

GREGG JARRETT: No, Trump's order to snatch Maduro was not illegal or unconstitutional

Article II powers and Take Care Clause provided president authority for Venezuelan operation, analysis shows



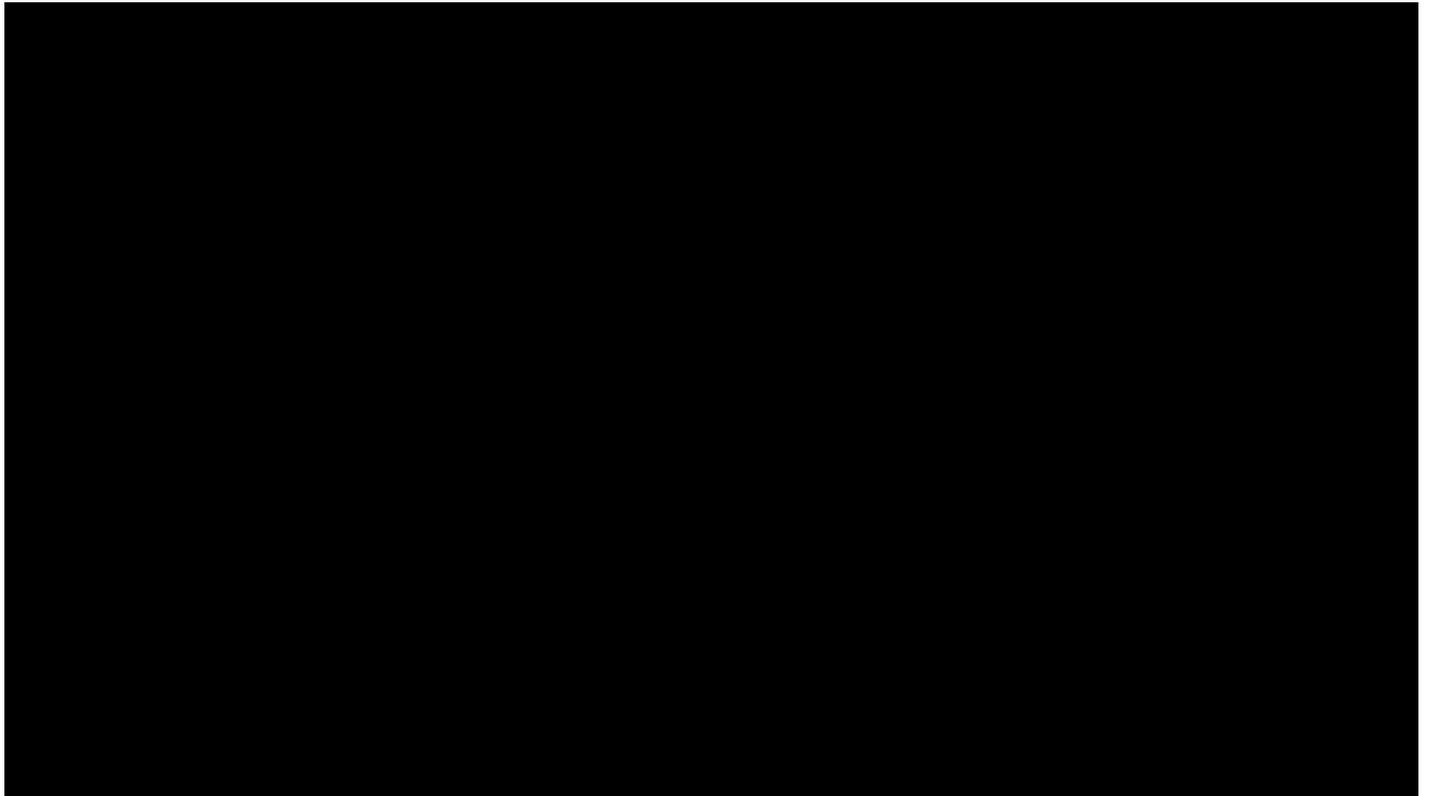
By **Gregg Jarrett** Fox News

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Agree

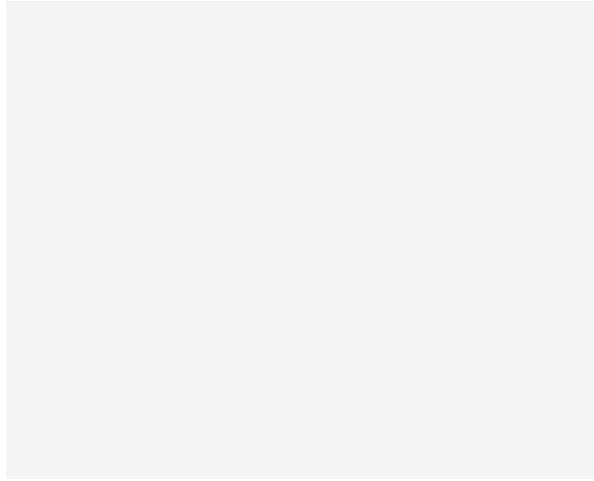
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GOP lawmaker defends the administration on not informing Congress prior to the Venezuela military operation

Rep. Darrell Issa, R-Calif., analyzes members of the Democratic Party's reaction to the U.S. capture of Venezuelan President Nicolás Maduro and what may come next on 'The Big Weekend Show.'

To the surprise of no one, Democrats reflexively denounced Trump's daring middle-of-the-night grab of Venezuelan dictator Nicolas Maduro and his wife.



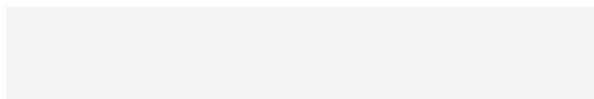
