Rand Paul Firm on Syria; Schools Secretary Kerry on Constitution

On Wednesday, September 4, Senator Rand Paul (R-Ky.) showed Senator John McCain (R-Ariz.) what being a “maverick” really means.

After voting against a measure sponsored by McCain authorizing President Obama to order a military attack on Syria, [Paul laid out the moral and constitutional issues](#) with waging war on the Assad regime:



We are told there is no military solution in Syria, yet we are embarking on a military solution. The President has failed to demonstrate a compelling American national interest in the Syrian civil war.

To be sure, there is a tragedy of a horrific nature in Syria, but I am unconvinced that a limited Syrian bombing campaign will achieve its intended goals. I frankly think that bombing Syria increases the likelihood of additional gas attacks, may increase attacks on Israel and Turkey, may increase civilian deaths, may increase instability in the Middle East, and may draw Russia and Iran further into this civil war.

By pre-announcing a limited attack, we pre-announce limited effect.

Our brave young soldiers should not be asked to risk their lives and limbs in a civil war with no certain ally. On the one hand, we have a tyrant who gassed his own people. On the other hand, we have radical Islamists and al-Qaida. When no compelling American interests exist, we should not intervene. No compelling interests exist in Syria.

Despite Paul’s appeal to reason and the rule of law, McCain’s measure passed out of committee by a vote of 10-7.

During the hearing, Paul offered an amendment aimed at reminding his colleagues of the constitutional limits on the executive branch.

Paul’s amendment declared, “It is the sense of the Senate that the President does not have the power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation.”

Not surprisingly, the committee voted 14-4 against Paul’s amendment.

Undaunted, should the full body of the Senate be permitted to vote on the call to grant the president dictatorial war-waging power, Senator Paul promises to renew his retrenchment measure. “It should be made explicit that the Constitution invested the power to go to war in Congress. Since the Administration refuses to say it will abide by this vote, win or lose, Congress should send a clear message,” Paul said.



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Standing alone or nearly so is a familiar position for the freshman senator and would-be presidential candidate. From [surveillance](#) to [aid to Egypt](#), from [the use of drones to target American citizens](#) to launching illegal and unconstitutional military operations in Syria, Paul has stood up for the Constitution, in open and hostile defiance of GOP leadership.

Republican leaders in both houses of Congress have contracted the fever for spilling blood in Syria. [As reported by *The New American*](#):

In the Republican-controlled House of Representatives, Speaker John Boehner (R-Ohio), Majority Leader Eric Cantor (R-Va.) and other GOP stalwarts appear ready to join Senate counterparts McCain, Graham, and others in bowing to Obama's global mission of defending peace through what some have called "humanitarian bombing." Even Democrats, who have been known to turn rather completely against wars they had previously authorized, may be walking into a trap by voting to authorize the military action, because Obama can force them to share in the blame if it turns into a debacle.

As the following transcript of Secretary of State John Kerry's testimony before the Senate Foreign Relations Committee reveals, [Rand Paul schooled the secretary](#) on the separation of powers and other basic constitutional principles.

Sen. Paul: Thank you for coming today. It's not often I get to compliment the president. I can only count the number of times on one hand, but when I first heard that the president was going to come to Congress, boy was I pleasantly surprised, I was proud of my president. I didn't vote for him and I still am opposed to him quite a few times, but I was proud that he did this, and I was just about to stand on my feet and clap and give him a standing ovation, and then I heard, "Well, if I lose the vote, I'll probably go ahead and do the bombing anyway."

And so it does concern me. I want to be proud of the president but every time I'm just about there, then I get worried that really, he doesn't mean it — that he's going to sort of obey the Constitution if he wins. So I heard Secretary Kerry say, "if we win, sure, but if we lose"? What? Make me proud today, Secretary Kerry. Stand up for us and say you're going to obey the Constitution even if we vote you down, which is unlikely by the way, but if we do, you would go with what the people say through their Congress and you wouldn't go forward with a war that your Congress votes against. Can you give me a better answer, Secretary Kerry?

Sec. Kerry: I can't give you a different answer than I gave you. I don't know what the president's decision is, but I can tell you this, and it ought to make you proud, because he still has the constitutional authority and he would be in keeping with the Constitution.

Sen. Paul: I disagree with you there. I don't believe he has the constitutional authority. I think Congress has this. Madison was very explicit when he wrote the *Federalist Papers*. He wrote that history supposes, or the Constitution supposes what history demonstrates that the executive is the branch most likely to go to war, and therefore the Constitution vested that power in the Congress. It's explicit and runs throughout all of Madison's writings. This power is a congressional power and is not an executive power.

They didn't say, "big" war or "small" war. They didn't say "boots on the ground," "not boots on the ground" — they said "declare war." Ask the people on the ships launching the missiles whether they're involved with war or not.

If we do not say that the Constitution applies, if we do not say explicitly we will abide by this vote,



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you're making a joke of us, you're making us into theater, and so we play constitutional theater for the president. You're probably going to win. Just go ahead and say it's real and let's have a real debate in this country and not a meaningless debate that's in the end you lose and say, oh well we had the authority anyway. We're going to go ahead to war anyway.

And for the next eight minutes or so, Senator Paul exposed the hypocrisy and constitutional disdain demonstrated by the president and his fellow warmongers on Capitol Hill.

For 10 minutes total, Senator Paul stood with James Madison and the Constitution and against McCain, Graham, Boehner, Cantor, Obama, Kerry, Reid, and Pelosi.

Reports around the country indicate that the American people are informing lawmakers that they oppose military intervention in Syria. When the order to attack comes and President Obama and his congressional co-conspirators ignore the people, there will be little distinguishing the United States from the bellicose empires of history.

While it's nearly certain that the president and Congress will pull the trigger and launch missiles on Syria, it remains to be seen how the American people will respond to this haughty disregard of their will.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, and the surveillance state. He can be reached at jwolverton@thenewamerican.com



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