

U.S. Senate Votes For More War

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The Senate Wednesday scuttled a proposal by Sen. Rand Paul to repeal the war authorizations that underpin the wars in Afghanistan and Iraq as well as military action in a slew of other countries.

The vote was 61 to 36 to table — or kill — Paul's [amendment](#) to the National Defense Authorization Act. The Kentucky Republican's proposal would have repealed both the 2001 and 2002 authorizations for the use of military force six months after the bill becomes law, giving lawmakers a tight window to pass a new framework for U.S. military operations overseas.

The first amendment vote on the defense policy bill [H.R. 2810 \(115\)](#) saw Republicans and Democrats join to defeat Paul's proposal, while most Democrats and a handful of Republicans joined him to support the repeal.

In a floor speech Tuesday, Paul torched his fellow lawmakers for refusing to vote to authorize the myriad military actions the U.S. has engaged in since the terrorist attacks on New York and Washington on Sept. 11, 2001.

"I don't think that anyone with an ounce of intellectual honesty believes that these authorizations from 16 years ago and 14 years ago ... authorized war in seven different countries," Paul said.

"I am advocating a vote ... on whether or not we should be at war," Paul said. "It should be a simple vote. It is like pulling teeth."

But the war powers vote didn't come easy for the senator. Wednesday's vote came after Paul blocked Senate leaders' efforts to speed consideration of the must-pass defense policy bill for two days. Paul objected to procedural efforts to begin debate sooner and threatened to hold up all other senators' amendments if he wasn't granted a vote on his proposal.

Paul was joined by senators from both parties who supported sunsetting the 2001 and 2002 AUMFs in order to force Congress to debate and pass a new authorization that covers the current military campaign against ISIS as well as other contingencies.

Virginia Democrat Tim Kaine, who has pushed for a new AUMF with Arizona Republican Jeff Flake, said it was "way past time" for a vote.

"There has been no particular motive or forcing mechanism that has made the [Foreign Relations] Committee take this up, bat it around, hear from experts, debate, amend it and send it to the floor," Kaine said of his and Flake's proposal.

"Of all the powers Congress has, the one that we should most jealously guard is the power to declare war," he said.

But opponents of the measure argued repealing the two war resolutions on such a quick timeline

would endanger military operations in Afghanistan and against ISIS in Iraq and Syria and send mixed signals to U.S. troops and allies overseas.

"I did not expect that 16 years later we would still be engaged in the evolution of that fight that began on 9/11," said Senate Armed Services ranking Democrat Jack Reed of Rhode Island. "But we cannot, I think, simply stop, threaten to pull back our legal framework with the expectation that in six months we will produce a new and more appropriate authorization for the use of military force."

Senate Majority Leader Mitch McConnell piled on Wednesday, arguing a repeal of the legal framework for military operations against terrorist groups "breaks faith" with the troops.

Enacting a new war resolution to cover the ISIS campaign has proved to be a politically fraught effort.

Former President Barack Obama sent Congress a proposed AUMF in 2015, though neither the Senate nor the House voted on the measure. Efforts to attach a repeal of the current AUMF to major bills, including the NDAA, have also been unsuccessful.

In a classified briefing with senators in August, Defense Secretary Jim Mattis and Secretary of State Rex Tillerson said the 2001 AUMF provides legal authority for current military operations in the Middle East, though Mattis has said Congress should enact a new resolution.

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An Increasingly Militaristic Donald Trump Gets a Pass From Congress on War Powers

Like Obama before him, Trump can continue using post-9/11 war authorizations to launch military ventures overseas.

By Andrew Desiderio

The Senate on Wednesday declined to give Congress more authority and oversight over presidential war powers, defeating a measure that would have limited President Donald Trump's ability to authorize military operations overseas.

By a vote of 61 to 36, the chamber killed an amendment from Sen. Rand Paul (R-KY) that would have scrapped the 2001 and 2002 authorizations for the use of military force, and would have, in turn, pressured Congress to draw up a new one within six months. Those authorizations have served as the primary legal basis for the United States' foreign military incursions since the September 11 terror attacks.

The measure was expected to fail, and Paul spun it as a victory that 36 senators, most of whom were Democrats, signed on. Many dovish lawmakers—aligned with anti-interventionist conservatives—had attempted similar actions under the Obama administration, only to fall short. What gave proponents hope this time around was that Congress has recently taken decisive steps to reassert its authority with respect to the executive branch on a variety of domestic fronts.

Wednesday's vote showed that re-shifting of the balance of powers has yet to extend to foreign affairs.

“Unless we could do something literally next week, we would be running into the reality of American military commanders wondering whether or not they should begin to plan for the extraction of our forces and the closing of our facilities,” Sen. Jack Reed (D-R.I.), the top Democrat on the Senate Armed Services Committee, said on the Senate floor.

