

ANALYSIS

Trump's Iran Strikes Are Unconstitutional

Congress must act.



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Government Power

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President Trump's "[massive and ongoing operation](#) [\[link-1\]](#)" against Iran violates the Constitution and our nation's founding principles. The president acted unilaterally and lawlessly — without congressional authorization and absent any imminent threat to the United States. But by failing to respond to Trump's other unauthorized hostilities, Congress shares blame for this

overreach. If lawmakers do not act now to rein in this latest and far more consequential abuse of power, they will only embolden Trump further.

Unaccountable war-making was one of the chief dangers the Constitution's framers sought to prevent. That's why they took care to give the [power to declare war](#) [\[link-2\]](#) to Congress, not a president modeled on the British

monarch. The “temptation” to commit the nation to war, [James Madison reasoned](#) [\[link-3\]](#), would be too great “for any one man,” not least because “war is in fact the true nurse of executive aggrandizement.”

Trump has shrugged off this core constitutional limitation. In the past 48 hours, the U.S. military has conducted a widespread bombing of Iranian military assets, and Iran has [retaliated against U.S. bases](#) [\[link-4\]](#) in the region. There was no congressional debate, let alone authorization. Nor was there any unforeseen threat or imminent attack by Iran, which could trigger the president’s [inherent commander-in-chief power](#) [\[link-5\]](#) to “repel sudden attacks.”

To be clear: Iran’s supreme leader, Ayatollah Khamenei, was a brutal figure whose forces just killed thousands of his own people for protesting. His regime has sown turmoil in the Middle East for years. But none of this constitutes legal authorization for war. By acting

unilaterally, Trump has usurped Congress’s war powers.

This Congress, however, has enabled the usurpation by failing to hold the president accountable for previous abuses. After Trump’s strikes on Iranian nuclear facilities last June, Congress [rejected efforts](#) [\[link-6\]](#) to invoke the War Powers Resolution of 1973, which provides a mechanism to rein in unauthorized hostilities. Members similarly [voted down](#) [\[link-7\]](#) a War Powers Resolution push after Trump’s Venezuela bombing and capture of President Nicolás Maduro in January. There was virtually no congressional debate over Trump’s [bombing of Nigeria on Christmas Day](#) [\[link-8\]](#), and attempts to terminate strikes against civilian vessels in the Caribbean and Eastern Pacific have [struggled to gain](#) [\[link-9\]](#) bipartisan support. Notwithstanding the valiant efforts of Senators Rand Paul, Tim Kaine, and others, the president’s allies in Congress have carried the day.

This level of congressional submission is new — and alarming. During the first Trump administration, Congress invoked the War Powers Resolution twice: [in 2019](#) [\[link-10\]](#) to force Trump to terminate U.S. participation in the Saudi war in Yemen and [in 2020](#) [\[link-11\]](#) to prevent escalation after Trump’s assassination of an Iranian general. When President Barack Obama intervened in Libya in 2011, the House of Representatives [adopted a resolution](#) [\[link-12\]](#) condemning the unauthorized military activity and stating that the president “shall not deploy” ground forces. Congress also imposed funding restrictions to prohibit unauthorized hostilities in Cambodia in 1965, Nicaragua in 1983, and Bosnia in 1993.

Granted, Congress has not always pushed back against presidents’ unilateral actions. Lawmakers had a muted response to President George H.W. Bush’s unauthorized [invasion of Panama in 1989](#) [\[link-13\]](#). Nor did they push back against President Clinton’s

[unauthorized strikes against al-Qaeda facilities](#)

[\[link-14\]](#) in 1998 in response to the U.S. embassy bombings in Kenya and Tanzania. But these cases involved genuine attacks against U.S. personnel and thus implicated, to some extent, the president’s commander-in-chief power to defend the nation. Moreover, Congress’s silence was the exception, not the norm, as lawmakers actively addressed contemporaneous military operations in countries ranging from Iraq to Somalia to Haiti.

In short, this Congress has led us into uncharted waters by totally abdicating its constitutional role in the face of a president uniquely inclined toward executive overreach. But it is not too late to change course.

This week, both the House and Senate will vote to invoke the War Powers Resolution and terminate further hostilities with Iran. There are strong reasons for members who opposed previous war powers measures to support

this one. The president has promised not just “[precision strikes](#) [\[link-15\]](#)” but a full-blown war that lasts “

[as long as we want it to.](#) [\[link-16\]](#)” Military leaders have warned of the

[risk of U.S. casualties](#) [\[link-17\]](#). A potentially protracted conflict that could destabilize the region and impose untold costs in U.S. blood and treasure must be democratically debated and congressionally authorized.

If Congress fails to act, the message to the president will be clear: He is empowered to use the military whenever he would like, however he would like, regardless of the Constitution’s demands. There is no telling where such unbridled power will lead in the hands of a president who has openly contemplated military action against multiple countries, including allies like Denmark. For the sake of our Constitution and our country, Congress must not allow that to happen.

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link-2: power to declare war <https://www.archives.gov/founding-docs/constitution-transcript>

link-3: James Madison reasoned <https://founders.archives.gov/documents/Madison/01-15-02-0070>

link-4: retaliated against U.S. bases <https://www.bbc.com/news/articles/c204px4zddro>

link-5: inherent commander-in-chief power https://press-pubs.uchicago.edu/founders/documents/a1_8_11s4.html

link-6: rejected efforts <https://www.cnn.com/2025/06/27/politics/senate-iran-war-powers-vote>

link-7: voted down <https://www.npr.org/2026/01/14/g-s1-106093/senate-war-powers-venezuela>

link-8: bombing of Nigeria on Christmas Day <https://www.nytimes.com/2026/01/05/world/africa/nigeria-us-strikes-muslims.html>

link-9: struggled to gain <https://www.politico.com/live-updates/2025/12/17/congress/house-gop-narrowly-defeats-boat-strike-limits-00696784>

link-10: in 2019 <https://www.npr.org/2018/12/12/676152310/senate-poised-to-vote-to-end-u-s-military-support-for-war-in-yemen>

link-11: in 2020 <https://www.npr.org/2020/01/09/794999691/house-passes-war-powers-resolution-in-effort-to-restrict-trumps-actions-against>

link-12: adopted a resolution <https://www.congress.gov/bill/112th-congress/house-resolution/292/text>

link-13: invasion of Panama in 1989 <https://www.brennancenter.org/our-work/analysis-opinion/no-legal-basis-invading-venezuela>

link-14: unauthorized strikes against al-Qaeda facilities <https://www.presidency.ucsb.edu/documents/address-the-nation-military-action-against-terrorist-sites-afghanistan-and-sudan>

link-15: precision strikes <https://www.whitehouse.gov/articles/2025/06/irans-nuclear-facilities-have-been-obliterated-and-suggestions-otherwise-are-fake-news/>

link-16: as long as we want it to. <https://x.com/jonkarl/status/2027858505147765013>

link-17: risk of U.S. casualties <https://www.washingtonpost.com/national-security/2026/02/23/dan-caine-iran-risk-trump/>

link-18: Executive Power <https://www.brennancenter.org/topics/government-power/executive-power>