

Operation Restore Hope: The Weakness of the War Powers Resolution

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Abstract

In the United States, when it relates to war, the relationship between the Congress and the President has always been a battle for supremacy. The United States Constitution divided the powers of war between the legislative and executive branches of government by giving Congress the express authority to declare war and making the President the Commander-in-Chief of the armed forces. Claims over specific powers of both bodies led to questions on the roles of both branches when it comes to the use of United States armed forces. This resulted in the passage of the War Powers Resolution (WPR) by Congress in 1973. This paper examines the major players and events that shaped the passage of the WPR and discusses how, despite congressional involvement, the resolution did not prevent tragedy from occurring. For this purpose, this work will analyze Operation Restore Hope, the United States military effort in Somalia to help with famine relief as part of the larger United Nations effort as a case study.

Keywords: War Powers Resolution, Operation Restore Hope, Somalia, Congress, President, Legislature, Executive, Constitution

Introduction

This paper examines the major players and events that shaped the passage of the War Powers Resolution (WPR), also referred to as the War Powers Act (WPA), and discusses how, despite congressional involvement, the resolution did not prevent tragedy from occurring during Operation Restore Hope, the United States military effort in Somalia to help with famine relief as part of the larger United Nations effort. Somalia in the early 1990s was amid an internal political crisis that turned into a catastrophic humanitarian calamity. The international community, by way of the United Nations, decided to intervene. Through an international effort that included the United States, aid was collected in the hope of delivering it to the people of Somalia. The mission, however, was met with resistance, and what was supposed to be a peacekeeping relief effort turned into a situation whereby peacekeepers' lives were lost and the role of the United States lasted much longer than Americans anticipated.

This paper explores the WPR and examines whether it served its primary purpose during Operation Restore Hope. The subsequent sections include a discussion on the theoretical

framework for this investigation, followed by descriptions of the United States legislative and executive branches. In these sections, the two branches are described independently, which includes a discussion of the making of the WPR, as well as the conflict between the two branches. Next, the case study of Operation Restore Hope is presented. The paper concludes with a summary, implications, and recommendations.

Theoretical Framework

When examining world history, theories offer explanations of different phenomena such as state behavior, decisions by world leaders, why conflicts arise, and how these events have a direct and indirect impact on us all. In looking at WPR and Operation Restore Hope specifically, the theory of liberalism provides a lens that helps explain, in part, President George Herbert Walker Bush's decision to send members of the military to Somalia.

The primary assumptions of liberalism are that humans are inherently good, caring for the wellbeing of others leads to international cooperation, democracies are natural allies, and that war is a threat that requires a collective effort to resolve (Baylis, 2023; also see Nye, 2019). Proponents of liberalism contend that the individual is the central unit of analysis, giving the state a minimal role. Instead, the state serves as an arbitrator in disputes among individuals.

Liberalism reduces the role of the state because it argues that individuals have a fundamental harmony of interests that leads to cooperation. Those who espouse liberalism accept that countries live in a state of anarchy, where there is no central international authority figure that can regulate state behavior and, as such, wars and conflicts are a possibility. Nevertheless, liberals maintain, because individuals have this fundamental harmony of interests that can be elevated to the state level, states also have an underlying harmony of interests that can lead to cooperation in order to avoid war or to help bring an end to conflict.

Liberalism was a dominant theory in the United States and the United Kingdom in the 18th and 19th Centuries. Classical liberals such as Immanuel Kant and John Locke supported the establishment of international institutions to replace the war-prone balance of power system. Liberals wanted to establish an institution that centered on collective security. Immanuel Kant's 1795 work titled *Perpetual Peace* maintained that since humans have the capability to reason, this should replace the need to use force. Kant also proclaimed that international law should be used to support harmony and peace. John Locke in his *Second Treatise on Government* (1689) asserted that the role of the state is to preserve a stable political, social and economic environment. These thinkers were influenced by the Enlightenment era and believed in the notion that "the pen is mightier than the sword." They also believed that "if you live by the sword, then you die by the sword" and, thus, advocated for disarmament to end wars.

In the 20th Century, Woodrow Wilson, the 28th United States President, although not a theorist, supported liberal ideas but argued that the international system and not the individual fosters cooperation. As such, in his famous "The Fourteen Points" speech, he called for the establishment of a League of Nations, the predecessor to the United Nations, where states would come together to resolve issues, free navigation of the seas, end economic barriers, and decrease the number of weapons held by states.

