

The Drumbeat For Watergate II

While the criticism of President Obama's disregard for the U.S. Constitution's commitment to the general welfare of the U.S. population, and its right to life, liberty, and the pursuit of happiness, not to mention civil liberties, has been increasingly intense from April 2009 on, it is only with the launching of the war against Libya that Obama's lawlessness has initiated a process parallel to that of Watergate, the scandal that drove President Richard Nixon from office in 1973. The highlights of that process are chronicled here:

March 2011

March 19: President Obama announces, from Brazil, the launch of Operation Odyssey Dawn, which commences with bombings of Libya. He calls it a limited operation to prevent massacres of civilians.

March 21: Explicitly citing the authority and requirement of the War Powers Resolution, Obama sends a formal notification to Congress of U.S. participation in what he calls "an international effort authorized by the United Nations Security Council and undertaken with the support of European allies and Arab partners, to prevent a humanitarian catastrophe and address the threat posed to international peace and security by the crisis in Libya.

"These strikes will be limited in their nature, duration, and scope," he wrote.

March 21: Sen. James Webb (D-Va.) tells MSNBC, "This isn't the way that our system is supposed to work."

Rep. Dennis Kucinich (D-Ohio) tells *Raw Story* that Obama's failure to consult Congress on the Libya operation "would appear on its face to be an impeachable offense."

March 25: Rep. Charles Rangel (D-N.Y.) in, an article in the *New Amsterdam News*, says the President or Vice President should call a special session of Congress to discuss the Libya operation.

April 2011

April 1: The Department of Justice's Office of Legal Counsel issues an opinion under the title, "Authority to Use Military Force in Libya," which includes a lengthy discussion of the application of the War Powers Resolution; it concludes that, "Prior congressional approval was not constitutionally required to use military force in the limited operations under consideration." The opinion was premised on the explicit understanding that the operation would be limited in scope and duration, and that regime change was not an objective of the military operations.

April 8: Bruce Fein, a former Reagan Administration Department of Justice official, and now chairman of American Freedom Agenda, issues a 15-page Article of Impeachment against the President, saying that "Barack Hussein Obama has mocked the rule of law, endangered the very existence of the Republic and the liberties of the people, and perpetrated an impeachable high crime and misdemeanor" in launching war on Libya without approval from the Congress.

Fein was involved in the impeachment of President Bill Clinton, and also in the effort to impeach George W. Bush and Dick Cheney. He says that Obama has been "more bold than any other president," in failing to secure Congressional approval for the Libya attacks. "If he can wipe out the war powers authorization, why can't he wipe out Congress's authority to spend?" asks Fein, adding, "If we're going to be a government of laws, and not descend into empire, this is Caesar crossing the Rubicon."

May 2011

May 20: Obama seeks a Senate resolution that would approve the Libya mission. Senators John Kerry (D-Mass.) and John McCain (R-Ariz.) are tasked with this effort.

May 23: Kucinich, with 11 cosponsors, introduces House Concurrent Resolution 51, which, "pursuant to Section 5(c) of the War Powers Act" (WPA), calls for removal of U.S. Armed Forces from Libya.

June 2011

June 3: Resolution 51 wins 148 votes, but is defeated 264 to 148.

On the same day, a weaker Resolution by House Speaker John Boehner (R-Ohio) passes, "declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States

Armed Forces on the ground in Libya, and for other purposes.” The Resolution also demands that the Administration transmit to the House of Representatives, in no more than 14 days (i.e., by June 17), “a report describing in detail United States security interests and objectives” in Libya, including justification for not seeking Congressional authorization.

June 5: Senior Republican Sen. Richard Lugar (Ind.) pens an op-ed in the *Washington Post* which criticizes the President for not consulting with Congress, and concludes: “The Founding Fathers gave Congress the power to declare war for good reason: It forces the president to present his case in detail to the American public, allows for a robust debate to examine that case and helps build broad political support to commit American blood and treasure overseas. Little of that has happened here.”

June 8: Senators Webb and Bob Corker (R-Tenn.) introduce Joint Resolution 18, which would prohibit deployment of U.S. troops on the ground in Libya or the awarding of any contracts to private security contractors for on-the-ground activity; require the Administration to request authorization from Congress for the continuation of U.S. involvement in ongoing NATO activities in Libya; and require the Administration to provide, within 14 days, detailed answers to 21 specific questions on the justification for U.S. military operations in Libya.

June 13: The House of Representatives passes an amendment to a Defense Appropriations bill, barring Obama from spending any of the money for the war on Libya. The vote was 248-163. Introduced by Rep. Brad Sherman (D-Calif.), the amendment states: “None of the funds made available by this act may be used in contravention of the War Powers Resolution.”

June 15: President Obama sends a 32-page report to Congress filled with details about the alleged “humanitarian” reasons for the Libya intervention. In one paragraph, the memo asserts that Obama does not need Congressional authorization under the WPA, because the action was taken under the authorization of a UN Security Council resolution which limits the scope of military operations, and that the U.S. is only playing a “supporting” role for the NATO coalition.

June 15: A bipartisan group of House members files a suit against Obama, seeking injunctive and declaratory relief to protect the plaintiffs and the country from 1) the policy that a President may unilaterally go to war in Libya and other countries without a declaration of war from Congress, as required by Article I, Section 8,

Clause 11 of the United States Constitution; 2) the policy that a President may commit the United States to a war under the authority of the North Atlantic Treaty Organization (NATO) in violation of the express conditions of the North Atlantic Treaty ratified by Congress; 3) the policy that a President may commit the United States to a war under the authority of the United Nations without authorization from Congress; 4) from the use of previously appropriated funds by Congress for an unconstitutional and unauthorized war in Libya or other countries; and 5) from the violation of the War Powers Resolution as a result of the Obama Administration’s established policy that the President does not require congressional authorization for the use of military force in wars like the one in Libya.

June 15: In an interview given to CNN on the 40th anniversary of the release of the Pentagon Papers, Daniel Ellsberg releases a broadside against Obama, arguing that today, all of the crimes that Richard Nixon committed against him (Ellsberg), have now been legalized, and are being carried out by Obama. Ellsberg also points out that Obama is violating “Article I, section 8 of the Constitution,” which “for the first time in constitutional history, put the decision to go to war (beyond repelling sudden attacks) exclusively in the hands of Congress, not the President.”

June 16: Lugar, the ranking Republican on the Senate Foreign Relations Committee, issues a statement saying: “I have asked Foreign Relations Committee Chairman John Kerry to hold a hearing at which Administration officials will testify on the Constitutional basis on which the President is conducting military operations and the relationship of these operations to the requirements of the War Powers Resolution. Senator Kerry has agreed to hold such a hearing on June 28. In the meantime, I strongly urge the President to seek Congressional authorization for the continuation of U.S. military operations in Libya.”

“The Administration’s position is both legally dubious and unwise,” Lugar also states.

June 17-18 The *New York Times* discloses that Obama had rejected the views of top lawyers at the Justice and Defense Departments—including the Office of Legal Counsel, charged with providing legal advice to the President—in deciding that he had authority to continue U.S. military action in Libya without Congressional authorization. Obama instead went with the contrary opinions of the White House and State Department’s legal counsels.