

THE ORANGE COUNTY REGISTER

Editorial: It's time to ask Congress to OK Libya war

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A bipartisan group of 10 U.S. members of Congress launched a federal lawsuit Wednesday against President Barack Obama's and NATO's war on Libyan dictator Moammar Gadhafi. The president originally promised that the war would last "days, not weeks."

The members of Congress cited the 1973 War Powers Resolution, which mandates that a president must get congressional approval within 60 days of starting a war. This war started March 19; the deadline was May 20. None of those involved in the lawsuit was from California.

At one time presidents usually followed the Constitution, which stipulates that only Congress can declare war. The American founders wanted to avoid just such a situation in which a president starts a war on a whim, with limited reason or little planning, in this case apparently goaded by French President Nicolas Sarkozy. The last declared war was World War II. Since then the country has been involved in numerous wars – the largest being in Korea, Vietnam, Iraq and Afghanistan – without declarations of war.

The War Powers Resolution was enacted in 1973 as the Vietnam War was being wound down after eight years in which 58,000 Americans and about 3 million Vietnamese were killed, and great social upheaval shook America. The undeclared Korean War (1950-53) also was on Congress members' minds.

"The War Powers Resolution has been from 1973 a parchment barrier to presidential war," Gene Healy told us; he's a vice president at the Cato Institute and author of the book "The Cult of the Presidency: America's Dangerous Devotion to Executive Power." He added that, since 1973, America has been in about 100 wars, conflicts and incursions, but "no president has been restrained" by the law.

He said that, following President Bill Clinton's bombing of Serbia in 1999, Mr. Obama is the second Democratic president in a row to pass the 60-day limit without getting authorization for war from Congress. Ironically, both presidents at one time taught constitutional law.

The difference with Mr. Obama, Mr. Healy added, is that he "does seem at pains to say he's still in compliance with the War Powers Resolution." In particular, instead of calling the Libya bombing a war – which would be news to the people of Libya who are being bombarded – the Obama administration is referring to it as a "kinetic military action." On Wednesday, the administration said it was acting lawfully, contending that American forces have not been in "hostilities" since at least April 7, when NATO took over leadership in maintaining a no-fly zone over Libya, the New York Times reported online.

What's different with the Libya war, Mr. Healy said, is that the public quickly has soured on it. A Rasmussen poll released June 13 showed that 26 percent of Americans approved of it. He also pointed out that some constitutional scholars believe that the War Powers Resolution "has done more harm than good" by diverting people's attention from the clear constitutional language that only Congress can "declare war."

In any case, in any war, conflict or "kinetic military action," Mr. Healy said, Congress still has the ultimate "power of the purse strings." It can simply cut off funding. That's what Congress did at the end of the Vietnam War and after the "Black Hawk Down" incident in Somalia in 1993.

Congress should use every means at its disposal to end a war that even Defense Secretary Robert Gates said involves no U.S. national interest, and which reportedly is costing \$100 million a day at a time when the federal

budget deficit is more than \$1.5 trillion a year. We urge Orange County's six members of Congress to join the War Powers Resolution lawsuit seeking to end the war. And Congress should vote to cancel funding for this unnecessary and foolish "kinetic military action."

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