Following World War II, the neo-liberal era saw European countries working together to make coal and steel companies, ultimately leading to the establishment of the European Union (EU). According to liberalism, while military might is important, it is not the only way to achieve safety and security. Liberals claim that interaction and diplomacy among states can

foster peace and stability (Nye, 2019).

Critics of liberalism find fault with liberalism's idealistic nature. They argue that liberals focus more on how the world should look and how it ought to operate rather than seeing the world as it is. Critics also caution that just because states *have* the ability to cooperate, or even have shared interests, it does not mean that states will always cooperate. Realism, on the other hand, argues that states operate in their best interests and to protect their own citizens at all costs; and since conflict can happen at any time, it is wise to always be militarily prepared. Realists see the world as it is and do not believe in international institutions to solve problems; thus, the role of the United Nations is limited.

While liberalism values cooperation on the international stage, cooperation is a value on the micro level as well. Cooperation among governmental institutions is just as important to accomplishing the goals of a nation. To advance American interests, it takes the cooperation of the first (Congress) and second (Presidency) branches of government discussed in the ensuing sections.

United States Congress

The first branch of government, as the United States Congress is referred to, has a significant place in the Constitution which was intentional. The United States Constitution outlines the roles and responsibilities of the three branches of the government, which are the legislative (law-making body), executive (Office of the President) and judicial (the court system). Notably, Article I of the Constitution, which deals with the legislative branch, has ten sections, whereas the executive and judicial branches have only four and three sections, respectively.

Article I gives Congress significant powers, such as the powers to declare war, enter treaties, regulate coinage, and borrow money (Geer et al., 2022). Moreover, "Article I, Section 8 enumerates a long litany of military-related powers granted specifically to Congress" (Haas, 2017, 235). The goal of the new constitution (as opposed to the Articles of Confederation) was to establish a national government that could promote a direct relationship with the people rather than a system of states that delegated power to its inhabitants. The framers believed such a direct relationship could exist through the legislative branch (Mann & Ornstein, 2008; also see Weed, 2015). Mann and Ornstein highlighted the following: "Each branch is given unique powers, with many overlapping, but it is clear, when push comes to shove, that Congress can trump the other two branches by overriding a presidential veto, by changing the size or jurisdiction of the courts, by impeaching and removing from office presidents and justices alike" (2008, 14). To pass all laws and draft legislation which are necessary and proper, Congress uses the committee system to carry out its duty.

Congressional Committees

On an institutional level, committees aid members of Congress by allowing them to divide their workload so that it can be smaller and more manageable. The first significant development, the rise of the standing committee system, established a capacity for informed deliberation based on the division of labor within each chamber. (Mann & Ornstein, 2008) There are three types of committees that operate in the Congress. These include (1) standing committees, (2) joint committees, and (3) ad hoc committees. Davidson et al. described the first two of these committee types as follows: "A standing committee is a permanent entity created by public law

or House or Senate rules. Standing committees continue from Congress to Congress, except in those infrequent instances when they are eliminated. Standing committees process the bulk of Congress's daily and annual agenda of business. Joint committees, which include members from both chambers, have been used since the First Congress for study, investigation, oversight, and routine activities" (2010, 208)

The War Powers Resolution originated through a joint committee as a joint resolution. Since the Constitution allotted for each chamber, in order to establish the authority to determine how to legislate early on "temporary ad hoc committees were created to draft legislative language only after the topic had been first vetted by the full membership. The chamber then debated the proposed legislation and took whatever action it deemed appropriate" (Mann & Ornstein, 2008, 14)

When examining the dynamics surrounding the WPR and Operation Restore Hope, two congressional committees were key contributors, one from each branch. They are discussed in the ensuing subsection.

House Committee on Foreign Affairs and the Senate Foreign Relations Committee

The two standing committees that were involved in the WPR are the House Committee on Foreign Affairs and the Senate Foreign Relations Committee. These two committees spearheaded the organizing, conferencing, amending, consolidating, and ultimately ushering of the passage of the resolution in 1973.

The House Committee on Foreign Affairs traces its origins to 1775. The House of Representatives Committee on Foreign Affairs was previously known as the Committee on International Relations from 1995 to 2007. The committee was established by the Continental Congress by way of resolution "for the sole purposes of corresponding with our friends of Great Britain, Ireland, and other parts of the world" (Glass, 2015, 1). The current standing committee was first formulated in 1807 during the presidency of Thomas Jefferson. This later version of the committee was established to respond to the predatory actions of the British and French against the commercial shipping of the United States.

