

# Obama's illegal war against Libya

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The Obama administration has dismissed complaints that it is violating the US Constitution and the War Powers Act in waging an undeclared war against Libya without seeking or obtaining congressional authorization. This open defiance of any legal restraint on presidential war-making is the culmination of a long process of decay of American democracy, extending over many decades.

White House spokesman Jay Carney addressed the issue at a press briefing Monday, after the House passage of a resolution criticizing the administration for having failed to make an effective case for intervention against the Libyan regime of Muammar Gaddafi and requesting answers to a series of questions about the purpose and prospects of the US-NATO war.

Carney was asked directly whether the administration had sought a legal opinion from the Office of Legal Counsel on whether it was in compliance with the War Powers Act, which requires that the president obtain congressional approval of any military operation within 60 days—a deadline that expired May 20.

He replied, “I’m not aware of any special seeking of guidance that we asked for. We believe we are acting consistent with the War Powers resolution.” He repeatedly declared that this required “consulting” with Congress, a transparent evasion of the legal duty to obtain a formal congressional vote approving the military attack on Libya.

After Carney repeated the same formulation several more times, another reporter observed, “It doesn’t sound like you take this House resolution very seriously.” No media representative suggested that the White House’s conduct was illegal or unconstitutional, let alone an impeachable offense.

The fundamental constitutional issues posed by the undeclared war against Libya were broached in an op-ed column in the *Washington Post* Sunday by Senator Richard Lugar, the senior Republican on the Senate

Foreign Relations Committee. He pointed out that the Obama administration “has, for more than two months, sidestepped the clear constitutional and legislative intent that a president obtain congressional authorization to go to war.”

A supporter of the war against Libya and the overthrow of the Gaddafi regime, Lugar worried that Obama was undermining popular support for the war. He wrote that “because the president has not made his case to Congress, the American people have no clear understanding of the US interests at stake in Libya, how much this will cost and what other priorities will have to be sacrificed.”

The editorial board of the *Wall Street Journal* fired back against Lugar’s constitutional scruples in an editorial Monday that criticized Obama for not going far enough in his defiance of Congress. Obama “has an obligation to defend the powers of his office, as well as to win the wars he begins,” the newspaper wrote. It continued: “The White House can help Members of Congress who understand the necessity of Presidential war powers by declaring forthrightly that Mr. Obama and his legal advisers believe the War Powers Resolution is unconstitutional and thus he won’t abide by it.”

What the *Journal* is advocating is, to put it bluntly, a presidential dictatorship, in which the occupant of the White House asserts not only the power to wage war—reserved by the Constitution to Congress—but the authority to determine what laws are constitutional—a power reserved to the federal courts.

Article I, Section 8 of the US Constitution gives Congress, not the president, the power to declare war. This has a fundamental democratic content: the president, in the US constitutional structure, was the stand-in for the British monarch. It had required a centuries-long struggle, culminating in the English Revolution of 1640-48 and the execution of King

Charles I, to put an end to the royal “prerogative” to wage war without the consent of Parliament.

For more than a century and a half, the US government adhered to this constitutional arrangement. But the rise of the United States to the status first of a world power, and then the dominant world power, made it increasingly vital to the interests of the ruling class that the president be able to deploy military forces around the globe, regardless of political restrictions and popular sentiment at home.

World War II was the last American war to be declared by Congress. All subsequent conflicts were undeclared, although usually sanctioned by congressional resolutions passed after a presidential decision to begin military action.

In the wake of the Vietnam debacle, an undeclared war waged by three administrations, Democratic and Republican, Congress passed the War Powers Act of 1973, which sets well-defined limits on undeclared wars launched on presidential initiative. If the president fails to gain congressional approval within the 60-day period set by the law, he has 30 days leeway to accomplish the safe withdrawal of US military forces, after which combat must cease.

Over the past 38 years, both Republican and Democratic presidents have grudgingly complied with the War Powers Act. They have given Congress formal notification of military action as required by the law and sought resolutions of approval, while at the same time maintaining that they retained authority to launch military operations at will.

Even George W. Bush sought and obtained congressional resolutions of support before launching his wars of aggression in Afghanistan and Iraq. Obama is the first US president to engage in a major war without even attempting to gain such a declaration of support in the legislative branch.

This action, in and of itself, demonstrates that the Obama administration represents a continuation and intensification of the militarist and anti-democratic tendencies that found such noxious expression in the Bush-Cheney regime. In every sphere of vital concern to the US financial aristocracy—the Wall Street bailout, the wars in Iraq, Afghanistan and now Libya, the buildup of the repressive powers of the federal government, the attack on domestic social programs—Obama marks a further turn to the right.

The struggle against imperialist war, the defense of democratic rights and the defense of the social interests of working people all require that the working class carry out a struggle against the Obama administration, break with the Democratic Party, and fight for the building of a mass, independent political movement of working people, based on a socialist and internationalist perspective.

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