

The Authorization to Use Military Force and the Demise of the US Senate

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If any of the mainstream media are to be believed, you would think that the future of the country, the very foundation of our Republic and what's left of its democracy hung by a thread on the results of the upcoming 2014 Congressional election, especially Republican control of the Senate.

And yet, as the issueless campaigns of meaningless gestures drone on, voter turnout is anticipated to be more a measure of voter antipathy rather than an endorsement of the posture of We-Own-the World.

Absent from the discussion in what constitutes a political campaign these days, is any real substantive sparring on issues of vital importance to the American public. To call it a debate on which party is best equipped to control Congress is a stretch as Democrats [continue to support](#) the president's broken foreign policy initiatives which lay in a shambles from Ukraine to Iraq and Afghanistan to Libya.

As the savage ISIS, the latest international bogeyman marked for US annihilation threatens the fall of Baghdad and the largest US embassy complex in the world, and despite its support by [US 'allies'](#) Saudi Arabia, Turkey and Qatar, not one Senate Democrat has taken to the Senate floor to publicly question how ISIS is a threat to US national security.

After a decade of purposeless wars that have contributed to keeping the banks solvent, out on the campaign hustings there is no acknowledgement of a crumbling economy bolstered by an equally disintegrating governmental institution or that a fossilized domestic policy has sacrificed the well-being of millions of Americans on the altar of Empire.

As the two parties meld into one cumbersome/awkward political unit, no campaign furor is heard comparing the disintegration of American infrastructure and the breakdown of US social structure with the more severe results of US-provoked wars around the world.

With the absence of any contrition, no show of remorse or shame and certainly no apology to the American people by any member of the Senate for their lack of leadership and failure to govern, there has been no campaign furor over the economic and civil chaos after a decade of war and whether the disastrous futile results were worth the effort. Understandably, there has been no interest in Congressional oversight hearings to identify lessons-learned of another lost war since the obvious conclusion would inevitably lead to a legislative deterrent from repeating the same behavior, the same catastrophic mistakes. Nor has one Senate Democrat inquired what has the US achieved by its

interventions (proxy or otherwise) in Ukraine, Iraq, Afghanistan and Libya or made the link

between the financial cost of US foreign policy debacles (\$6 trillion spent on Iraq and Afghanistan) and the unnecessary bankruptcy of Detroit.

As the campaigns stumble their way to the Nov. 4th finale, one possible exception might be the re-election of Sen. Mark Udall (D-Colo), whose questioning of NSA overreach and other civil liberty infringements has not translated into a groundswell of voter support. Locked in a very tight race with a Ted Cruz wanna-be which may prove to be a losing campaign, Udall has continued to support the president and every other Obama initiative.

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In 2012, with a very narrow Democratic Senate majority (51 - 47) at risk, twenty-three Democratic Senate seats were on the ballot with only ten Republicans running for re-election. Clearly, the Democrats could not afford to lose one seat. With eight open Democratic Senate seats up for grabs, the odds did not look good for Democrats. And yet, as extremist tea party candidates sank Republican hopes of taking the Senate and both houses of Congress, the Democrats actually gained a 55-45 margin.

That was then...and this is now....

With a total of 36 Senate seats on the November 4th ballot (21 Democrats and 15 Republicans), [current polls](#) show Republicans expect to pick up four previously-held Democratic seats now open due to retirements (Montana, Nebraska, West Virginia and South Dakota) with Iowa, also a Democratic open seat, [now leaning Republican](#). If Republicans can hold on to Sen. Pat Roberts (Kansas) who is facing strong opposition from an Independent with no Democrat on the ballot, Republicans may have big reason to celebrate on November 4th.

Since 2008, when the Democrats controlled both houses of Congress, little has been accomplished legislatively to warrant an outpouring of rampant voter enthusiasm on Election Day.

There is, of course, a slim chance that the R's will blow it as they did in 2012 but with a bevy of new, attractive candidates debating a handful of stodgy, less than dynamic Democratic Senators, the odds currently favor a Republican takeover - giving both houses of Congress to the Republicans despite an erstwhile Democrat in the White House. To suggest that Barack Obama is a Democrat, in the historic sense, stretches one's credulity and in what might have been a transformative presidency but for bungled political capital early on; lies one explanation for why the Democrats are in a very serious

suicidal spiral.

The thought of Republicans in control of Congress, one step from the White House, should send the heebiejeebies through the veins of anyone who cares about what were once traditional social Democratic liberal issues. This is not to suggest that today's Democrats are saviors of the middle class or have the necessary inner grit required to stave off the demons of Wall Street or the NSA or the neocons in the State Department. Too often, they have readily acquiesced to Republican domination. But as the American public have witnessed: with no assertive, committed opposition to be the voice of peace, the disenfranchised, the unemployed, the homeless and millions of lost Americans, no statesmen/women has stepped forward as leadership of a national stature in every sector of the country has

collapsed.

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One example of the deterioration of Congress that still haunts today's Constitutional crisis was its approval of the [Authorization to Use Military Force \(AUMF\)](#) on Sept 14, 2001. Three days after the 911 attacks (when has Congress ever moved so swiftly) , the AUMF authorized the use of "necessary and appropriate force" against those unnamed, unknown parties responsible for 911. The House vote was nearly unanimous (420) with 1 dissension from Rep. Barbara Lee, D-Calif and ten not voting while the Senate vote was unanimous (98-0) with two absentees. Both votes took place with no debate.

In preparation for the Iraq invasion, a second [AUMF Against Iraq](#) was offered in October, 2002 which passed the House 296 - 133 with 81 Democrats in support and Senate approval (77 - 23) including 28 Democrats. In both votes, Democrats provided the margin of victory with a Republican in the Oval Office.

As a presidential candidate in 2008 opposed to the 2002 AUMF Against Iraq as a 'dumb war,' President Obama has, more recently, initiated Operation Inherent Resolve claiming both AUMF's as the [proper legal basis](#) for initiating targeted air strikes against ISIS in Iraq and Syria without Congressional authorization. Obama's latest imperial war is, however, in clear violation of the War Powers Act of 1973 which allows the President a 60-day period of hostilities without Congressional approval after which a continued conflict would constitute violation of the Act.

Using the incoherent logic that ISIS is an off-shoot of al Qaeda, which is, at best, [problematic](#) since the latter eschewed any association with ISIS in February, the White House has further sought to define ISIS as an "[associated force](#)" (of al Qaeda). As if to legitimize its pursuit of ISIS and its use of AUMF

as political and legal cover for its attacks, the term is absent from either resolution and represents another Constitutionally-challenged application of the statutory interpretation of the AUMF. And yet as the Administration [relies on AUMF](#) for its legal authority:

"The two AUMFs .. were .. two very different conflicts, aimed at two different enemies, pursuing very different strategies, and based on completely different legal justifications, certainly under international law," said Mary Ellen O'Connell, a professor of international law at Notre Dame.

While the [AUMF has been used to justify](#) a wide range of military initiatives including the Department of Justice conducting warrantless surveillance, legal justification for the war on terror, the use of Guantanamo, Navy seal raids and even drone strikes, Congressional Democrats who voted for the AUMF are responsible for providing every President since 2002 and into the future all the rationale necessary to justify the next attack on an extreme jihadist and the next and the next.....

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