

# The Libyan war and American democracy

Patrick Martin  
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The Obama administration has allowed a 60-day legal deadline for obtaining congressional approval for the US war against Libya to expire without taking any action. The deadline passed on Friday, May 20, with barely any notice taken in the American media or in official political circles.

The War Powers Act was passed by Congress in 1973, amidst the debacle of the Vietnam War, overriding the veto of Richard Nixon. Its purpose was to prevent future presidents from waging open-ended undeclared wars with little or no accountability to the legislature, which under the US Constitution has the exclusive power to declare war.

It gives the president the right to use military force at his discretion for up to 60 days—itsself a huge extension of presidential power—but requires withdrawal after a total of 90 days if Congress does not vote to approve the military action.

In 1980, the Justice Department's Office of Legal Counsel concluded that the act was constitutional, and no administration has sought to challenge it in court. For major troop deployments, as in the Persian Gulf War of 1990-91, and the invasions of Afghanistan and Iraq in 2001 and 2003, George H. W. Bush and George W. Bush sought congressional approval by resolution, as a substitute for a declaration of war.

In the 1999 Kosovo War, Bill Clinton escaped application of the War Powers Act by bombing Serbia into surrender after 78 days, before the 90-day cutoff. Moreover, Congress approved funding for the war against Serbia within the first 60 days, although it never voted to endorse the war itself.

In 2007, a presidential candidate who was highly critical of the Bush administration's unilateral approach to waging war in Iraq, told the *Boston Globe* in an interview, "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."

That was candidate Obama, then a member of the US Senate. But President Obama publicly flouts any legal restrictions on his power to wage war.

Six Republican senators sent a letter May 18 to Obama, citing the upcoming 60-day deadline: "Friday is the final day of the statutory sixty-day period for you to terminate the use of the United States Armed Forces in Libya under the War Powers Resolution. As recently as last week your Administration indicated use of the United States Armed Forces will continue indefinitely. Therefore, we are writing to ask whether you intend to comply with the requirements of the War Powers Resolution."

Obama responded with a letter to the top Democrats and Republicans in the House and Senate, inviting them to support a congressional resolution to authorize the ongoing war against Libya, but not acknowledging that the War Powers Act was relevant to the conflict. In fact, the letter makes no mention of the 1973 law.

Instead, Obama constructs an argument that downplays the US role in the war against Libya, noting: "By April 4, however, the United States had transferred responsibility for the military operations in Libya to the North Atlantic Treaty Organization (NATO) and the U.S. involvement has assumed a supporting role in the coalition's efforts."

The US role consisted of "non-kinetic support to the NATO-led operation, including intelligence, logistical support, and search and rescue assistance," the use of aircraft to attack Libyan air defenses, and "precision strikes by unmanned aerial vehicles."

These are blatant sophistries, especially given the fact that a US officer, Admiral James Stavridis, serves as the NATO commander. The US military is manifestly engaged in a war against Libya in which untold numbers of Libyan soldiers and civilians have been killed, and US warplanes and Predator drones continue

near-daily attacks on Libyan targets.

Moreover, on March 21, after ordering the first attacks on Libya, Obama sent a letter to Congress notifying it officially of the military engagement, “as part of my efforts to keep the Congress fully informed, consistent with the War Powers Resolution.”

Congressional Democrats and Republicans have for the most part accepted this stonewalling of the War Powers Act with indifference, or endorsed it openly. Obama’s Republican opponent in 2008, Senator John McCain, declared, “No president has ever recognized the constitutionality of the War Powers Act and neither do I. So I don’t feel bound by any deadline.”

Some congressional Republicans criticized the administration’s conduct of the war, but only because it was insufficiently aggressive or because the strategic goals of the intervention—such as the overthrow of the Gaddafi regime—were not adequately spelled out.

The bipartisan backing for the “right” of the president to wage war at his discretion demonstrates the extreme attenuation of democratic processes in the United States. The executive branch sends US military forces into combat at will, not only without obtaining a declaration of war—a power reserved to the legislative branch under the Constitution, Article II, Section 8—but without complying with the provisions of the law adopted in 1973 for the specific purpose of preventing new Vietnam-style wars.

The collapse of any serious check on executive power in this most critical of spheres is part of protracted historical process: overseas, the transformation of American imperialism into a worldwide military despot, disposing of more troops and firepower than all other countries combined; at home, the buildup of a police-state apparatus, directed at the democratic rights of working people.

Moreover, the anti-democratic character of Obama’s decision to go to war against Libya testifies to the reactionary, predatory character of the war itself. American troops, warships, planes and missiles have been deployed, not to defend the American people, but to oppress the people of Libya, seize control of oil resources and strategic territory, and threaten the peoples of North Africa and the Middle East as a whole.

The World Socialist Web Site and the Socialist Equality Party demand an immediate end to the war of

aggression in Libya, and the immediate and unconditional withdrawal of all US and other foreign troops from the Middle East, Africa and Central Asia, the closure of all US military bases, and the disbursement of billions of dollars in reparations to the populations of the affected countries.

The building of a mass movement in opposition to imperialist war requires a turn to the working class, and the building of a mass movement of working people, based on an international socialist political program, in implacable opposition to both the political parties of imperialism, the Democrats just as much as the Republicans.

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Socialist Equality Party visit:

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