If [Joe Biden](#), who offered a \$25 million reward for Maduro's arrest, had done what Trump did, these same politicians would be organizing a ticker-tape parade.

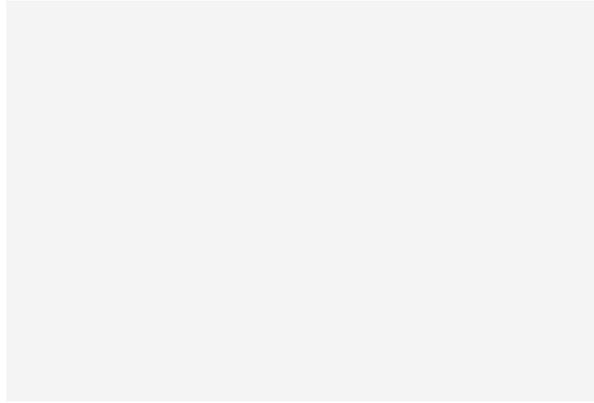
Their condemnation of Trump has nothing to do with the law, although they pretend that it does. Instead, it is transparently driven by their contempt for a president that they despise.



Venezuela's President Nicolas Maduro is being held in MDC Brooklyn. (Juan Barreto/AFP via Getty Images and Selcuk Acar/Anadolu via Getty Images)

Bereft of reason, they oppose whatever Trump does even if it conforms to their previously expressed beliefs.



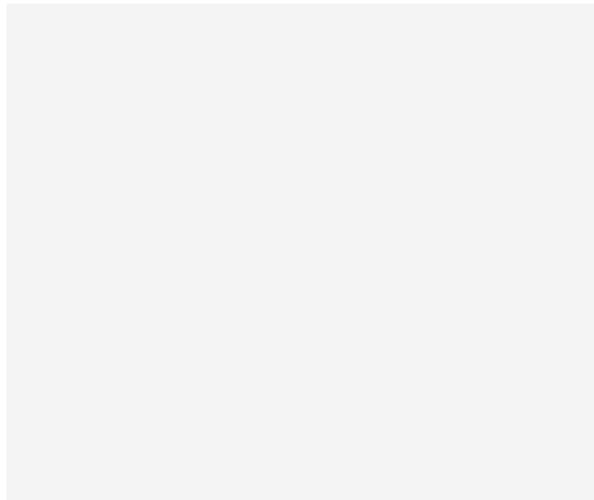


VENEZUELAN LEADER MADURO LANDS IN NEW YORK AFTER BEING CAPTURED BY US FORCES ON DRUG CONSPIRACY CHARGES

Almost in unison, Democrats decried Trump's action as "illegal," "unjustified" and "unconstitutional." Many insisted that he was required to seek permission from Congress.

None of that happens to be true.

