



Written by [Jack Kenny](#) on September 16, 2014

Biden Said He Would Impeach President Over Unauthorized War

Joe Biden made it perfectly clear in plain, uncompromising language: If the president takes the nation to war without authorization by Congress, “I will make it my business to impeach him.”

What? The vice president said he would make it his business to impeach President Obama? Well, not exactly. Biden was not yet vice president when he said that. And the president was not yet Obama. Biden was campaigning for president himself when he made the above statement in Davenport, Iowa, in December of 2007. The president then, of course, was George W. Bush, who already had two fairly good-sized wars going in Afghanistan and Iraq, and the unauthorized war that was the subject of Biden’s stern warning was a possible war with Iran, which nation President Bush had already declared a part of the “axis of evil.” The United States, under both Bush and Obama, has been hammering Iran with economic sanctions over its alleged nuclear weapons program. But Bush never announced a plan for military action against that nation, though the “Bush doctrine” called for acting “against emerging threats before they are fully formed,” and Iran would surely not have been the first country Bush invaded to remove “weapons of mass destruction” that were not there. Besides, the military “option” is never “off the table” and then-Senator Biden wanted to make sure Congress had a seat at that table. But Biden’s seat now is in the vice president’s mansion, and his concern about the constitutional power of Congress is, you might say, somewhat muted these days.



As Andrew Kaczynski at [BuzzFeed News](#) has pointed out, both Biden and Obama once espoused views on unauthorized wars that were “radically different” from what the administration claims today. In



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responding to a query in a *Boston Globe* questionnaire about the president's war-making power, presidential candidate Obama wrote in 2008, "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."

As president, however, Obama has more than once unleashed military attacks without authorization and absent "an actual or imminent threat" to the United States. That was surely the case in 2011 when he and NATO allies carried out a months-long "humanitarian" bombing in Libya, ostensibly to save Libyan rebels, such as the nice folks that later assaulted the U.S. outpost in Benghazi, from being massacred. But the air strikes were aimed successfully at deposing the dictator Moammar Gadhafi in a "regime change" in Tripoli. And how did that work out for the Global War on Terror?

The United States had been carrying out air strikes in Iraq for weeks before Obama [acknowledged in his September 10 address to the nation](#) that there is yet no evidence of an imminent threat to our "homeland" from the so-called Islamic State. So the president announced he would continue and intensify the bombing campaign anyway and "won't hesitate" to extend it into Syria.

But let us return to those days of yesteryear, way back in 2007, when Obama's deputy was still the senior senator from Delaware and was out west in Davenport, laying down the law to President Bush. "I want to make it clear to you," Biden told the Iowans. "And I want to make it clear and I made it clear to the president, if he takes this nation to war in Iran, without congressional approval — I will make it my business to impeach him."

Biden let the Iowans know he was not exactly a freshman in law school. He had, after all, been in the Senate since 1973. He had been either chairman or ranking Democrat on the Senate Judiciary Committee for 17 years. "I still teach constitutional law," he said. He had consulted with constitutional scholars. "The Constitution is clear," he said:

It is precisely because the consequences of war — intended or otherwise — can be so profound and complicated that our Founding Fathers vested in Congress, not the President, the power to initiate war, except to repel an imminent attack on the United States or its citizens.

Well, that *is* clear — when the other party has the White House. When it's your party in the White House, apparently it's not quite so clear. As Rep. Peter King (R-N.Y.) recently recalled, "The House did vote against engagement in Kosovo, and Bill Clinton kept fighting anyway. And, then, ultimately, a vote did pass. But he had bombing missions being carried in Kosovo after the House of Representatives voted against him taking action."

According to [Politifact](#), there were at least three votes in one day by the Republican-controlled U.S. House against President Clinton's military intervention with NATO in the civil war in Bosnia that broke out when Kosovo declared its independence from Serbia. Both states had been part of the former Yugoslavia. Neither was part of NATO and the United States had no military commitments or treaty obligations with either. On April 28, 1999, the House took up several pieces of legislation on Kosovo. By a 249-180 vote, the House prevented any Defense Department funds from being used on a ground campaign. A declaration of war was offered and defeated by a near unanimous vote of two for and 427 against. A vote on a Senate resolution that authorized air and missile strikes against the Serbs failed in the House in a rare tie vote, 213-213. In the midst of all that, the House also defeated by a 139-290 vote an effort to remove U.S. armed forces from the Kosovo conflict.

The response from the Clinton White House was dismissive. "The House today voted no on going



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forward, no on going back and they tied on standing still,” said spokesman Jake Siewert. “We will continue to prosecute the air campaign and to stop the violence being perpetrated by [Serb leader Slobodan] Milosevic.”

Well, you might think the House must have reacted sharply to that back-of-the-hand remark. And so it did. The next day the Appropriations Committee voted to spend more than twice what the administration asked for to keep the air war going, plus what *New York Times* reporter Adam Clymer [described](#) as “another billion or so for other neat stuff like base construction.”

Well, now. That sure showed the president who’s in charge of deciding war and peace for the American people, not to mention who holds the purse strings. Sometimes you have to wonder if it’s a Congress or the president’s Kennel Club occupying those offices on Capitol Hill. Even the most well-trained dog is not likely to bring back twice as much as his master asked him to fetch. But the House Republicans covered themselves — not with glory, but they covered themselves. On the one hand they supported Clinton’s war. They made us pay for it, didn’t they? On the other hand, they opposed Clinton’s war and had the votes to prove it. Moderation in the service of schizophrenia is no vice.

So what was Biden doing during all of that? He was the ranking Democrat on the Senate Judiciary Committee at the time. Did he call for the impeachment of Clinton, a fellow Democrat and no doubt a “dear, dear friend.”

He did no such thing. He would later boast that it was he who persuaded Clinton to save Kosovo with humanitarian bombing. In 2008, he [claimed](#) he “was the catalyst to change the circumstance in Bosnia led by President Clinton.”

Voters in Iowa and New Hampshire may get a chance to quiz Biden on all of this, as Biden, who began running for president in the late 1980s, appears ready to test the presidential waters again in 2016, for the third time in 28 years. And there are signs that Mitt Romney may be looking to retest again those same polluted waters on the Republican side. Republicans and Democrats may have their differences on many issues, but there appears to be a bipartisan consensus in favor of two things: ignoring the Constitution and recycling old candidates.

Photo of Vice President Joe Biden: AP Images



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