Paul’s amendment would have repealed those post-9/11 military authorizations within six months of the passage of the National Defense Authorization Act, the annual defense policy bill. It would have also given Congress a window to draw up a new AUMF that encompasses the specific global security threats the U.S. and its allies currently face.

“What we have today is basically unlimited war anywhere, anytime, anyplace upon the globe,” Paul said on the Senate floor. “Even if my colleagues say, ‘war, war, that’s the answer everywhere, all the time,’ by golly, come down and put your name on it.”

Over the last eight months, Congress has shown its willingness to limit Trump’s powers in other key arenas. After the president suggested he could fire special counsel Robert Mueller, senators from both parties quickly drafted legislation that would shield Mueller from Trump’s influence. Additionally, both chambers overwhelmingly approved a new round of sanctions against Russia, dismissing the Trump administration’s objections to key language in the legislation that handicaps the president’s ability to unilaterally lift or ramp up the sanctions.

But a majority of senators argued on Wednesday that a repeal of the post-9/11 AUMFs was a step too far, creating unnecessary uncertainty for Pentagon officials, American soldiers, and U.S. allies overseas.

“Why would we vote to rescind the authority to defeat Al Qaeda and leave our forces in the field questioning whether the elected officials here in Washington have any understanding as to what is occurring in the theaters of active hostilities?” Senate Majority Leader Mitch McConnell (R-KY) said. “All that we do to defeat Al Qaeda and ISIL rests on this AUMF.”

Lawmakers Blame Obama, Too

Attempts to restrict a president’s foreign policy powers are always longshots, since lawmakers tend to be more comfortable deferring to the commander-in-chief on military matters. But efforts to draft new authorizations have grown more serious the longer the post-9/11 AUMFs have remained in place, and as the U.S. military has, under the Trump administration, expanded its presence in countries such as Syria, Afghanistan, Iraq, Somalia, Libya, Yemen.

In June, the House Appropriations Committee adopted a measure that would have repealed the 2001 AUMF and created a 240-day window for Congress to approve a new authorization. Even Rep. Barbara Lee (D-CA)—the lawmaker who authored it—was stunned that it passed.

But that measure never advanced further, as House Republican leaders stripped the amendment from the final defense appropriations bill before it was put to the floor and eventually approved.

Lawmakers who support undoing the two AUMFs say it has nothing to do with Trump. They note that similar efforts began under George W. Bush and gained steam under Barack Obama, who himself encouraged Congress to draft new authorizations as both a senator and a presidential candidate.

“I don’t know that this vote is a broader proxy for members’ feelings on Trump’s foreign policy,”

Sen. Chris Murphy (D-CT) told The Daily Beast. “This has been a problem both in the Obama administration and the Trump administration. The Obama administration was guilty of an unjustifiable expansion of war authorization, as is the Trump administration.”

Sen. Tammy Duckworth (D-IL), an Iraq War veteran who lost both of her legs in combat, questioned Trump’s competence to lead the military. But she noted that she also pushed for similar restrictions when Obama was in office.

“We don’t want to vote yes or no on an AUMF based on who is in the White House. These things need to be clear and the authorities need to be clear. But I think when people look to a commander-in-chief who is not competent in his position, people start to think twice,” Duckworth told The Daily Beast.

New Momentum?

Paul and his allies argue that Congress has demonstrated it won’t act on a new AUMF unless it has a clear-cut deadline to do so. They also believe that repealing the post-9/11 military authorizations is long overdue, and that the nature of the threats against the U.S. has changed in such a way that warrants a new legal basis for the executive branch to wage war.

“This is a different threat than we saw 16 years ago,” Sen. Ben Cardin (D-MD) said. “It’s our responsibility to give congressional authorization for the use of military force.”

If the 2001 and 2002 authorizations were repealed, there is at least one replacement measure Congress could consider. A new AUMF that Sens. Tim Kaine (D-VA) and Jeff Flake (R-AZ) have been pushing for months would authorize military force specifically against ISIS, al Qaeda and the Taliban.

Paul won over Kaine, who announced on Tuesday he would back the Kentucky senator’s amendment as a means to advance his and Flake’s AUMF. Both senators have been pushing the Foreign Relations committee to mark up their proposal, and Kaine said Paul’s amendment would force the committee to act more quickly.

“We’ve got to be the Article 1 branch. We’ve been acting like the article two-and-a-half branch for a very long time under multiple administrations. We’ve got to be the Article 1 branch, and there’s no power that’s more important ... than war-making power,” Kaine told reporters.

Despite failing to secure a majority of senators on Wednesday, Paul said he was optimistic that momentum will continue to build toward a more targeted war authorization.

“It hasn’t been easy to get the debate. I’ve been trying to get this vote for five years,” Paul told reporters. “This would be a first step.”

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