

WebMemo



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Libya: How Congress Should Speak to the White House

James Jay Carafano, Ph.D.

Congress has every right to be angry with the President regarding the situation in Libya. Regardless of any views on the merits of the Libyan intervention, there is no question that from the start President Obama failed to consult Congress in an appropriately deliberate manner. The President has ill-served Congress, and there is no reason Congress should stand for it. As it responds, Congress should be mindful of its obligations: to uphold the Constitution, act in America's interests, and not unduly put the lives of American allies at risk.

Trumpets Sound—Without the Voice of Congress. Where armed combat is concerned, American forces should be sent in harm's way only to protect vital national interests and where there is a suitable, feasible, and acceptable plan for employment of such forces. In the case of the U.S. intervention in Libya, it was never clear that that standard had been met. The nature of the U.S. mission was also unclear.

These issues should have been addressed before the U.S. committed itself and its NATO allies to a military course of action. Whenever contemplating the use of force, it is always best to call for the support of the American people and explain both the rationale for action and what must be done. As Heritage Foundation Vice President for Foreign Policy Kim Holmes stated in a paper written in response to 9/11, Presidents should seek "the solid support of the Congress."

It would have been prudent for the President to seek a resolution for the use of force. This gesture

would have demonstrated that the President was acting with the strong support of the nation through the voice of its elected representatives—and had explained the purpose and scope of the mission. The President spent weeks mustering international support for military action. There was more than enough time to consult with Congress. He failed to do so.

There is no question that relations between Congress and the President on this issue are muddled now because the President failed to act with prudence and due respect of Congress from the outset.

The State of Play Today. The continued agitation in Congress reflects not only its justified frustration with the President's failure to respect its role and responsibilities but also the fact that the President's military strategy has failed to advance U.S. interests. The hope that a quick Western intervention through imposing a no-fly zone would ensure the toppling of the regime, reassert American leadership in the "fight for freedom," and eliminate the potential for serious humanitarian crisis was not realistic. Colonel Muammar Qadhafi had clearly mustered sufficient military force to make a stand.

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It was unlikely that a mere show of force by Western powers would precipitate the collapse of his entrenched regime. This is in fact exactly what has happened. Meanwhile, the nature of the U.S. mission, how it will advance U.S. interests, and its long-term viability are as uncertain today as they were when the first bombs were dropped.

The potential for humanitarian disaster remains. The potential for intervention from a pipeline of Islamist extremist “foreign fighters” grows. Meanwhile, NATO struggles to maintain operations. All the President has accomplished is to set conditions for what may become the next Somalia.

Congress is right to be concerned about America’s role in this troubling struggle.

Time to Act—Appropriately. The first obligation of Congress is to the Constitution. The withdrawal provisions of the War Powers Resolution (often referred to as the War Powers Act) are unconstitutional and undermine the authority of the President as commander in chief. Relying on this legislation is the wrong way to act.

Second, regardless of the merits of this conflict through U.S. policy, NATO forces have been placed in combat and are at risk. President Obama was wrong to suggest (as he did in his speech at the National Defense University) that by turning the war over to NATO it was no longer a U.S. problem. When the alliance is committed, America is committed. It is still just as much America’s problem as it would be if the commander of the forces were an American general.

Any action by Congress must have due regard for U.S. responsibilities to its allies. It would be completely irresponsible of the U.S. to presumptively withdraw support from allies that are in harm’s way.

Many NATO nations stood, fought, and died with American soldiers in Iraq and Afghanistan. Nothing should be done to suggest that America would precipitously abandon its allies.

Next Steps. Congress does not need the authority of the War Powers Resolution to speak its mind. It can pass a resolution expressing the will of Congress, and it retains responsibility for raising and maintaining the military. Congress should:

- Rebuke the President for failing to adequately consult Congress on the Libyan intervention,
- Demand that the President clarify the intent and scope of U.S. operations and propose a suitable, feasible, and acceptable path forward,
- Consider withholding funds for operations in the future if, after careful consideration, a majority of Congress concludes that the operation is not in U.S. interests, and
- Weigh carefully any actions for how they may impact the safety of allied forces.

Congress Should Show Leadership. How Congress responds to the sorry situation created by the President is the most important issue at stake. Congress should act in a manner that respects and preserves the constitutional authorities of the commander in chief. It should advocate for what is in the best interests of all Americans. It should be mindful of commitments made to its brothers-in-arms. In doing the right thing, Congress has the opportunity to demonstrate real leadership to the White House and the American people.

—James Jay Carafano, Ph.D., is Deputy Director of the Kathryn and Shelby Cullom Davis Institute for International Studies and Director of the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Davis Institute, at The Heritage Foundation.