

# Congress: Obama Must Get Its Okay for War

July 5—Within days of his lying on June 13 that “we will not be sending U.S. troops back into combat in Iraq,” President Obama announced he was deploying 275 troops as “advisors” there. Within days of that, calls from the Senate and House were becoming louder, insisting that if any U.S. military forces are to be sent to Iraq, the regime must get the approval of Congress, since the Constitution mandates that it is Congress alone that has the responsibility to declare war.

After making that point in a *Washington Post* op-ed that was picked up across the country, Sen. Tim Kaine (D-Va.) gave a speech during the June 25 Morning Session, in which he elaborated his argument against that of the President. He took on the issue directly from the start:

## Not This President—Or Any President

“Last week, the President summoned congressional leadership to the White House to discuss the deteriorating situation in Iraq and a potential U.S. response. Press reports of the meeting had Members quoting the President as saying he had all necessary authority for military action already, and some accounts had the congressional leaders also agreeing that the President had necessary authority.

“I do not believe this President—or any President—has the ability without congressional approval to initiate military action in Iraq or anywhere else, except in the case of an emergency posing an imminent threat to the United States or its citizens.

“I also assert that the current crisis in Iraq, while serious and posing the possibility of a long-term threat to the United States, is not the kind of conflict where the President can or should act unilaterally. If the United States is to contemplate military action in Iraq, the President must seek congressional authorization.

“Let me point out that the White House has been in significant consultation with congressional leadership and Members in the past weeks, and that consultation is important and it is appreciated. But it is not the same thing as seeking congressional authority. That has yet to



Ralph Alswang

Sen. Tim Kaine: “The President must seek Congressional authorization.”

be done, and it must be done if the United States intends to engage in any combat activity in Iraq. . . .”

Kaine went on to elaborate *why* the Founders insisted on Congressional authorization, and to expound on the importance of public debate and support for any military action. He pointed to the events around the avoidance of the strike on Syria, as an example of success on this matter.

Then, on June 26, Kaine appeared on MSNBC’s Morning Joe, where he was asked again about his differences with the Democratic leadership on whether Obama needed to seek Congressional authorization to go to war. The Senator was clear: It’s a matter of the law. He doesn’t care about the politics—the power to declare war is the most important power of the Congress, and Congress must behave accordingly.

Kaine also noted that he represents the most militarily connected state in the country. Notably, his predecessor in the Senate, Jim Webb (D), who earlier had been Secretary of the Navy, had taken a similar stance, championing a resolution insisting that the Congress, not the President, make the decision on war—that time, in the case of Syria.

## Members of the House Agree

On June 24, Reps. Barbara Lee (D-Calif.) and Scott Rigell (R-Va.) began circulating a letter to other members of the House, sending the same message to Obama. By July 3, when the names of the letter’s co-signers

were released, 78 additional Representatives had signed on.

The letter states, in part:

“We do not believe intervention could be either quick or easy. And, we doubt it would be effective in meeting either humanitarian or strategic goals, and that it could very well be counter-productive. This is a moment for urgent consultations and engagement with all parties in the region who could bring about a cease-fire and launch a dialogue that could lead to a reconciliation of the conflict.

“Any solution to this complex crisis can only be achieved through a political settlement, and nothing short of that can successfully bring stability to Iraq or the region and only if the process and outcome is inclusive of all segments of the Iraqi population.

“As you consider options for U.S. intervention, we write to urge respect for the constitutional requirements for using force abroad. The Constitution vests in Congress the power and responsibility to authorize offensive military action abroad. The use of military force in Iraq is something the Congress should fully debate and authorize. Members of Congress must consider all the facts and alternatives before we can determine whether military action would contribute to ending this most recent violence, create a climate for political stability, and protect civilians from greater harm. We stand ready to work with you to this end.”

A press release on Lee’s website reminds readers, “Last August, Congresswoman Lee and Congressman Rigell led independent letters calling on the President to consult with Congress before taking military action in Syria. In a sign of bipartisanship, the two joined together in leading today’s letter on the use of military force in Iraq.”