The Senate Foreign Relations Committee was established in 1816 as one of the original ten standing committees of the Senate. Throughout its history, the committee has helped shape foreign policy of broad significance in matters of war and peace and international relations (Senate Historical Office, 2023).

The House Committee on Foreign Affairs and the Senate Foreign Relations Committee both play a significant role in shaping legislation that affect the United States' role in and with other nations. The Senate committee is considered the more prestigious of the two given its notable and effective leadership. The House Committee, however, controls the purse strings of Congress and therefore it can be argued that its Foreign Affairs Committee plays an even more vital role in the foreign affairs of the nation. For example, it was through legislation in the Committee on Foreign Affairs that helped usher the end to South African apartheid (<https://library.cqpress.com>). Although both committees serve important functions in passing significant legislation, they are only a piece of the puzzle. The relationship between the legislative and executive branches is just as vital in passing and enforcing the laws of the land.

Legislative-Executive Branch

Each branch is given its own powers to carry out its respective functions. There exists interdependence between the two branches. As Mark Peterson (1993) noted, the relationship is more accurately described as a tandem institution whereby both branches work together. In practice, however, governmental powers are interwoven, even if the branches are separate.

The framers of the Constitution intended for there to be some internal struggle among the branches of government. The framers designed the federal government, in particular the legislative and executive branches, to share some of their powers. Equally important, each of the two branches attempts to exert its power when dealing with issues that revolve around those shared powers. As such, “legislative-executive conflicts were evident in 1789; they are present today; and they can be expected in the future” (Davidson et al., 2010, 326). Thus, there is often a push and pull for power struggle between the two branches.

Davidson et al. (2010) contended that the relationship between the two branches is not zero-sum. If one branch appears to be dominating, the other branch does not necessarily surrender. The authors further noted that the expansion of both branches of government after the Second World War has seen increases in their authority. Davison et al. described this expansion as “Executive officials want flexibility, discretion, and long-range commitments from Congress. The executive tends to be hierarchical, or vertical, in decision making, whereas Congress tends to be collegial and horizontal—with power spread among 535 independent-minded lawmakers. The dispersion of power can slow down decision making, but it can also promote public acceptance of the nation’s policies. Hence, what are often viewed as Congress’s vices are also genuine virtues” (2010, 330). Although the framers intended for there to be conflict due to the separation of powers clause, Congress and the White House do work together to advance the needs of their respective constituents.

Presidential Might

One of the shared powers that has led to conflict between the legislative and executive branches is military oversight. Introducing United States troops into conflict has been a divisive matter since early in the nation’s history. This has led to many instances of contention between Congress and the President. As noted, “although Congress was granted the right to declare war under the Constitution, the question remained as to what extent the executive could use military force without the explicit authorization of the legislative branch” (McCormick, 2010, 260). Given the language and context, it is difficult to determine how far the Office of the President can go before infringing upon the rights of the legislature. As noted by Haas (2017), while the President sees the role as commander-in-chief very clearly, that individual will solely oversee the armed forces; and if war was inevitable, then Congress would declare war after taking orders from the President to do so. Whereas Congress sees its responsibility as the only branch that *could* declare war as a distinct right granted to it by the Constitution and if conditions were to arise, after a declaration of war, then and only then could the Office of the Presidency initiate its commander-in-chief role. Haas further added that the reason for the conflict between the legislative and executive branches is because “the very clear message sent by the Constitutional Convention was this: war is too fraught with danger to be left to just one branch of the government” (2017, 238).

There have been times when Congress gave the President sweeping powers to introduce

armed forces into conflicts. For example, the Formosa Resolution and the Gulf of Tonkin Resolution limited the legislative branch's own power. The Gulf of Tonkin Resolution has been called the most famous example of Congress giving the power to make war exclusively to the executive branch (<https://www.senate.gov>). The resolution was passed without much opposition in the Senate and without any opposition in the House. According to McCormick, "This resolution granted the president the right to take all necessary steps, including the use of armed forces, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance. Moreover, the determination as to when to use these forces was left to the president, albeit with this expressed prior congressional approval in the Resolution" (2010, 299). This same sweeping executive authority given by Congress was also seen post-September 11, 2001.

For some time, Congress generally allowed Presidents to use the military at their discretion. This bipartisan support of the President's power was echoed in both the House Foreign Affairs and Senate Foreign Relations committees. Leaders of the respective committees saw themselves as playing a supportive role and following the President's directives (McCormick, 2010). Nonetheless, after a series of conflicts where Presidents aggressively used the military without always receiving congressional consent, as in the cases of Presidents Thomas Jefferson, James Polk and Abraham Lincoln, Harry Truman, Gerald Ford, Jimmy Carter, Ronald Reagan, and every subsequent president, Congress began to take steps to regain its constitutional powers (Arzich, 2020).

