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Dictatorial War-making

by Jacob G. Hornberger

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Notice that all the talk about whether the U.S. government should attack Iran and Syria focuses on whether President Obama will order his army to attack these two countries or on whether he should do so. The process has become so natural and normal that it's easy to forget the dictatorial nature of the power that the president now wields — the omnipotent power to send the entire nation into war on his own initiative.

That's the situation that exists in other countries, at least those headed by totalitarian regimes. The dictator in those countries decides on his own initiative whether to take his nation to war. That's part of what being a dictator is all about. A dictator doesn't need permission from the legislative branch of the government to go to war. As dictator, he wields the power to make the call all on his own.

As Americans, however, we should never forget that that's not the type of system that the Framers intended for our country. The last thing they wanted was a president with that type of dictatorial power—the power to send the nation into war.

When the Framers called the federal government into existence with the Constitution, they divided the war-making power into two separate powers, one to be exercised by the president and the other to be exercised by Congress. While the president would have the power to wage war, it would be Congress that would have the power to decide whether to go to war.

Thus, the law of the land — the law that the American people set forth in their Constitution — is that the president is precluded from waging war without a formal declaration of war from Congress.

People might not like that provision. They might even think it's outdated. But the law is the law. If people want to amend the Constitution to vest full dictatorial war-making power in the president, the Constitution provides the process for doing so. To date, the constitutional power to declare war is still vested in the Congress.

Of course, everyone is fully aware that presidents uniformly ignore this constitutional provision.

Everyone is also aware of the fact that Congress lets it happen, when it could and should impeach the president for knowingly, intentionally, and deliberately violating the higher law of the Constitution, no doubt in part owing to the heavy influence of the military-industrial complex on members of Congress.

Everyone is equally aware that the judicial branch of the federal government has abrogated its constitutional duty to declare the president's wars in violation of the Constitution, no doubt because federal judges know that the president and the military wouldn't comply with their judgment anyway.

But it is incumbent on the American people to continue to remind the president that he is a lawbreaker when he sends our nation into war without the required declaration of war from Congress. It is important that the American people never acquiesce in the law-breaking and continue to object to it. Such dictatorial power has no place in a free society and under our form of constitutional government.