



## **FPI Bulletin: Now is not the time to show a lack of resolve on Libya**

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**From FPI Executive Director Jamie Fly and Policy Advisor Robert Zarate**

Libyan dictator Muammar al-Qaddafi is facing growing international pressure, thanks to continuing NATO airstrikes, high-level defections from his regime, multilateral sanctions, and a rebel movement that is increasingly organized and capable. Now is not the time for the United States to show a lack of resolve, thereby emboldening Qaddafi. Yet several congressional proposals to protest or preemptively end U.S. military involvement in Libya risk doing just that.

Invoking the 1973 *War Powers Resolution*, some Members of Congress are suggesting that U.S. military involvement in Libya is unconstitutional. By so doing, they are dredging up a polarizing and intractable debate over the power of Congress to declare war and the President's constitutional authority to act as America's commander-in-chief.

As Congress considers its response to the U.S. intervention in Libya, it is important to recall that both Democratic and Republican Presidents have undertaken military actions of the sort taken in Libya without formal declarations from the Legislative Branch—most recently during the 1999 conflict in Kosovo. As Jack Goldsmith, who headed the Justice Department's Office of Legal Counsel during the Bush administration, wrote in *Slate*:

"The president, under his commander-in-chief and other executive powers, has very broad discretion to use military force in the absence of congressional authorization. Presidents have done this, in military actions large and small, over 100 times, since the beginning of the republic."

Congress has a responsibility to hold the Executive Branch accountable. And, to be sure, the Obama administration should have done more—and clearly should do much more—to consult with and explain to Members of Congress the strategic and moral imperatives of U.S. involvement in Libya. That said, there is a strong legal and historical argument that President Obama's intervention in Libya is both within his constitutional authority as commander-in-chief and consistent with the practice of previous presidents of both political parties.

Unfortunately, the constitutional debate obscures the key point: It is in America's interest to see the Libyan people liberated from Qaddafi's tyrannical rule. Libya's neighbors, Egypt and Tunisia, are attempting to consolidate the gains of their own revolutions. Elsewhere in the region, people are taking to the streets, risking their livelihoods and lives to stand up to their repressive rulers. By showing continued resolve against dictators like Qaddafi, the United States can help the peoples of the Middle East and North Africa to move towards moderate and representative governments that respect both human rights and the rule of law.

That is why the President said in his March 28<sup>th</sup> address to the nation: "There is no question that Libya—and the world—would be better off with Qaddafi out of power." Qaddafi authorized the indiscriminate use of lethal force against his own people. As a sponsor of terrorism, Qaddafi is responsible for the deaths of U.S. servicemen in the bombing of a Berlin discotheque in 1986, and

nearly 200 American civilians in the bombing of Pan Am Flight 103 in 1988. Qaddafi's regime also pursued weapons of mass destruction before forfeiting key elements of its programs in 2003.

U.S. military actions against Qaddafi's regime have been limited. Operation Odyssey Dawn prevented a humanitarian catastrophe in the rebel stronghold of Benghazi, and cleared the way for establishing a NATO-enforced "no-fly zone" to protect Libya civilians. Yet even these limited actions have produced significant results. Qaddafi's military forces have been weakened considerably. On Wednesday, Libyan oil minister Shokri Ghanem joined a long list of senior officials to defect from the regime. With NATO assistance, anti-Qaddafi rebels have lifted the siege of Misurata in western Libya and secured eastern Libya against attack from Qaddafi loyalists. Meanwhile, Qaddafi's support among the populace in Tripoli appears to be wearing thin.

Admittedly, many supporters of the intervention have not been pleased with the way President Obama has handled Libya, given the mixed messages sent by senior administration officials and the unwillingness of the President to commit to a more robust U.S. role. But at the end of the day, it is in America's national, strategic, and moral interest to see this operation through. A world without Qaddafi is a world in which free nations and free peoples will be more secure.