Congressional Might

In 1969, the Senate passed what was known as a "Sense of the Senate" resolution stating that proposed national commitments made by the executive branch must be vetted through the legislative branch. The "Sense of Senate" was more symbolic than anything because it did not have the legality needed to force the executive branch to act accordingly. In 1972, Congress passed the first substantial piece of legislation in the commitment-making area, the Case-Zablocki Act. This legislation was Congress's attempt to limit executive agreements that failed to involve Congress vis-à-vis presidential military commitments. Specifically, the law required the executive branch to report all international agreements to Congress within 60 days of committing troops. The Act was later modified to require all agreements made by agencies within the executive branch to report to the State Department within 20 days which, in turn, are reported to Congress.

As Congress began to reconsider its latitude in extending military authority to the President, two events brought the situation to the immediate forefront. The first was the Vietnam War and the second was the Watergate scandal. In 1969, Americans disapproved of the Vietnam War, yet President Richard Nixon proceeded to engage in it without congressional approval (<https://www.pewresearch.org/2009/11/23/polling-wars-hawks-vs-doves/>). Nixon's involvement with the break-in of his political opponents' campaign headquarters in an attempt to leave listening devices, known as the Watergate scandal, added to Americans' mistrust of the Office of the President, thereby providing Congress additional support to reassert its power over the executive branch. Specifically, to end America's involvement in Vietnam, on August 15, 1973, Congress barred the use of funds that would directly or indirectly support combat activities in North and South Vietnam, Laos, or Cambodia (<https://law.justia.com>). The President's refusal to disengage in the Vietnam War and the continued bombing in Cambodia encouraged the House

Foreign Affairs Committee to scrutinize the actions of the executive branch more closely. As American casualties increased and images of what was happening in Vietnam played on American televisions, public sentiment for support of the war began to wane. This was the first time in American history that a war was televised, and the realities of war turned the tide. Soldiers were not always shown on the front lines battling the enemy; there were images of American troops burning down homes and villages of the elderly with small children watching as their communities were destroyed. As public outrage began to grow, so did the opposition to the war by members of Congress.

Despite the passage of the Case-Zablocki Act, Presidents, including Nixon, continued to elude congressional oversight. When the executive branch included Congress, it was often after the required deadlines. To that end, Congress introduced a series of new measures to try and remedy the situation. The Senate Foreign Relations Committee also began taking a more active role, holding additional meetings with the State Department to determine which of the President's agreements should be, in fact, treaties and not international agreements made solely by the President.

The War Powers Resolution

The 1973 WPR was a congressional act that was designed to enforce the collective judgment of the executive and legislative branches as it pertains to the use of the military. As previously outlined, both the executive and legislative branches have certain clauses that govern the United States military. With the use of the commander-in-chief clause by Presidents to introduce the military to conflicts and with the passage of the Gulf of Tonkin Resolution, Congress wanted to end the era of presidential dominance in war-making and to establish a system whereby Congress would be included in the “decisions of war and peace, in keeping with the intent of the Founding Fathers and the public expectation, rooted in that intent, that elected representatives would participate in such decisions” (Spong, 1975, 16).

The WPR was first developed in the House of Representatives. The House Foreign Affairs Subcommittee on National Security Policy and Scientific Development prepared a joint resolution that was reported to the Foreign Affairs Committee. The resolution's goal was not to change the roles of the executive and legislative branches during times of conflict but to compel the commander-in-chief “to report promptly and in writing to Congress about the circumstances, authority, and estimated scope of activity for any commitment of armed forces to conflict, commitment of armed forces abroad, or substantial enlargement of armed forces abroad” (Spong, 1975, 826).

The resolution ultimately passed the House of Representatives on August 2, 1971. The following March, the Senate Foreign Relations Committee introduced a bill titled the War Powers Act. The bill outlined the conditions under which a President could commit members of the military to combat. It required that the President have preauthorization from Congress or a declaration of war by Congress before the President could introduce armed forces. The only time a President would not have to follow these directives was if there was an emergency that required the President to act immediately. Even in such a case, the bill proposed that the President would still need authorization from Congress if troops would be deployed for more than 30 days (Spong, 1975; also see Arzich, 2020). It also “required the President to report to Congress shortly after he had initiated hostilities and periodically thereafter” (Spong, 1975, 825). On October 10, 1973, with a vote of 75 to 20 in the Senate and the House voting two days later

by a 238-123 vote, Congress passed the War Powers Resolution; however, on October 24, President Nixon vetoed the War Powers Resolution (Spong, 1975; also see Arzich, 2020). A Presidential veto meant the bill would not become law because the President disagreed with the bill. Nevertheless, Congress, with at least two-thirds of members voting to adopt the WPR, passed over President Nixon's veto in November of 1973 and enacted it into law (McCormick, 2010; also see Hayes, 2018).

