

The Big Picture- US President's War Powers

Video Link: https://youtu.be/_lwkm65_3nl

Anchor- Teena Jha

Guests- Pinak Ranjan Chakravarty, Former Secretary, MEA; Professor Harsh V Pant, Head, Strategic Studies, Observer Research Foundation; Prमित Pal Chaudhuri, Foreign Affairs Editor, Hindustan Times.

Context:

- The US House of Representatives has approved the resolution which seeks to limit President Donald Trump's powers and abilities to take military action against the Islamic Republic.
- The resolution passed by the Democrats comes in the wake of President Trump's orders to kill the Iranian Commander Qasem Soleimani, which resulted in retaliatory missile strikes by Tehran and an escalation of the tensions between [US and Iran](#).
- The resolution has been passed in the Democrat-run House of Representatives and will be passed on to the Republican-held Senate.

Larger Background:

- The US House of Representatives approved a concurrent resolution to limit President Donald Trump's abilities and powers to take military action against Iran, with concern that he may lead the country into a disastrous war with Iran.
- The killing of Iranian military commander Qasem Soleimani resulted in an escalation of tensions between both nations.
 - He justified his order by stating that he had intelligence which revealed "imminent threats" to US personnel abroad.
 - This resulted in the Iranian forces retaliating with missile strikes on the Iraqi bases housing the US personnel.
- The measure is aimed at preventing the President from using the United States Armed Forces to engage in hostilities in or against Iran or any part of its government or military.
- The resolution has been based on the **War Powers Resolution of 1973**, which forbids a President from taking the country to war without congressional approval.

What is the role of Congress?

- The United States federal government has a **bicameral legislature**.
 - **Bicameral Legislature:** "Bicameral" is a Latin word describing a two-house legislative system. It has legislators in two separate assemblies, chambers, or houses.
- It consists of two chambers: **the House of Representatives** and the **Senate**.
- Some of the powers possessed by the Congress are:
 - Congress has authority over financial and budgetary policy.
 - The Constitution also grants Congress the exclusive power to appropriate funds.
 - Congress has an important role in national defence, including the exclusive power to declare war, to raise and maintain the armed forces, and to make rules for the military.
- The **War Powers Resolution 1973** also gives the Congress powers to approve the initiation or escalation of military action abroad.
 - Congress has the power to declare war while the president, as commander-in-chief, has the power to use the military to defend the US.

What is the War Powers Resolution of 1973?

- It is also known as the **War Powers Act of 1973**. It is a congressional resolution that has been designed to limit the US President's abilities to initiate or escalate a military action abroad.

- It was enacted in November 1973, over an executive veto by President Richard M. Nixon, to prevent the repetition of an incident similar to the [Vietnam War](#).
- Although the law does provide for key exceptions like allowing the use of force to defend against or prevent an "imminent" attack against Americans.
- However, the law has been overlooked multiple times in history and the critics argue that it has failed to create better coordination between the executive and legislative branches.

When has the Congress approved War?

- In 2001, Congress authorised the use of military force in Afghanistan and globally against Al-Qaeda after the 9/11 attacks.
- Later in 2003, Congress gave then President George W Bush, the authority to invade Iraq on the pretext that then-Iraqi President Saddam Hussein was building weapons of mass destruction

Why has the resolution been passed now?

- The attack on the Iranian commander was undertaken without notice or consultation with the Congress. It put the US forces at the risk of an imminent conflict, even a potential war with Iran that had not been authorised by the Congress.
- The Trump administration has ratcheted up tensions with Iran since taking office in 2017.
 - The Trump administration withdrew from the 2015 United Nations-backed Iran nuclear deal- **Joint Comprehensive Plan of Action (JCPOA)**.
 - The President reimposed economic sanctions against Iran. He had also threatened to place restrictions against countries which continued its dealings with Iran through **Countering America's Adversaries Through Sanctions Act (CAATSA)**.
 - It is a United States federal law that imposed sanctions on Iran, North Korea, and Russia.
 - The killing of the Iranian commander, Qasem Soleimani exposed US service members and the diplomats working in the Middle East to any possible retaliation from Iran.
- The Trump administration has side-stepped several of its own rules. This puts the Trump administration's foreign policy, its commitment to an Asia-first approach to the world, as well as its alignments with key Asian states under scrutiny.
- The Democrats have passed the resolution which would seek to limit the President's military capabilities in the matters of Iran, in line with the anti-war sentiment back home in the United States.
 - The Democrats have a hidden political motive too, as they intend to make it known to the public that they're not in support of the President's actions, especially in the run up to the 2020 Presidential elections.
 - Domestic politics and the recent [impeachment of the President](#), also plays a key role in the passing of this resolution.
- The primary reason, however, behind the resolution stems from the fact that Trump's administration has dismissed Congress's role as a coequal branch of government by not consulting or even notifying them about the attack on Iranian commander Qasem Soleimani.

Is the concurrent resolution sufficient to bind the President in matters of war and peace?

- The **War Powers Act of 1973**, is written specifically to permit the use of concurrent resolutions to end congressionally unauthorized military operations.
- The concurrent resolution is non-binding in nature and would not have the force of law even if adopted by the Senate.
 - **The concurrent resolutions do not come to the president for approval or veto.**
 - The resolution is expected to face an uphill battle as the Senate which is Republican-dominated would not pass the resolution, making it merely a symbolic move.
- Since the concurrent resolution is non-binding and would not possess the force of law, it would not restrict the President's abilities in matters of war and peace.

Is the US heading towards Isolationism?

- **Isolationism** is a category of foreign policies institutionalized by leaders who assert that a nation's best interests are best served by keeping the affairs of other countries at a distance.

- America has been distancing itself from the foreign policies of other countries, including its allies indicating the evolution of a strong isolationist streak.
- This is a reflection of the conflicted role of the US in today's world.
- Neither Iran nor the US have an appetite for a prolonged conflict, as war would result in serious economical, political and societal repercussions. This would also have a significant impact on the rest of the world.

Conclusion:

- The resolution passed by the Democrats aims at symbolically limiting the abilities of the President to take military action against the Islamic Republic.
- The Republican-dominated Senate would not pass the concurrent resolution, and even if it's passed, it would not have the force of law and thus would not restrict the abilities of the President. It is therefore merely a symbolic and political gesture.