

Obama flouts legal deadline on Libya war

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On Sunday, June 19, the US-backed NATO war against Libya became illegal under US law. The War Powers Act, adopted by Congress in 1973 after overriding a veto by President Richard Nixon, mandates that any presidential dispatch of US military forces into “hostilities” in any other country must receive congressional approval within 60 days. If the president fails to gain such approval, he has an additional 30 days to carry out the safe withdrawal of all US forces.

The Obama administration sent US forces into combat against Libya on March 20, 2011, with the bombing of Libyan anti-aircraft installations and radar sites. The 60-day deadline passed on May 20, without any effort by the administration to gain congressional approval. The 30-day period for withdrawal of US forces elapsed on June 19, but the war continues, with no significant opposition by any section of the US ruling elite.

The White House issued a document last week supporting its claim that the War Powers Act does not apply to the Libyan conflict because the US forces are not engaged in “hostilities” as defined by the law, a claim that is self-evidently a sophistry. “US operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of US ground troops, US casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors,” the White House statement declares. The one-sided character of the war, however, does not exempt it from the scope of the War Powers Act.

The White House also argued that the transfer of direct command of the attack on Libya from the United States to NATO has allowed American military forces to step back into a “support” role. This is another transparent sophistry. Aside from the fact that US forces continue to participate in occasional air strikes, as well as employing Predator drones and other weapons of war, NATO itself is

a largely American operation. The US provides 75 percent of NATO funding and an American general is NATO commander-in-chief, overseeing the actions of Canadian General Charles Bouchard, who directs the day-to-day operations against Libya.

As the *New York Times* revealed Saturday, Obama received legal advice from both the Pentagon counsel and the Justice Department’s Office of Legal Counsel—the agency that traditionally provides rulings on the legal obligations of the government—that the War Powers Act required congressional approval for the war in Libya. Obama chose to ignore these opinions, and relied instead on advice from the White House counsel’s office and the State Department counsel—the direct legal subordinates of Obama himself and Hillary Clinton—that Congress could be bypassed.

From the standpoint of waging war in flagrant defiance of the law, Obama has gone a step beyond even the criminal machinations of the Bush administration. The wars Bush launched in Afghanistan and Iraq were exercises in imperialist plunder, aimed at securing territory that was strategically critical for the domination of the oil resources of the Persian Gulf and Central Asia. But the Bush administration went through the formality of seeking congressional approval in advance of each act of aggression, using first the pretext of 9/11 and then a bogus campaign against alleged Iraqi “weapons of mass destruction” to push through resolutions authorizing military action.

Obama feels no such obligation in waging war against Libya (or for that matter, the escalating attacks in Yemen). Although the war in Libya, like the wars in Afghanistan and Iraq, is deeply unpopular and his policy is opposed by the majority of the American people, Obama is confident that this popular sentiment will find no serious reflection within official American politics.

Leading congressional Democrats, including Senate Majority Leader Harry Reid and House Minority Leader Nancy Pelosi, have endorsed Obama's defiance of the War Powers Act. As for the House Republicans, who passed a resolution criticizing Obama's disregard of the law, they have already voted to increase the Pentagon budget by more than the total cost of the war in Libya, insuring that regardless of noises on Capitol Hill, the US war machine will have the resources to continue raining death and destruction on the Libyan people.

Particularly important is the role of American liberalism and the pseudo-left groups, who embraced the "humanitarian" pretext for the United States intervening in the civil war in Libya. The *New York Times*, in a mealy-mouthed editorial headlined "Libya and the War Powers Act," bemoaned the White House failure to gain congressional support. But the starting point of the commentary was support for the war, with the newspaper declaring, "It would be hugely costly—for this country's credibility, for the future of NATO and for the people of Libya—if Congress were to force President Obama to abandon military operations over Libya."

The *Times* calls on Obama to "go to Congress and make his case." But it says nothing at all about the implications for American democracy of a president defying the law as well as public opinion to intervene in a major overseas conflict.

Equally duplicitous is the standpoint of the *Nation*, the standard-bearer for left-liberals oriented to the Democratic Party. An appeal from the editors earlier this month, addressed to the US president, declared, "Obama, You're Your Only Hope." It urged the administration to adopt a more aggressive stance against the Republicans by rejecting budget cuts in Medicare and proposing emergency measures to create jobs for the unemployed.

Notably missing from this appeal, which endorsed the "Rebuilding the American Dream Tour," a summer-long political campaign by the Progressive Caucus of the congressional Democrats, was any mention of war or foreign policy. The *Nation* could not even propose that the hundreds of billions of dollars expended on imperialist war in Iraq, Afghanistan, Pakistan, Yemen and Libya should be redirected to a program of domestic job-creation.

Nation take Obama's defiance of the War Powers Act and his assertion of an essentially unrestricted right of the president to wage war when and how he pleases, regardless of constitutional limitations or popular sentiment. That is because they have long supported the Obama administration's foreign policy, apologizing for the war in Afghanistan by citing the supposed gains for women freed from Taliban rule, and covering for the fiction that Obama intervened in Libya to prevent a humanitarian disaster in Benghazi.

The liberals and pseudo-lefts who politically dominated the demonstrations against the war in Iraq in 2003, when it was a matter of opposing a right-wing Republican president, are now the camp followers of his Democratic Party successor, the new commander-in-chief. They have called no demonstrations against the war in Libya or Obama's defiance of the War Powers Act.

This only underscores the political responsibility that now confronts the American working class. The struggle against imperialist war can be waged only through a political break with the bourgeois parties and their liberal and "left" apologists, and the building of a mass, independent political movement of working people, based on a socialist and internationalist program.

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