

## 27. FOREIGN POLICY AND THE CONSTITUTION #2

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### **Former Senator Schmitt Suspects Obama Agrees With Desire to End Israel as a Democracy and a Country**

Israel, the Middle East's only true democracy, only true friend of the United States, and only remaining repository of Judeo-Christian values, continues to fight for survival. As the world appears to work hand in glove with radical Islam to destroy the Israeli state and the Israeli people, the Obama Administration gives all the appearances of desiring the same end. Not only is this stance morally repugnant, it is contrary to the President's constitutional responsibility to provide for the "common Defence" of the United States.

Providing for our "common Defence" requires that we encourage democracy and its underlying freedoms in an otherwise hostile world and protect them wherever they have taken root. Our Republic could not be sustained if isolated in a totalitarian world. This has been the foundation of American foreign policy since President James Monroe's Secretary of State, John Quincy Adams, penned the Monroe Doctrine, telling Europe to stay out of the Western Hemisphere. Defense of democracy and freedom has been the basis for America's entry into two World Wars and the many smaller conflicts associated with resisting Soviet aggression during the Cold War. We began resisting the fascist totalitarianism of radical Islam in Iraq, Afghanistan, and elsewhere in the world to keep at bay those who would

destroy freedom. At the same time, we have worked to establish democratic alternatives to the insidious ideological doctrines of radical Islam.

Since we assisted in its founding in 1948, Israel has formed a bulwark against the domination of the Middle East by non-democratic interests. Helping to maintain Israel's military prowess against its sworn state and state-supported enemies has served America's defensive interests well. The expansionist and nuclear aims of Hussein's former Iraqi regime, Assad's Syria, and the Ayatollahs' Iran, for example, so far have been thwarted by our sacrifices in two recent Gulf Wars and by our support of Israel's actions to defend itself. Unfortunately, Israel, and the service it provides to America and the democratic world, has been put at extreme risk by the naïve ambitions of Barack Obama and his Administration.

The local defensive environment for Israel began to deteriorate beyond its inherent difficulties beginning with the Carter Administration's encouragement of a radical Islamic takeover of Iran. The Bush and Obama Administrations' acquiescence to the expansionist and nuclear ambitions of an increasingly radicalized Iran has placed an even heavier responsibility on Israel for its own defense. To make matters worse, the

Obama Administration has publicly and repeatedly gone out of its way to criticize Israel's internal policies and to try to force concessions in the so-called "peace" process. These concessions would create even greater dangers for Israelis in the future, particularly absent credible defense guarantees by the United States. This unnecessary criticism and interference has lowered the threshold for other governments to pile on in their self-righteous outrage at legitimate Israeli actions in its own defense.

Israel fights at the front lines of the war between radical Islam and democratic societies. It faces daily missile and suicide attacks on its population, cities, and defense forces, coming from Iranian proxies Hamas in Gaza and Hezbollah in Lebanon. To defend itself, Israel has put in place a blockade to prevent weapons from Iran and elsewhere from reaching these hostile forces by sea. Under customary international law, this is exactly what we would do and have done in the past and what many nations would do and have done as well. Legally, it makes no difference if the attacks Israel faces come from state or non-state entities. Unlike most historical blockades, however, Israel continues to deliver food, medical aid, and energy to Gaza. Preventing the delivery of weapons and fighters to enemies sworn to its destruction lies well within the norms of international law.

The current Administration's cancellation of missile defense systems in Central Europe tops the list of its abrogated responsibilities relative to the Middle East. Also, no indication exists of significant Administration efforts to stop the flow of arms and missiles from Iran, Syria, North Korea, China, and Russia to Israel's enemies in Gaza and Lebanon. Continued deference to Europe, conflicted by trade and Islamic immigrant threats, and engagement of an anti-

Semitic UN has resulted in toothless sanctions against Iranian development of nuclear weapons and the missiles to carry them. Now, Israel appears to be left to its own devices in preventing an Iranian nuclear attack that would totally destroy it and many of its nearest neighbors as well as murder many U.S. citizens. Iranian President, Mahmoud Ahmadinejad, has blatantly announced such a future attack in advance.

Additionally, no effort has been made to keep Turkey within the fold of Western democracies where it previously provided the Middle Eastern anchor of NATO. Further, lack of determined opposition to the development of fascism in Venezuela has given Iran an ally in the Western Hemisphere, now augmented by trade agreements with Brazil. Finally, and possibly most seriously, the Obama Administration vociferously refuses to recognize the existence of radical Islam or its vicious Jihad against America and Western Civilization.

Why does the continued survival of Israel rise to constitutional heights for the United States? The Constitution, beginning with its Preamble, provides basic guidance on the preservation of our liberty in the face of foreign threats. The Preamble declares that the Founders established the Constitution, among four basic objectives, to "provide for the common defence" as well as to "secure the Blessings of Liberty to ourselves and our Posterity." To meet these clearly related objectives, Article II, Section 2, of the Constitution gives the President the power of "Commander in Chief of the Army and Navy". In addition, Article I, Section 8, states that "The Congress shall have the Power to lay and collect Taxes . . ." to "provide for the common Defence , . ."

The constitutional authority to determine how to perform the Government's duty to

provide for defense is implicit in the designation of the President as "Commander in Chief." Congress, of course, can advise on the adequacy and nature of the President's actions in this regard, or rule on their appropriateness through the impeachment process. The Founders, on the other hand, clearly intended, based on their hard experiences in the Revolution, that there be only one final decision-maker in matters of national security. The Founders also intended that the President bear full responsibility for success or failure, thus preventing a multitude of political "generals" from trying to manage actual military strategies.

Together, these provisions underlie nearly two and a quarter centuries of successful efforts to preserve the nation and the liberty of its people from internal and external security threats. Relative to national security, the Founders appear to have wanted both tension and joint responsibility to exist between the Executive and Legislature. But it defies logic, again given the Founders' experiences in the Revolution, to conclude that the President, elected by all the voters of the nation, would not have primacy in determining, as Commander in Chief, the specific requirements and actions that would "provide for the common defence." This need for Presidential primacy only is reinforced by the increasing sophistication, complexity, diversity, and immediacy of external threats, requiring timely implementation of the mandated responsibilities of the Legislative and Executive Branches.

Given this hierarchy of constitutional authority, the national security related powers of the Congress should be exercised sparingly even though that body can second-guess the Commander in Chief through its

funding responsibilities. In the final analysis, protection against Presidential irresponsibility comes if the House of Representatives determines that grounds for Article 1, Section 2 impeachment exist or, alternatively, Congress or the people prevail in asserting through the Courts that the Executive's actions or inactions are unconstitutional.

The fundamental constitutional principle relative to Israel remains, as it has since 1948, that America's security is served best by democratically elected governments in the Middle East rather than by tyrants or terrorists. The United States must step up to Israel's defense, diplomatically and militarily, and much more vigorously than it has during recent Administrations. The U.S. must insure that Israel succeeds in its fight for survival and against radical Islam, in general, and Iran, in particular. The consequences of it not doing so will further encourage future terrorist attacks on America's homeland.

In order to bring government policy back in line with the interests of liberty, we must depend on the American voter to awake to the threats they face from the potentially fatal lack of action in their "common Defence" by currently elected leaders. The next Congress and then the next President have one enormous job ahead to clean up this mess.

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