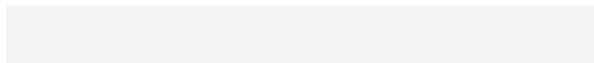
Inherent Constitutional Authority

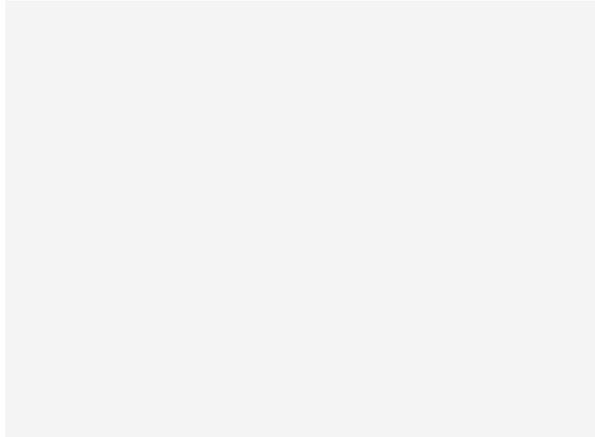


US CAPTURE OF MADURO CHAMPIONED, CONDEMNED ACROSS WORLD STAGE AFTER SURGICAL VENEZUELA STRIKES

The president is empowered by the [U.S. Constitution](#) as commander in chief of the armed forces to direct military action to protect Americans, fortify U.S. interests and defend our national security.

The [scourge of drugs emanating from Venezuela](#) has long been poisoning our citizens. Our government estimates that roughly 200 to 250 metric tons of cocaine is shipped out of the Latin American country annually. America, by virtue of its prosperity, is a favored destination.





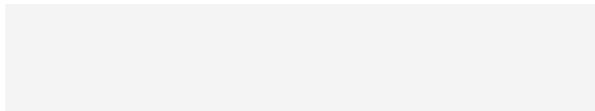
On this basis alone, the incursion into Caracas was legal, justified, and legitimate.

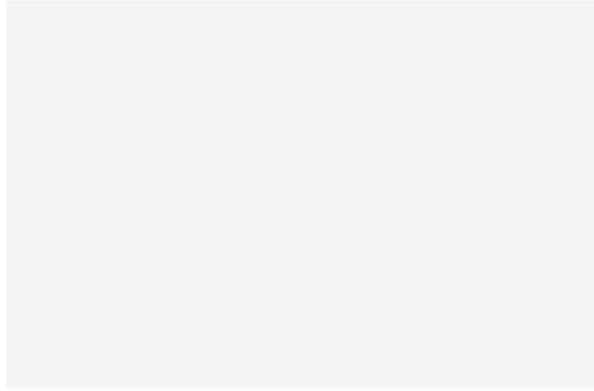
FROM BUS DRIVER TO DICTATOR: NICOLÁS MADURO’S RISE AND FALL IN VENEZUELA

For years, Maduro has led the notorious Cartel de los Soles, a violent drug cartel that is designated by the U.S. as a foreign terrorist organization responsible for murders, torture and crimes against humanity so egregious that even the United Nations recognized it.



Left, Venezuela's President Nicolas Maduro speaks during the Meeting of Jurists in Defense of International Law at the Eurobuilding Hotel in Caracas on November 14, 2025. Right, U.S. President Donald Trump during a prime-time address to the nation in the Diplomatic Reception Room of the White House in Washington, D.C., on Wednesday, Dec. 17, 2025. (Federico Parra/AFP via Getty Images (left); Doug Mills/The New York Times/Bloomberg via Getty Images (right))

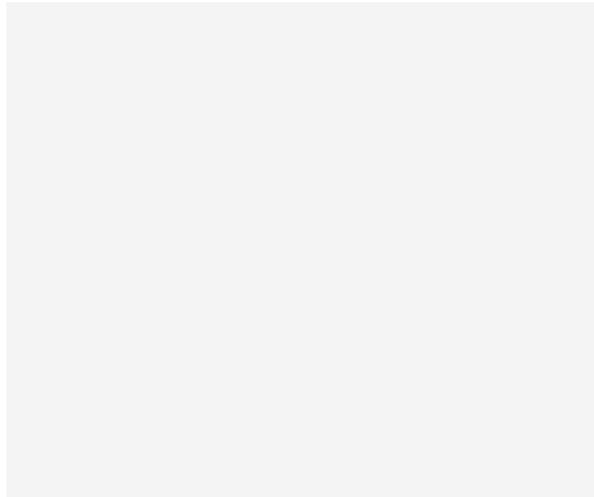




Article II, Section 2 of our Constitution vests inherent powers in the president to unilaterally order armed forces into military actions. His command authority is supreme, and he may conduct campaigns and deploy operations by his own judgment.

