



Written by [Joe Wolverton, II, J.D.](#) on September 4, 2013

Stand with Rand 2.0? Sen. Paul Considers Filibuster of Syria Vote

For those of you who missed your chance back in March to “Stand with Rand,” you might get another opportunity later this week.

During a conference call with reporters, Senator Rand Paul (R-Ky.) floated the idea of filibustering a vote on military action in Syria.

“I can’t imagine that we won’t require 60 votes on this,” Paul said Tuesday afternoon. “Whether there’s an actual standing filibuster — I’ve got to check my shoes and check my ability to hold my water. And we will see. I haven’t made a decision on that.”

Paul is referring to the fact that his [epic 13-hour filibuster of President Obama’s use of drones on American citizens](#) was ended when the senator said his bladder could endure no more.

As for the chances that any effort he spearheads could thwart the Establishment’s rush to war ([leaders of both major political parties support armed intervention in Syria](#)), Paul admits that the chances are slim. In fact, he suspects that House of Representatives is the best hope for derailing the project.

Calling any attack on Syria “a bad idea,” Paul informed reporters that “at least nine out ten” of his constituents are against the president’s planned missile attack on the Middle Eastern nation.

On the House side, Representative Justin Amash (R-Mich.) is one of the lawmakers who consistently “Stands with Rand” in defense of the Constitution. In a statement [posted to his Facebook page](#), Amash reports that during an 11-stop town hall trip through his district, he “heard from concerned citizens, from veterans of our Armed Forces, from military spouses — I heard from hundreds of people — and almost unanimously, the people of [Michigan’s 3rd Congressional District] said they do not support military action.”

Then, on Monday, on his Twitter page [Amash re-tweeted many tweets from veterans opposed to military action in Syria](#).

Regardless of the strength of public opinion (polls show Americans are against an attack on Syria), Senator Paul may not get the chance to filibuster the vote to give President Obama the go-ahead he’s looking for. As [Roll Call reported on Tuesday](#):

If Senate leaders take all the proper steps, the resolution to authorize the use of force against Syria might not only jump to the front of the schedule, but it could even short-circuit any filibuster attempts.

The War Powers Resolution of 1973 created a special privileged status for resolutions reported from the Senate Foreign Relations Committee that are in compliance with other legal provisions. The reward for drafting a compliant resolution? The measure becomes the pending business on the





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Senate floor without debate or the risk of a long series of debate-limiting cloture votes.

And, on the heels of the Senate Foreign Relations Committee's approval Wednesday of the resolution calling for the "limited" use of force, the *Roll Call* story cites information from the Congressional Research Service that could also prevent Paul from filibustering the Syria vote. The information from Congressional Research Service reads:

Under Section 6(b), the bill or joint resolution, once reported (or once the committee is discharged), "shall become the pending business" of the House or Senate, as the case may be. By making a covered measure the pending business on the House or Senate floor, the War Powers Resolution evidently makes the measure privileged for floor consideration in the House (without the need for the Rules Committee to report a special rule for that purpose), or obviates the need for a motion (that usually is debatable) to proceed to the measure's consideration in the Senate. Because Section 6(b) contains no provisions to the contrary, the measure presumably would be amendable on the floor of either house to the same extent as any other bill or joint resolution that house considers, or could be tabled.

Basically, that means that should President Obama declare that "imminent involvement in hostilities is clearly indicated by the circumstances," applicable provisions in the War Powers Act would trigger a procedure bypassing floor consideration.

That isn't to say that all is lost, however. The vote on the Authorization for the Use of Military Force (AUMF) in Iraq was not expedited. A vote to vote on the measure was passed, though, by a vote of 95-1 and the AUMF was approved by both houses of Congress.

On Wednesday's vote in the Senate Foreign Relations Committee, Senator Paul voted against the resolution to authorize President Obama to order military strikes in Syria. [The John McCain-authored measure was approved 10-7.](#)

Senator Paul was joined in opposition by Republicans James Risch of Idaho, Marco Rubio of Florida, Ron Johnson of Wisconsin, and John Barasso of Wyoming. Tom Udall of New Mexico and Chris Murphy of Connecticut were the two Democrats who voted against the measure.

Upon learning of the favorable vote, President Obama told reporters in Stockholm, "We will be stronger as a country in our response [to Syria] if the president and Congress does it together."

Readers would likely agree that we would be a stronger — and better — country if the president and Congress would quit waging unconstitutional wars and start upholding their oaths of office.

Video frame grab provided by Senate Television showing Sen. Rand Paul: AP Images

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