

His Majesty King Obama's War

Bob Bauman (March 24, 2011)

One of my favorite civil libertarians, **Nat Hentoff**, [writes](#): “Professor Peter Irons ends his indispensable book, *War Powers: How the Imperial Presidency Hijacked the Constitution* (Metropolitan Books), with this message from James Madison to George Washington as the Constitution was being sent to the individual states for ratification: “The country must finally decide, the sense of which is as yet wholly unknown.”

Under President Obama and the Republican congressional leadership, the depth and intensity of We the People's concern about the preservation of our Constitution does not appear to be shared by the political elite in Washington.



Indeed, President Obama has shown a continuous, even audacious contempt for constitutional limitations on his executive powers.

In an article well worth reading, **John Samples** of the Cato Institute underscores Obama's callous disregard for the U.S. Constitution in [commenting](#) on the Libyan war now underway.

Says he: “Article I, section 8 of the United States Constitution states that “Congress shall have the power ... to declare war...” Since Congress has not declared war on Libya, is American involvement in the Libyan war unconstitutional?”

Tea Party Tempest

With all the political blather in the last year from the Tea Party about the need to return to the Constitution as our basic national guide, why aren't the “conservatives” in Congress speaking out about the Obama's unconstitutional Libyan war?

Some members of Congress are concerned. I agree with [Rep. Scott Rigell](#), a freshman Republican from Virginia, who said that the Libya hostilities “should trigger a debate within Congress and [among] the American people about proper interpretation and application of [the] Constitution. I'm surprised more conservatives aren't speaking out about this issue.”

Ironically, in the past, then Senators **Barack Obama** and **Joe Biden** both emphatically said that the president lacks the authority to do exactly what President Obama has done in Libya.

In a 1998 Senate floor speech Senator Biden concluded that under the Constitution, the president could not use force without prior authorization unless it was necessary to “repel a sudden attack.”

Presidential candidate Barack Obama agreed in 2007: “The President does not have 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.”

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All Hail the King

My how times change!

Samples writes, and I agree, that "...the Supreme Court is unlikely to invalidate presidential actions in Libya. The task of vindicating the Constitution falls to Congress. It needs to hear from its conservatives, those who believe in the original meaning of the Constitution. Congress also needs to hear from its liberals, those who believe what Senators Biden and Obama once said about presidential power. Together members of Congress could finally live up to their constitutional obligations and impose restraints on a president who has become too much of a king."

Constitutionally Incapable

Notwithstanding the overwhelming Republican control of the House of Representatives, a body that in theory must appropriate the millions in funds for Obama's Libyan war, don't bet on the Republican leaders of that body doing much more than their current complaining that they weren't consulted about Obama's war.

If they could see the America of 2011 I think the Founders would despair, concluding that their grand design for a government of limited powers that guaranteed freedom is dead.

As to James Madison's observation that "the country must decide" the meaning of the Constitution – it appears that most of We the People don't seem to give a damn.

Unfortunately, that's the way that it looks from here.