



Written by [Michael Tennant](#) on June 6, 2011

## House Passes Weak Libya War Resolution; Defeats One Ending War

The Republican leadership in the House of Representatives managed to pull President Barack Obama's chestnuts out of the fire with regard to Libya, at least for the time being. On Wednesday the leadership postponed a vote on a resolution put forth by Rep. Dennis Kucinich (D-Ohio, left) that would have demanded that the President withdraw all U.S. forces from the conflict in Libya within 15 days. They did so for fear the resolution would pass — something Kucinich also believed was likely.



Recognizing that the sentiment in Congress (and presumably from Congressmen's constituents) was anti-Libyan war, House Speaker John Boehner (R-Ohio) quickly cobbled together an alternative resolution that could, in [the words of the New York Times](#), "siphon off swelling Republican support for" Kucinich's resolution. The plan succeeded: On Thursday Boehner's resolution passed, 268-145, while Kucinich's was defeated, 148-265. Boehner's resolution garnered 45 Democrat votes; Kucinich's snagged 87 Republicans — all of which goes to show that both had accurately gauged the mood of Congress.

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Kucinich's resolution was based on the War Powers Resolution's requirement that the President obtain congressional approval within 60 days of initiating a military engagement or else terminate the engagement. (Obama's Libyan intervention, in fact, appears to have been illegal under the War Powers Resolution from the outset since it was not a response to an attack on the United States, and it is certainly unconstitutional.) The 60-day deadline came and went on May 20, and U.S. forces are still engaged in the NATO mission in Libya, the administration having failed even to seek congressional approval for its actions, let alone obtain it.

Boehner's substitute resolution imposes a ban on introducing ground troops into Libya and gives Obama an additional 14 days to "turn over extensive documentation on how the decision to participate in the NATO campaign to oust Qadhafi was made, how it will impact U.S. efforts in Afghanistan and Iraq, and the makeup and goals of Libyan rebel groups," [according to Politico](#). Thus, the President can continue his illegal war for two more weeks, putting it almost a month beyond the legal deadline, before



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Congress will again consider the matter. And that assumes that Obama even deigns to respond to the resolution, which *Politico* notes “faces little chance of passage in the Senate, where Obama is backing a proposal by Sens. John McCain (R-Ariz.) and Carl Levin (D-Mich.) to authorize the Libyan mission.” After all, as far as Obama is concerned, “the war is not really a war” (as Kucinich summarized the President’s recent letter to Congress), so he need not abide by either the War Powers Resolution or the Constitution’s demand for a congressional declaration of war.

What happens if the administration refuses to comply with the resolution? The text is unclear, though it does “[suggest] that the House may consider funding requests for the Libya operation in a harsh light if not satisfied with the response to its requests for information,” according to the *Times*. Boehner, for his part, said that if the President doesn’t “get this right, ... Congress will exercise its constitutional authority and we will make it right.”

Maybe. But the fact that Boehner was so determined to derail a resolution making it right immediately suggests that he is less concerned with defending the Constitution than with making it appear that Congress is listening to the people while in actuality allowing unilateral presidential war-making to continue unchecked. House Armed Services Committee Chairman Buck McKeon (R-Calif.) said as much: “Boehner does not believe we should be bashing the president on foreign policy. But people are so frustrated with the president, with the administration, they want to see something [done]. They’re really upset with the fact that the White House didn’t give us any heads-up.” Hence Boehner’s resolution, which he contrasted with “the more drastic Kucinich resolution,” as the Associated Press put it.

Obviously 148 members of Congress did not consider Kucinich’s resolution to be too “drastic,” or they wouldn’t have voted for it. One of those supporting it, Rep. Ron Paul (R-Texas), [declared](#):

We need to pass this resolution to send a very strong message. We have been told by those who oppose this message that we should not have an abrupt withdrawal from the region. But I would strongly suggest that what we should be talking about is the abrupt and illegal entry into war. That’s what we have to stop. Since we went in abruptly and illegally, we need to abruptly leave.

It has also been said by those who oppose this resolution that they concede that the Congress should assume their prerogatives over the war powers but do it gradually. I would strongly suggest that when we took our oath of office, we assumed that radically and suddenly. We took an oath of office to obey the Constitution, not defer to the United Nations, and that we have already assumed that responsibility. And I would also suggest if we do nothing, if we do not pass this resolution, it is the sin of omission that we commit.

That sin of omission — of failing to uphold the Constitution’s separation of powers with regard to war — allows Obama to proceed with his illegal intervention in Libya. The longer U.S. forces remain engaged there, the more easily proponents of withdrawal can be tagged as cut-and-run defeatists. Indeed, the perception that forcing an end to U.S. involvement in the NATO mission at this point would jeopardize the mission — and even NATO itself — seems to have convinced Boehner and a number of other Congressmen that Kucinich’s resolution had to be defeated. That perception is likely only to be strengthened over time, especially as long as Libyan dictator Col. Moammar Gadhafi remains in power.

Despite the defeat of his resolution, Kucinich was somewhat upbeat, saying, “The first outcome is that there was a debate [over Libya]. It’s quite possible you’re going to see Congress revisit this.... This is the beginning of the discussion, not the end.”

For the sake of the troops and the Constitution, constitutionalists will hope hope he is correct.



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