WPR Tenets

The purpose of the WPR was for Congress to remind the President of his limitations when it comes to engaging the military. Although the President serves as the commander of the armed forces, Congress also plays a significant role in military affairs. The resolution would make the President think about whether congressional approval will be given and if the public would support the military action before enacting the military.

The resolution itself can be divided into five main sections. The first section identifies the only times the President can introduce armed forces into hostilities or where hostilities could arise: if there is a declaration of war; specific authorization from Congress, or in the case of an emergency, whereby there is an attack on the United States, its territories, or its armed forces (McCormick, 2010). The second section states that before troops are sent into hostilities, Congress must be consulted, and continued consultation must take place until the troops have been removed from harm's way. The third part of the resolution speaks to situations where troops are introduced without a declaration of war from Congress. In such cases, a written report must be submitted to the Speaker of the House and the President pro-Tempore of the Senate within 48 hours of deployment explaining why troops have been sent, the constitutional legislative authority to send troops, and the estimated scope and duration of the troops' involvement (Weed, 2015). If the troops remain for longer than 60 days, the President must keep Congress abreast of the situation at least every six months. The fourth section explains that the President cannot use American forces for longer than 60 days without a declaration of war by Congress or specific authorization from Congress. According to McCormick, this is the core feature of the WPR. And, lastly, the fifth section asserts that Congress can withdraw troops through a concurrent resolution before the 60-day expiration date. As noted by McCormick, "the clear intent of the war powers legislation was to stop the president from mirroring American troops in a conflict without a clear objective. Put more simply, it was to reduce the possibility of future Vietnams" (2010, 313).

WPR Compliance

Compliance with the resolution has been mixed. In some instances, Presidents have sent the required reports to Congress and included time limits on the deployment of troops. In other cases, Presidents have chosen not to inform Congress when troops are deployed, send the proper reports to Congress, or consult with Congress. Instead, multiple Presidents continued to utilize the commander-in-chief clause, thereby dismissing the stipulations outlined in the WPR.

Resting on the commander-in-chief clause at this most trying time in America's history, Congress limited its legislative powers post-September 11, 2001 by giving sweeping authority (similar to the Formosa and Gulf of Tonkin Resolutions) to President George W. Bush, allowing him to use force as he saw fit. Nonetheless, President Obama received criticism from Congress,

arguing that he did not comply with the WPR during the Libya conflict which members of Congress did not believe the United States should have involved itself in that nation's internal conflict.

The United States has sometimes taken the role of aiding other nations in global disputes. Vietnam was a hard-learned lesson, and many American lives were lost in a fight that did not directly impact the United States. As a result, serious conversations took place to gauge how and to what degree the United States should engage in international conflicts and whether American lives should be put at risk to establish peace. When a widespread famine occurred in Somalia in 1992 because of national unrest, the United States was again in the position to determine if and how it would help.

Operation Restore Hope

Operation Restore Hope is a good representation of the issues surrounding United States' intervention in global conflicts. In 1992, President George H. W. Bush ordered 28,000 American soldiers to Somalia in order to help save the lives of more than a million Somalians. Somalia, an independent nation since 1960, was experiencing internal strife following the expulsion of Mohamed Siad Barre, the country's President, in 1991. The ensuing chaos of a lack of a functioning government birthed warring factions; the most dominant was Muhammad Farah Aidid's Habr Gidr clan. The internal fighting ultimately led to a major humanitarian crisis. International organizations, such as the United Nations and the Organization of African Unity (OAU), attempted to intervene and return peace and stability to the country through an arms embargo and brokered ceasefires. Seeing that even attempts to provide food were obstructed by the unrest, President Bush, Sr., in consultation with Congress, decided to take firmer action. This is where Congress could have intervened and exercised its might since the Bush Administration decided to change the initial intent of American forces being in Somalia.

Operation Restore Hope was never intended to be an open-ended mission. A joint resolution between the Senate and the House of Representatives authorized the President to use the United States armed forces in Somalia to ensure the peaceful distribution of aid. President H. W. Bush assured Congress and the American people that soldiers would not be there "one day longer than is absolutely necessary" (History, 2023).