Short of a formal declaration of war, a president does not need prior authorization from Congress to act. That principle is embedded in our Constitution and has been upheld by the U.S. Supreme Court since the early founding of our Republic.

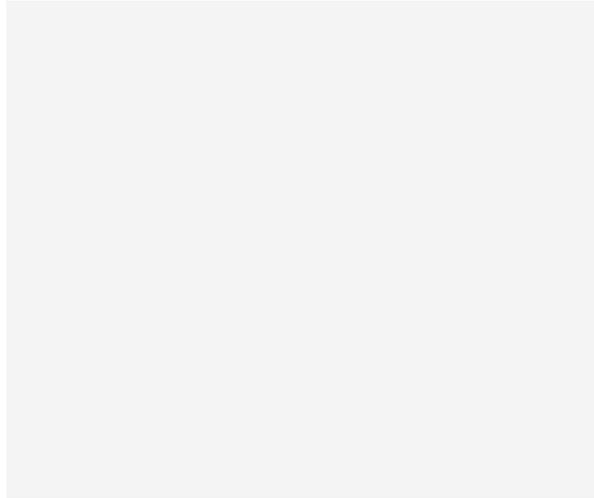
JONATHAN TURLEY: MADURO OPERATION WAS LEGAL, BUT TRUMP MAKES IT COMPLICATED



In more modern times, the president's authority over armed action has only expanded. Cases involving Truman, Clinton and Obama solidified presidential power to direct military operations without congressional consent.

Trump had every legal and constitutional right to defend the United States against the transport of deadly illicit drugs and to arrest the man most responsible, who has been federally indicted for numerous crimes.

And no, Trump did not violate the War Powers Act as some of his critics have alleged. The resolution that was passed in 1973 stipulates a reporting requirement to Congress within 48 hours of deploying forces into hostilities. It is not a prohibition to act.

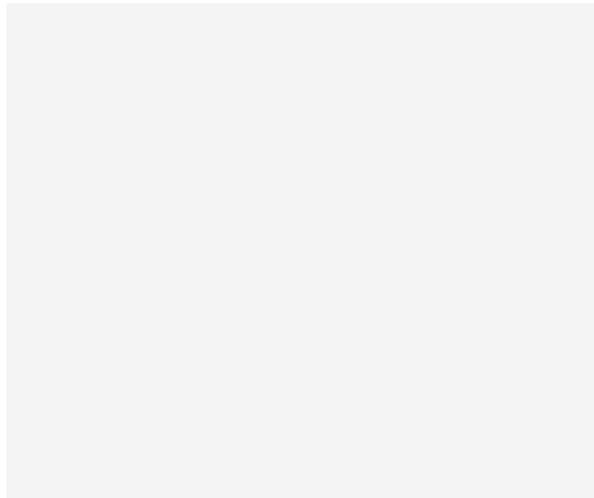


TRUMP ISSUES DIRECT WARNING TO VENEZUELA'S NEW LEADER DELCY RODRÍGUEZ FOLLOWING MADURO CAPTURE

Indeed, it implicitly recognizes a president's inherent power to use military force without specific congressional approval. Every single American president has done so since the end of World War II. Trump is no exception.

The "Take Care Clause"

The president has another authority at his disposal. The "Take Care Clause" in Article II, Section 3 of the Constitution mandates that the president "shall take Care that the Laws be faithfully executed."



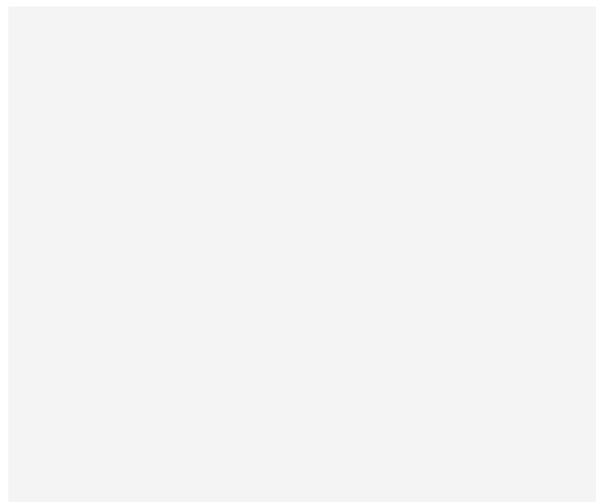
TRUMP REVEALS VENEZUELA'S MADURO WAS CAPTURED IN 'FORTRESS'-LIKE HOUSE: 'HE GOT BUM RUSHED SO FAST'

To put it simply, Trump is duty-bound to ensure that all federal statutes are enforced. This includes the apprehension, arrest, and prosecution of wanted fugitives who are criminally charged with U.S. crimes and must be brought to justice.



