Democrats Challenge Trump’s Authority to Conduct Military Operations Against Iran

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BESA Center Perspectives Paper No. 1,403, January 13, 2020

EXECUTIVE SUMMARY: The US House of Representatives has passed a resolution, initiated by the Democrats, to restrict President Donald Trump’s ability to conduct military operations against Iran. If approved by the Senate, the resolution could adversely affect the US campaign to prevent Iran from becoming a nuclear power and other important security issues in the Middle East.

Following the targeted killing of Qassem Soleimani, the US House of Representatives approved a concurrent resolution aimed at restraining the president’s ability to use military operations against Iran without congressional approval. The resolution “directs the President to terminate the use of United States Armed Forces to engage in hostilities in or against Iran or any part of its government or military” unless Congress has declared war or specifically authorized engaging in hostilities, or if “such use of the Armed Forces is necessary and appropriate to defend against an imminent armed attack upon the United States.”

The Democrats initiated the resolution, which was sponsored (oddly enough) by freshman Democratic Rep. Elissa Slotkin of Michigan, a former CIA analyst and senior Defense Department official. House Speaker Nancy Pelosi severely criticized the targeted killing of Soleimani and claimed that Trump should have consulted with Congress in advance of the operation. She said “members of Congress have serious, urgent concerns about the administration’s decision to engage in hostilities against Iran and about its lack of strategy moving forward.”

The House resolution states that “Congress has not authorized the President to use military force against Iran.” It passed by a majority of 224 against 194. The
voting largely followed party lines, though three Republicans joined the Democrats and eight Democrats voted against the resolution.

The resolution still needs to pass the Senate, where Republicans have a 53 to 47 majority—but two Republican senators, Mike Lee of Utah and Rand Paul of Kentucky, have announced they will support it. If the Senate votes on the resolution, the result might be close. Because the resolution is concurrent, it is not subjected to negotiations between the two chambers of Congress on any differences they might encounter. Nor does it require a presidential signature, so it may not be binding.

Republicans have rejected the resolution and argued that the Senate may not even discuss it.

In the past, there was never any question as to whether the president should “consult” or get approval from Congress for similar operations. Barack Obama ordered the targeted killing of Osama bin Laden and Trump ordered the targeting killing of Abu Bakr Baghdadi; no one protested either of those decisions, though both were far less dangerous terrorists than Soleimani. Nor did anyone demand to know whether or not those individuals were an “imminent armed threat to the US”. As it happens, Soleimani was much more a ticking bomb than either bin Laden or Baghdadi.

Ostensibly, the resolution represents a debate between the two branches of government over war powers. According to the US Constitution, the president is the commander-in-chief but can use force only after Congress has declared war. In the modern era, the “Declaration of War” clause has become anachronistic. This can be seen in the way the US waged wars and military interventions throughout the Cold War, during which Congress never insisted upon the president’s obligation to defer to its prior decision-making.

In 1973, following the long, failed war in Vietnam, Congress reached a compromise on war powers: The president may conduct military operations for a period of 60 days and receive an extension for another 30 days before requiring congressional approval. He must, however, inform Congress within 48 hours after the beginning of military operations.

This is exactly what Trump did in the Soleimani case and in his other uses of American forces.

Democrats are now challenging the 1973 compromise for political reasons and in complete disregard for the circumstances of this particular case. If there is a very quick opportunity to eliminate a powerful arch-terrorist responsible for the deaths of thousands of American civilians and soldiers and who is guilty of
serious war crimes inside Iran as well as in Syria, Yemen, Lebanon, and other places, it makes no sense to pause to consult Congress about exploiting that opportunity.

Democrats have argued that the resolution is limited to Iran because of Trump’s alleged recklessness and irresponsibility, which they claim could drag the US into an all-out war with that country. Trump claimed that Soleimani was a ticking bomb because he was going to attack four US embassies, and said if he had “consulted” with the Congressional Democratic leadership, they would have leaked information and thwarted the operation.

The resolution has more to do with the forthcoming presidential election than with anything else. The Democrats want to convince voters that Trump is jeopardizing America’s vital interests and that only they are responsible and can protect them.

Whether approved by the Senate or not, the House Iran war powers resolution has revealed several strategic weaknesses and problems. The Democrats seem inclined to reject any use of force, even if justified. The resolution breaks the bipartisan tradition of fighting rogue regimes and terrorism as a united front. It sends a bad message to Iran that it can continue to attack the US and accelerate its plan to produce nuclear weapons with impunity because Trump’s actions do not have domestic support.

The Democrats are serving the interests of Tehran, which wants Trump to lose the election. Tehran believes, apparently with reason, that if a Democrat wins, the US will return to Obama’s soft policy of courting Iran, restoring the nuclear deal, and turning a blind eye to its subversion and terrorism in the Middle East.

Israeli PM Benjamin Netanyahu has proposed reaching a defense agreement with the US to deter Iran. Given the resolution and the debate on war powers, the question is how much Israel can rely on a pact and a commitment that requires Congressional approval in advance of any military action—especially when that institution, or at least one of its branches, is controlled by the Democrats.

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