Historical Overview

Somalia's history as a nation began in 1960 when the country achieved its independence. Less than a decade later, Somalia's government was overthrown by military forces in 1969. A coup d'état brought Mohamed Siad Barre to power; and in the next two decades, the country experienced both internal and external conflicts. Barre was then driven out of the capitol by rebel forces in 1991, and the country fell into chaos, resulting in a major humanitarian crisis (US Department of State, 2016). The United Nations, in conjunction with the OAU and other organizations, intervened to bring peace and stability back to the country. In 1992, the United Nations Security Council enforced an arms embargo against Somalia; and with the help of the United Nations Secretary-General, a ceasefire was brokered to allow for the delivery of humanitarian aid (United Nations, 2013a). In April of 1992, the Security Council established the United Nations Operation in Somalia (UNOSOM). Unfortunately, the ceasefire did not last; aid workers were attacked, and the humanitarian crisis grew worse, whereby 1.5 million Somalians

were at risk of famine (United Nations, 2023a).

United States Intervention

In August of 1992, the United States sent food to Somalia through Operation Provide Comfort; but due to the level of unrest, the food deliveries were hampered. President Bush Sr., in consultation with the United States Congress, decided to take stronger action (<https://history.state.gov/milestones/1993-2000/somalia>). As noted by Arzich (2020), the role of the United Nations on the international stage is important to America's national interest. In a joint resolution between the Senate and the House of Representatives, Congress stated that since the United Nations determined that the situation in Somalia was grave and required an international effort to ensure that humanitarian aid reached the people who so desperately needed it, the United States, using its military personnel, would participate in relief operations in Somalia (Hayes, 2018).

In response to questions about America's role in Somalia, then Assistant Attorney General Timothy E. Flannigan stated the following: "Protecting the security of United Nations and related relief efforts and ensuring the effectiveness of United Nations peacekeeping operations can be considered a vital national interest" (Arzich, 2020, 464). As such, on December 8, 1992, President Bush deployed roughly 20,000 servicemen and servicewomen to Somalia in a mission called Operation Restore Hope. United States troops, along with soldiers from other countries, were there for the sole purpose of ensuring a safe environment for the delivery of aid. American forces would be withdrawn once that mission was complete, and the United Nations' UNOSOM operation would continue to maintain a presence in the country (SJ Res 45, 1993). The resolution gave President H. W. Bush the authorization to use the United States armed forces in Somalia to help establish peace in a humanitarian effort (Weed, 2015). American soldiers were being sent to Somalia for the sole purpose of establishing a "secure environment" so food and other aid could reach the people who so desperately needed them (Hayes, 2018). Once the security conditions improved, the United States armed forces would be withdrawn.

With the assistance of the United States and other countries, the United Nations was better able to provide food to starving Somalians. Nonetheless, continued fighting between warring groups left the United Nations and the United States (by proxy) "without an effective agenda to resolve the political strife, there seemed no clear end in sight to Operation Restore Hope" (History, 2023, para. 3). The United States accomplished its mission to ensure a secure environment for the distribution of aid; it was now ready to serve a minor role and have the United Nations assume control of the relief efforts in Somalia (Stewart, 2003). American forces should have been withdrawn at that very moment. The mission had been accomplished; aid was delivered which was why President Bush said American troops needed to be deployed to Somalia. Congress should have ensured that once the mission was completed, the very next order should have been the calling of American soldiers to return home. The United Nations was now responsible for the task of nation building, something the United States did not initially agree to participate in and as such

On 26 March 1993, the United Nations passed Resolution 814 which considerably broadened its mandate to intervene in another country's affairs. The UN was now intervening militarily in a peacemaking role under Chapter VII of its charter. The

more frequently used Chapter VI addressed only the deployment of peacekeeping troops to reinforce a previously agreed upon settlement between warring parties. But Chapter VII dealt with peace enforcement and not merely peacekeeping. The resolution underlined the charters of the first UNOSOM mission and Operation RESTORE HOPE and that of the new mission, UNOSOMII (Stewart, 2003, 15).

The United Nations defines peacekeeping operations as the deployment of troops to support a cease fire agreement. The organization recognizes that peacekeeping personnel may use force in self-defense to carry out the mission and to protect civilians, specifically when the troubled country is incapable of delivering a secure environment or unable to maintain law and order (United Nations, 2023b). Peace enforcement, on the other hand, consists of varying levels of force which requires the authorization of the Security Council (United Nations, 2023a). The question then becomes about how a peace keeping mission in order to ensure safe aid delivery result in the United States being in Somalia for 15 months and the loss of 18 American soldiers. Additionally, the WPR was, in part, developed to prevent a President from embroiling soldiers into a situation without a clear mission and with no end in sight (as was the case with the Vietnam War). Operation Restore Hope had a clear mission, but it lasted longer than the President, members of Congress and the public anticipated.