People react to the news of the capture of Venezuelan President Nicolas Maduro, after U.S. military actions in Venezuela this morning, in Doral, Florida, near Miami, on January 3, 2026. Venezuelan President Nicolas Maduro arrived Saturday evening at a military base in the United States after his capture by U.S. forces in Caracas. Maduro was seen surrounded by FBI agents as he descended the boarding stairs of a U.S. government plane at a New York state National Guard facility, and was slowly escorted along the tarmac. (GIORGIO VIERA / AFP via Getty Images)

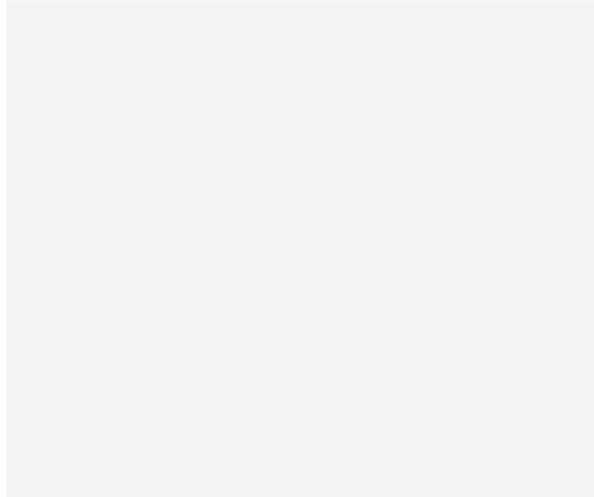
Effectuating the arrest of Maduro qualifies as enforcing all laws. Just because the accused is the de facto head of state in another country does not afford him protection or immunity from the long arm of American law. That is written nowhere.



U.S. Secretary of State [Marco Rubio](#) described Maduro as "a fugitive of American justice." Given his armed protection, military troops were necessary to accomplish his arrest. According to Trump, the "operation was done in conjunction with U.S. law enforcement."

RUBIO DEFENDS VENEZUELA OPERATION AFTER NBC QUESTIONS LACK OF CONGRESSIONAL APPROVAL FOR MADURO CAPTURE

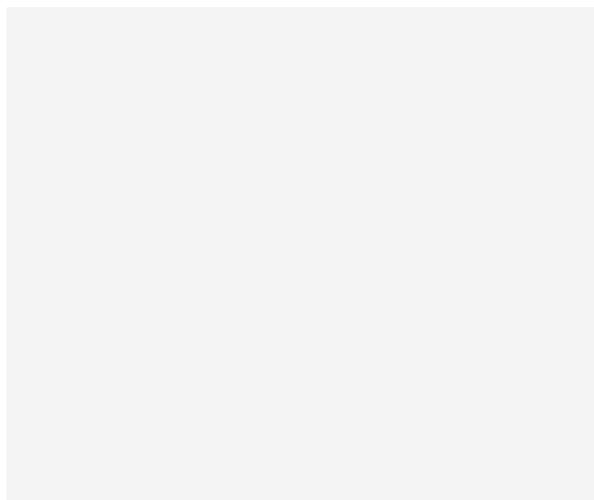
This was also the case in 1990 under nearly identical circumstances.



Then-President George H. W. Bush ordered the military to [capture Manuel Noriega](#), the corrupt dictator of Panama who was indicted on drug trafficking charges and endangering U.S. citizens. After a surprise military operation in the country's capital, he was taken into custody and spirited back to the U.S. for trial.

[Noriega's legal team](#) of defense attorneys vigorously challenged both his arrest and America's legal authority to try him. Those maneuvers failed, along with his various claims of immunity. He was convicted and imprisoned.

