



## Will Kaine push for war powers reform?

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Hillary Clinton put an end to the vice presidential speculation Friday, picking the congenitally congenial Sen. Tim Kaine (D-VA) as her running mate. The junior senator from Virginia isn't known for generating passionate intensity: "I am boring," herectently admitted on Meet the Press. But after the sturm und drang of the GOP Convention, Clinton's betting a lot of voters will find "boring" reassuring.

The Sanders wing of the Democratic Party isn't reassured: Kaine's too soft on Wall Street and too friendly to trade deals, they gripe. Still, on a key issue they're supposed to care about -- Congress's constitutional powers over war and peace -- Kaine has shown more fire than Sanders, Elizabeth Warren, or any other progressive paladin.

When it comes to President Barack Obama's undeclared war against ISIS, the normally mild-mannered senator can sound borderline uncollegial. He calls his congressional colleagues "cowardly and shameful" for refusing to hold a vote and take a stand on the wars we fight. At a Cato Institute event last August, timed for the one-year anniversary of the military campaign against ISIS, Kaine put it plainly: "this is an illegal war."

Kaine supports military action against ISIS, but insists that the President had no constitutional power to launch the war without getting authorization from Congress first. The President's legal rationalizations are "ridiculous" and "weird," he says. Since the start of the war, nearly two years ago, Kaine has worked doggedly to put the war on a legal footing by getting Congress to pass an authorization for the use of military force (AUMF).

That strategy has its dangers: any authorization that could pass at this point might only end up expanding the President's war powers even further, given GOP complaints that, on ISIS, the "Imperial President" hasn't been imperial enough.

But Kaine appears attuned to the larger issue: that the 2001 AUMF, passed three days after 9/11 to target al Qaeda and the Taliban, "is being interpreted as a blank check to allow war without geographic limitation, without temporal limitation."

Administration officials, he told the audience at Cato, "have blithely said that they thought that the war authorized by the September 14, 2001 authorization would easily go on another 25 or 30 years."

"This is unacceptable," Senator Kaine argues, "and we should be having a debate to significantly narrow that authorization" as well.

Does that mean we're likely to get meaningful war powers reform if the Clinton-Kaine ticket wins in November? Unfortunately, recent history gives us good reason to temper our hopes. When it comes to executive power, Presidents prioritize maximum flexibility; and vice presidents exist to serve the administration's priorities. The result is that most administrations leave the "most powerful office in the world" more powerful than they found it. The Obama-Biden ticket is an object lesson in how that happens.

On the campaign trail, both members of the eventual Obama-Biden ticket pledged to respect constitutional limits on Presidential warmaking. "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation," then-Senator Obama told reporter Charlie Savage in December 2007. "Our Founding Fathers vested in Congress, not the President, the power to initiate war," echoed then-Senator Joe Biden; Biden even told a cheering crowd in Iowa that he would literally impeach Bush "if he [took] the nation to war against Iran without congressional approval."

The Bureau of Investigative Journalism said last year that the Obama-Biden team had racked up about nine times as many drone attacks as Bush-Cheney, since taking office in 2009, bombed no fewer than seven countries, and launched two undeclared wars in the Middle East -- all with legal authority ranging from extremely tenuous to nonexistent.

For what it's worth -- apparently not much -- in her 2008 campaign, Clinton also insisted that "the Constitution requires Congress to authorize war." As Secretary of State, though, she reportedly urged the President to join the bombing in Libya. Congress be damned. Over her quarter-century in public life, it seems as though she has rarely met a "war of choice" she didn't like.

Politics is the art of compromise, and nobody needs to compromise more than a would-be President's junior partner. Since getting the nod, Kaine's already had to fall in line with Clinton's current, skeptical position on the Trans-Pacific Partnership trade pact. If he's forced to publicly walk back his view that the war against ISIS is "illegal," that will be a clear sign that the best he'll be able to do as Vice President is weigh in internally against Clinton's well-documented tendency to do "stupid [stuff]" with American military might.

On the other hand, Kaine's record reflects greater devotion to war powers reform than Obama, Biden, and Clinton's campaign trail lip service for constitutional limits. Last month, with his

name in play as a potential Vice Presidential candidate, Kaine was still fighting in the Senate to repeal and replace the 2001 AUMF and limit future Presidents' power to wage endless war.

Here's hoping that on this issue, he's not the "safe choice" he otherwise seems.

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