As the situation in Somalia began and then continued to deteriorate, the United Nations took a different approach to ensure the safety of its international military personnel. The new mission UNOSOM II would prove to be far more intense and tragic than anyone imagined. Militias at the helm of Mohamed Farrah Aidid attacked and killed United Nations peacekeepers on June 5, 1993 seeing him as a hindrance to peace, The Bush Administration decided that Aidid and his top aides needed to be captured. Congress attempted to intervene because this new mission was not the reason why the President sent American forces to Somalia. Again, the President stated the goal was to safeguard the distribution of aid and not to capture “warlords.” Members of Congress feared American lives would be lost, so Senator Robert Byrd “offered an amendment to the defense authorization bill that would have terminated funding for the Somalia mission within one month of enactment unless Congress formally authorized a longer deployment” (Hayes, 2018, 190). Senate leadership working with staff from the Bush Administration, as a form of compromise, crafted a nonbinding amendment to the defense authorization bill, which gave congressional support for the initial mission. The amendment, “merely required the president to make a report to Congress by October 15th and then to seek formal authorization by November 15th (Hayes, 2018, 190).

The House of Representatives passed an identical bill that did not bring the conflict to an end but, instead, allowed the commander-in-chief to carry out a new mission for American troops. According to Britannica, “Major General William Garrison was tasked with leading a raid by U.S. special operations forces, composed of Army Rangers, 10th Mountain Division soldiers, and Delta Force fighters, on the Olympic Hotel in Mogadishu, where Aidid was thought to be hiding” (<https://www.britannica.com/topic/Battle-of-Mogadishu>). On October 3rd and 4th of 1993, United States soldiers went on a mission to surround the Olympic Hotel in Mogadishu, the capital of Somalia, where Aidid and his militia leaders were gathered. As reported by the Smithsonian, “Rangers would helicopter in, lower themselves on ropes and surround the building on all sides. A ground convoy of trucks and Humvees would wait outside the gate to carry away the troops and their prisoners. Altogether, the operation would involve 19 aircraft, 12 vehicles and around 160 troops (2019, para. 2).

Unfortunately, the mission did not go as planned. The ground troops were met with a barricade by local militias that they did not anticipate, a helicopter landed at the wrong location and could not take off again due to groundfire, and an army ranger fell from his rope and had to be rescued (Bowden, 2019). The mission reached a crescendo when the local militias were able to shoot down two United States Black Hawk helicopters with a shoulder launched rocket. The technologically unadvanced yet effective weapon sent shockwaves through American forces and the world.

To rescue their fellow soldiers, the response by United States forces was swift and heavy. What was supposed to be a short mission to capture Aidid and his lieutenants turned into intense fighting that lasted into the next day, resulting in the loss of 18 Americans and roughly 1,000 Somalians. The Battle of Mogadishu, as it has been called, was the most violent United States gun battle since the Vietnam War, and eerie similarities between the two conflicts were not lost on many people. Again, what was supposed to be a straightforward mission that required a direct and brief involvement of American soldiers turned into an extended deployment of ground troops into an active and sustained situation. The extended stay negatively affected how locals felt about America's presence and they began to turn on American troops and took up arms against them. Once a welcomed presence, American soldiers were now seen as the enemy and the locals wanted them out. The video of the deceased Americans being dragged through the streets of Mogadishu by locals who felt they triumphed over the United States was shocking.

Congress's Response

Due to the national outcry, congressional members responded by calling the then Defense Secretary and Secretary of State to testify at a congressional hearing and a group of Republican Senators sent a letter to President Bill Clinton, who had been in office for less than one year, demanding the immediate withdrawal of American troops. The Senate, however, delayed voting on the defense authorization bill with the hopes of diffusing the situation (Hayes, 2018). This was another missed opportunity where the United States Congress could have inserted its might but it failed to do so.