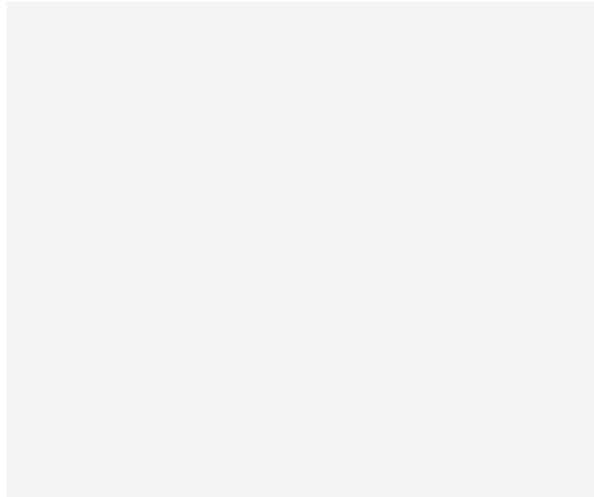
WHAT IS DELTA FORCE AND WHAT DO THEY DO? INSIDE THE ELITE US ARMY UNIT THAT CAPTURED MADURO



So, we've seen this movie before. Maduro's lawyers will mount the same legal challenges. But if the past is prologue, there is little reason to believe that the ending will be any different.

This leaves the rather vacant claim by Trump adversaries that his actions somehow violated the norms and customs of international law. It is a common accusation that is often lacking in substance.

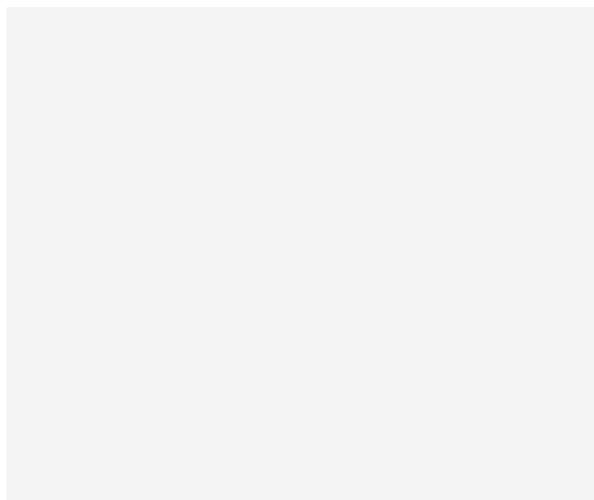
Some point to Article 2(4) of the United Nations Charter, which prohibits member nations from "the use of force against the territorial integrity" of any state. However, the Charter provides an exception for self-defense.



[JONATHAN TURLEY: WHY CAPTURE OF MADURO DIDN'T REQUIRE APPROVAL FROM CONGRESS](#)

As evidenced by the charges stated in Madura's indictment, his actions as a narco-terrorist flooding the U.S. with deadly drugs fully justifies Trump's actions as defensive in nature. Continued drug trafficking posed an imminent threat to the lives of American citizens.

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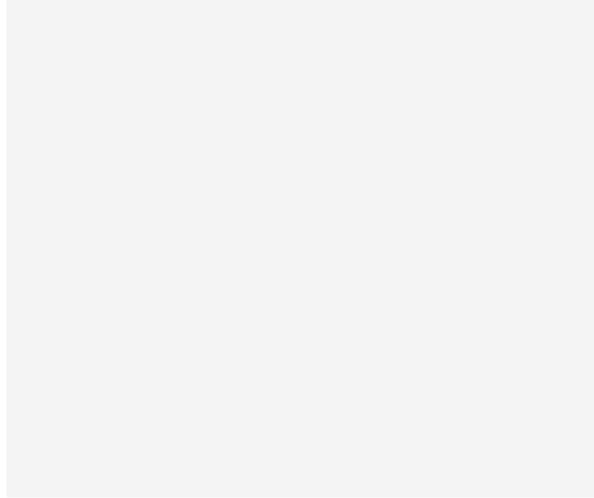


If a conflict of American versus international law exists, our president's obligations under Article II of the Constitution takes precedence and priority over [Article 2 of the U.N. Charter](#). Members of

the United Nations can complain all they want, but the U.S. has veto power in the [UN Security Council](#).

Most Venezuelans seem relieved that the [long nightmare of tyranny](#), oppression and death at the hands Hugo Chavez and Nicolas Maduro is finally over. Their land is rich with the world's largest oil reserves.

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If free and fair elections are held, as they should be, the impoverished citizens of this proud nation can share in a brighter future of freedom, economic recovery and financial prosperity.

They will have President Trump to thank for that.

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