



Written by [Michael Tennant](#) on June 3, 2011

House Leadership Protects Obama's Illegal Libyan War

Obama, of course, entered into his war in direct contravention of Article I, Section 8 of the U.S. Constitution, which vests the power of declaring war solely in Congress. In addition, his intervention violates the [War Powers Resolution of 1973](#), a statute of dubious constitutionality (because it gives the President too much leeway to make war unilaterally) but one that was duly passed nonetheless. That act, first of all, states that the President is only authorized to introduce the armed forces into hostilities “pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces” — none of which applies to the Libyan intervention. Second, it requires the President to notify Congress within 48 hours of his calling the military into service and then to “terminate any use of United States Armed Forces” within 60 days unless Congress has authorized a continuation of the engagement. Obama did not notify Congress within 48 hours of initiating his Libyan intervention, but he has refused to end the war even though 60 days have since passed without any authorization from Congress to continue with the mission.



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Rep. Dennis Kucinich (D-Ohio), who long ago [charged](#) that Obama's war was an “impeachable offense,” introduced a [resolution](#) demanding that the President live up to the War Powers Resolution by removing the armed forces from Libya within 15 days. That resolution was on the House calendar to be voted on by the entire chamber on June 1.

The House leadership, however, postponed the vote, telling Kucinich that action was being taken “in an effort to compel more information and consultation” from the Obama administration. In fact, the vote was put off because, [a senior Republican staffer told Politico](#), House Speaker John Boehner (R-Ohio) was “concerned that if this were to come to the floor now, it would pass” — and allowing Congress to restrain the military adventures of even a President of the opposing party just wouldn't be cricket, old boy.

Boehner had good reason to worry that Kucinich's resolution might pass. Just last week the House came



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within nine votes of passing a bill requiring an accelerated withdrawal from Afghanistan. The day after the vote on Kucinich's bill was postponed, the House came even closer to passing an amendment to an appropriations bill that would have defunded the Libya operation. With Kucinich's resolution commanding bipartisan support — half its cosponsors are Republicans — the elephant wing of the War Party could not afford to take a chance on its passage.

Such a barefaced attempt to protect the President's ability to subvert the Constitution required equally barefaced prevarication in explanation. Boehner, therefore, told reporters, "Legally, they've [the Obama administration] met their requirements [under] the War Powers Act." When asked whether he was working in concert with the White House to sink Kucinich's resolution, Boehner quipped, "That would require somebody picking up the phone."

In fact, it wouldn't. With both parties' leaders committed to unrestrained presidential war-making and the expansion of the American empire, Obama had no need to telephone Boehner. He could rest assured that the Speaker wouldn't dare let an upstart like Kucinich spoil the President's splendid little war.

The Republican staffer who spoke to *Politico* also suggested that passing Kucinich's resolution "could adversely affect the NATO mission in Libya" — a mission that is now slated to [continue for another 90 days](#). House Minority Whip Steny Hoyer (D-Md.) concurred.

[According to The Hill](#), Kucinich "pushed back hard against" this line of reasoning, bluntly (and accurately) remarking, "We take an oath to defend the Constitution of the United States, not NATO."

Kucinich could still force a vote on his resolution within two weeks regardless of the House leadership's wishes, which is why they have now come up with their own resolution — one that the Associated Press reports was designed explicitly to "derail" Kucinich's proposal. It is also supposed to demonstrate legislators' "unhappiness with the administration's treatment of Congress," writes the AP. The bill allows the Libyan intervention to continue but prohibits the introduction of ground troops; and it requires the President to provide Congress with a written rationale for the war. Again, why would Obama need to pick up the phone when the leaders of the opposing party will carry his water without being asked?

Besides demonstrating their utter contempt for the Constitution and the rule of law, this sort of chicanery also puts the lie to Obama's, Boehner's, and other high officials' paeans to "the will of the people." Clearly the people are in large measure opposed to Obama's actions in Libya or else a significant number of their Representatives — from both parties — would not be seriously considering Kucinich's resolution. Yet despite that, the leadership is doing everything in its power to stop the people's will from being carried out. Perhaps the will of the military-industrial complex, with its millions of dollars in campaign contributions, counts for just a wee bit more.

Photo of Dennis Kucinich: AP Images



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