President Clinton addressed the nation on October 7th and vowed that the majority of American soldiers would be withdrawn from Somalia by March 31st. In the interim, however, President Clinton more than doubled the number of American troops in Somalia (Hayes, 2018). As Hayes highlighted, "On October 15th, after rejecting an amendment by John McCain (R-AZ) that would have required a 'prompt withdrawal' of all U.S. forces on the grounds that their mission had been accomplished, the Senate formally supported the president's commitment to a reduced mission with a deadline" (2018, 191). Senator Robert Byrd introduced an amendment to the 1994 defense appropriations bill that limited American forces to protecting American personnel and bases and continuing open lines of communication for relief and supply operations only (Hayes, 2018). This was Congress's exertion of its weight as the first branch of government. After, the damage had been done, in the final hour, it limited the use of United States forces. Nearly a year after the United Nations passed Resolution 814, "on March 25, 1994, the last U.S. troops left Somalia, leaving 20,000 U.N. troops behind to facilitate 'nation-building' in the divided country. The U.N. troops departed in 1995, and political strife and clan-based fighting continued in Somalia" (History, 2023, 5). Thus, the WPR failed in its objective, which essentially was to prevent American troops from being embroiled in the political and civil unrest of another country that could result in the loss of American lives.

The WPR, says Congress, has the authority to call troops home. If Congress would have rescinded its defense of authorization bill to have American forces in Somalia, then lives could have been saved. If Congress had exerted its congressional might, once American troops ensured the safe passage of aid Operation Restore Hope should have ended. As noted by Weed (2015), the events that occurred in Somalia, highlighted the deficiencies of the WPR. The author points out that Representative Dawn Gilman's remarks regarding the calamities in Somalia emphasize the predicament as follows: "War Powers Resolution died because combat broke out in Somalia on June 5 and the President had not withdrawn U.S. forces and Congress had 'decided to look the other way'" (Weed, 2015, 28). Arzich also stated emphatically that "if the WPR is to be judged on whether it has prevented the unilateral use of force by the Executive, then it is an abject failure" (2020, 431). By Spring of 1993, United States soldiers had accomplished their mission. The escalation of violence and the decision to capture Aidid and his top lieutenants extended America's presence; and, as a result, the Battle of Mogadishu caused the lives of 18 Americans (as well as hundreds of Somalians). This did not have to happen if Congress intervened as outlined in the WPR. The intent again was to prevent the very thing that happened from happening.

Conclusion and Recommendations

The WPR has not always been successful at limiting the ability of a President to send troops into harm's way nor prevent another endless conflict without a clear exit strategy. Operation Restore Hope proves this and highlights the shortcomings of liberalism as a theory. If Congress had enforced the fifth section of the WPR, that asserts that Congress can withdraw troops through a concurrent resolution before the 60-day expiration date, to prevent President Bush from leaving the troops in a conflict without a definitive withdrawal deadline; or, had taken a realist approach once the United Nations changed the mission from peacekeeping to peace enforcing and the operation went from UNOSOM I to UNOSOM II, perhaps lives could have been saved. If Congress had realized that the conditions in Somalia were worsening and saw the situation for what it was and not what the United Nations wanted it to be, it would have acted in the best interest of American soldiers, and things could have been different. By continuing the liberal approach of a coalition of international forces to engage in nation building and the capture of militia leaders, which was not the original intent of Americans being deployed to Somalia, cost lives. Realists would have understood that once the primary mission was complete and the locals on the ground were growing weary of an international presence, things would turn badly. The United States operated from a liberalist point of view; but when talks of nation building arose, Congress and the President should have adopted realism as a foreign policy strategy to protect their soldiers at all costs and withdraw them from Somalia.

Operation Restore Hope, as well as subsequent conflicts, including America's military presence in Libya during the Obama Administration, has shown the weaknesses of the WPR. Congress has responded to the lack of compliance with the WPR by the Office of the President by increasing its oversight duties through the House Foreign Affairs Committee and the Senate Foreign Relations Committee. The respective committees have passed additional legislation to enforce compliance, or they have increased the number of hearings during times of conflicts, and requested more reports and or briefings from the executive branch and related departments. Sometimes Presidents comply, sometimes they do not.

Since the President and Congress share powers as it relates to war, there will always be

some conflict between the two branches of government. To reduce the conflict, perhaps what is needed is clearer definitions of consultation and hostilities. Presidents have used the vagueness and ambiguity of these terms to skirt their responsibility to inform Congress or seek congressional support when introducing American forces into precarious situations. Also, especially during divided government, where the party in power of Congress differs from the party in power of the Office of the President, respect for each other's positions and authority, and understanding that each branch has been charged with protecting the American people is needed. Thus, the President should make a concerted effort to keep Congress informed; likewise, Congress should act as the first branch and not an extension of the presidency by enforcing its constitutional might.

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