

# THE ORANGE COUNTY REGISTER

## Editorial: Don't make it easier to go to war

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The killing of Osama bin Laden has provoked a much-needed reassessment of American defense and security needs. Our country needs to be able to defend itself against mass murderers. Yet we also need to make sure our precious liberties are not infringed in the process. In "America the Beautiful," we sing of our country, "Confirm thyself in self control, thy liberty in law!"

Law is the key, binding the government so that it does not act arbitrarily. Unfortunately, some Republicans in the House of Representatives seem to have forgotten that principle. They're advancing HR1540, the National

Defense Authorization Act, for Fiscal Year 2012. It is sponsored by Rep. Howard McKeon, R-Santa Clarita, chairman of the House Armed Services Committee.

The controversial language in the bill stipulates, "[T]he president has the authority to use all necessary and appropriate force during the current armed conflict with al-Qaida the Taliban, and associated forces pursuant to the Authorization for Use of Military Force." The key, new phrase is "associated forces," which critics such as the liberal American Civil Liberties Union and the libertarian Cato Institute charge is much too vague, allowing the president to start a war virtually anywhere without any approval of Congress.

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"It is an expansion of the president's authority," Benjamin Friedman told us; he's a research fellow in defense and homeland security studies at Cato. "The term 'associated' is the main problematic term there. It's open to interpretation. Congress shouldn't want to expand the president's authority to make war."

However, Mr. Friedman pointed out that Congress long has been negligent in allowing presidents of both parties to start wars on their own, even though the Constitution demands that presidents first get declarations of war from Congress. The wars in the Balkans in the 1990s and the ongoing Iraq and Afghan wars were conducted with flimsy force authorizations by Congress, not declarations of war. And the U.S. aerial campaign against in Libya was begun in March by President Barack Obama on his own, without even a fig leaf of approval from Congress.

America's founders put declarations of war in the hands of Congress to make sure that we did not get stuck in what were called "Cabinet Wars," in which European monarchs started wars with the connivance of their senior advisers and ministers, but not the approval of legislatures or the people. America's most-recent declaration of war was in World War II, more than 65 years ago. Since then, we've been in many wars, but none with a declaration of war.

If the "associated forces" language ends up being adopted, the result could be some really strange wars started. Mr. Friedman pointed out that the rebels in Libya the Obama administration is supporting were in the past "associated" with al-Qaida. And the government of Pakistan, a U.S. ally, has longstanding ties to the Taliban fighting the U.S. next door in Afghanistan. That might lead to America backing a group or country at the same time we're attacking them, something that would make even George Orwell's head spin.

Mr. Friedman urged, "I would like to live in a country where Congress authorizes military force on a

case-by-case basis, not just let the president do what he wants." We agree.

Mr. McKeon's office told us that HR1540 could be voted on this week on the floor of the House. We urge Orange County's representatives to oppose this bill unless the expansive language is excised from it. If not, then the Senate should make sure it's cut out.

One more thing. Last November, didn't voters put Republicans back in charge of the House in order to reduce the powers of the federal government, not expand them?

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