

How Clinton Waged War Through Executive Order

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Summary: Ignoring the constitutional role of Congress, Clinton waged his war on Yugoslavia through executive order and presidential directive. Clinton used executive orders to designate a "war zone," call up troops, proclaim a "national emergency" with respect to Yugoslavia, and impose economic sanctions on the Belgrade government. Clinton claimed war-making presidential authority through his "constitutional authority" to conduct "foreign relations," as "Commander in Chief" and as "Chief Executive." Under this self-designated authority, Clinton delegated command-and-control of U.S. forces to NATO and its Secretary-General Javier Solana, who decided when the air war would be discontinued and has the authority to order U.S. troops into military action once again. Without getting Congressional approval, Clinton also announced a new "Strategic Concept" for NATO that goes beyond the defensive purposes of the alliance outlined in the NATO treaty

Clinton's Kosovo War: Key Dates

June 9, 1998: Clinton issues executive order (EO) 13088, "Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo." This EO declares a "national emergency" because of "an unusual and extraordinary threat to the national security and foreign policy of the United States." The threat is defined as Yugoslavia "promoting ethnic conflict and human suffering," which is threatening to "destabilize countries of the region" and "disrupt progress" in the Bosnia peace agreement. Issued under the International Emergency Economic Powers Act and the National Emergencies Act, this EO enables Clinton to seize assets, block property, and prohibit trade with Yugoslavia.

March 24, 1999: Clinton announces that "our Armed Forces joined our NATO allies in air strikes against Serbian forces..." He says, "I have a responsibility as President to deal with problems such as this before they do permanent harm to our national interests."

March 25: Clinton tells Congress that he is sending forces to Macedonia "to enhance force protection for U.S. and other NATO forces in that nation, to support U.S. and NATO military activities in the region, to deter attacks on U.S. and NATO forces already in Macedonia, and to assist in preparing for a possible NATO peace implementation force in Kosovo."

April 3: Clinton tells Congress he is deploying additional U.S. forces to Albania and Macedonia.

April 4: Clinton tells Congress he is deploying additional forces to Albania in support of NATO operations against Serbia.

April 7: Clinton informs Congress about U.S. military operations in Yugoslavia and says, "I have taken these actions pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive." He says he is informing Congress "consistent with the War Powers Resolution."

April 13: Clinton issues executive order 13119 designating Yugoslavia and Albania as a "combat zone."

April 24: NATO announces new "Strategic Concept," under which NATO members operate "beyond NATO's borders." The document is not submitted to the Senate for ratification.

April 27: Clinton issues executive order 13120 ordering reserve members of the Armed Forces to active duty.

April 28: Congress votes overwhelmingly against declaring war against Yugoslavia and defeats a concurrent resolution to continue the air war.

April 29: Clinton issues a "presidential determination" under the Migration and Refugee Assistance Act of 1962 declaring that "it is important to the national interest" that up to \$20 million be made available to assist Kosovo refugees.

April 30: Clinton issues "Memorandum for the Secretary of State" announcing the admission of 20,000 Kosovo refugees to the U.S.

April 30: Seventeen members of Congress (later amended to 31) file a lawsuit to compel the President to follow the Constitution and halt the U.S. Armed Forces from engaging in military actions in Yugoslavia unless Congress declares war or grants him specific statutory authority.

April 30: Clinton proclaims Law Day, USA, 1999.

May 1: Citing a NATO decision "to intensify economic pressure on the Belgrade regime," Clinton issues an executive order strengthening economic sanctions on Yugoslavia. Under these "expanded sanctions," Clinton announces an intention to "ban exports and re-exports to and imports from" Yugoslavia.

May 25: The 60-day period accorded the President to engage in military action without Congressional approval expires.

May 26: Clinton informs Congress that NATO has decided to continue the "air operations" against Yugoslavia and that, "As part of intensifying NATO's operations, and in response to a request by SACEUR [Supreme Allied Commander Europe], I have directed deployment of additional aircraft and forces to support NATO's ongoing efforts, including several thousand additional U.S. Armed Forces personnel to Albania" and additional U.S. forces "to assist in humanitarian operations."

Clinton says, "I appreciate the continued support of the Congress in this action."

May 27: Clinton announces continuation of national emergency with respect to Yugoslavia and declares that the actions and policies of Yugoslavia constitute an "unusual and extraordinary threat to the national security, foreign policy, and economy of the United States..."

(Clinton cites Bush EO 12808, May 30, 1992; EO 12810 and 12831, June 5, 1992 and January 15, 1993; and Clinton's own EO 12846, April 25, 1993; and EO 12934, October 24, 1994, directed against the Bosnian Serbs. On December 27, 1995, Clinton had issued "Presidential Determination 96-7," suspending the sanctions on Yugoslavia and the Bosnian Serbs, after Yugoslavia signed the Bosnia peace agreement. But EO 13088, June 9, 1998, reimposed the sanctions because of Kosovo.)

June 2: Clinton announces a new deployment of U.S. aircraft to Operation Allied Force and a commitment of approximately 7,000 troops to international security force in Kosovo (KFOR).

June 5: Clinton directs additional U.S. forces to Albania to assist in refugee relief operations.

June 8: Lawsuit against Clinton under the War Powers Act is dismissed by a federal judge.

June 10: Clinton announces that NATO Secretary-General Javier Solana "has determined that the Serb forces have begun their withdrawal from Kosovo" and that NATO has suspended its "air campaign" against Serbia, but that Solana "retains the authority to resume air strikes if Serbia violates its commitments."

June 12: Clinton informs Congress that Yugoslavia "has accepted NATO's conditions" for ending the war and that the process of implementing them has begun. Clinton announces that he has directed the deployment of approximately 7,000 U.S. military personnel as the contribution to the approximately 50,000-member NATO-led security force (KFOR) being deployed in Kosovo under the command of Lieutenant General Sir Michael Jackson.

June 16: Dismissal of lawsuit against the president is appealed.

June 22: Clinton announces Clinton Doctrine - "If somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background or their religion. and it's within our power to stop it, we will stop it."

June 29: Clinton reports to Congress on the continuing "national emergency" with respect to Yugoslavia (Executive Order 12808, May 30, 1992) and Kosovo (Executive Order 13088, June 9, 1998).