The letter to Obama was published on the same day. Reports estimate that now almost 1,000 troops have been deployed to Iraq to “secure the U.S. embassy” and to “advise Iraqi security forces.”

The press release quotes Rigell saying, “I share a deep concern over the rise in sectarian violence in Iraq in recent weeks. However, engaging our military forces at this time when no direct threat to the United States exists and without prior congressional authorization would violate the separation of powers that is clearly delineated in the Constitution.”

Lee was the only Member of Congress in 2001 to vote “No” to the Authorization of Use of Military Force Against Terrorists, warning the Congress then to be

“careful not to embark on an open-ended war with neither an exit strategy nor a focused target.”

Now the question remains: Will Congress finally act in a meaningful way, if Obama continues to snub the House and Senate, and the Constitution?

## **Bipartisan Action**

*Below are the signers of the letter to President Obama; the deadline to sign was July 1, 2014.*

Barbara Lee (D-Calif.); Scott Rigell (R-Va.); Sam Farr (D-Calif.); James Moran (D-Va.); Janice Hahn (D-Calif.); Peter DeFazio (D-Ore.); Hank Johnson (D-Ga.); Mike Honda (D-Calif.); Chellie Pingree (D-Me.); Betty McCollum (D-Minn.); John Garamendi (D-Calif.); Rick Nolan (D-Minn.); Beto O’Rourke (D-Tex.); Katherine Clark (D-Mass.); Zoe Lofgren (D-Calif.); Earl Blumenauer (D-Ore.); George Miller (D-Calif.); Anna Eshoo (D-Calif.); Julia Brownley (D-Calif.); Hakeem Jefferies (D-N.Y.); Chris Gibson (R-N.Y.); Jackie Speier (D-Calif.); John Duncan (R-Tenn.); Judy Chu (D-Calif.); Bobby Scott (D-Va.); Alan Grayson (D-Fla.); Jim Himes (D-Conn.); Michael Michaud (D-Me.); John Larson (D-Conn.); Mark Pocan (D-Wisc.); Reid Ribble (R-Wisc.); Frank Pallone, Jr. (D-N.J.); Karen Bass (D-Calif.); Maxine Waters (D-Calif.); John Conyers, Jr. (D-Mich.); Walter Jones (R-N.C.); Peter Welch (D-Vt.); Jared Huffman (D-Calif.); John Sarbanes (D-Md.); Ed Pastor (D-Ariz.); Grace Napolitano (D-Calif.); Alcee Hastings (D-Fla.); John Lewis (D-Ga.); Jose Serrano (D-N.Y.); Nydia Velazquez (D-N.Y.); Louise McIntosh Slaughter (D-N.Y.); Andre Carson (D-Ind.); Gloria McLeod (D-Calif.); Jim McDermott (D-Wash.); Keith Ellison (D-Minn.); Lloyd Doggett (D-Tex.); Rush Holt (D-N.J.); Bobby Rush (D-Ill.); Emanuel Cleaver (D-Mo.); Bennie Thompson (D-Miss.); Lois Capps (D-Calif.); Kurt Schrader (D-Ore.); Jerrold Nadler (D-N.Y.); Mark Takano (D-Calif.); Collin Peterson (D-Minn.); Ann Kuster (D-N.H.); Justin Amash (R-Mich.); Charles Rangel (D-N.Y.); Raul Grijalva (D-Ariz.); Niki Tsongas (D-Mass.); Kathy Castor (D-Fla.); Mike Capuano (D-Mass.); Yvette Clarke (D-N.Y.); Matt Salmon (R-Ariz.); Kyrsten Sinema (D-Ariz.); Donald Payne, Jr. (D-N.J.); Lois Frankel (D-Fla.); Rosa DeLauro (D-Conn.); Richard Neal (D-Mass.); Eleanor Holmes-Norton (D-D.C.); Alan Lowenthal (D-Calif.); Stephen Lynch (D-Mass.); Joseph P. Kennedy (D-Mass.); William R. Keating (D-Mass.).