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The Use of Force in the Clinton Era: Continuity or Discontinuity?

Andrew J. Bacevich*

A striking characteristic of the Clinton era has been an increased American propensity to employ military power as an adjunct of foreign policy. Since ordering a cruise missile attack on an Iraqi intelligence headquarters in Baghdad in June 1993 in retaliation for an alleged plot to assassinate former President George Bush, President Bill Clinton has employed US forces with striking frequency in a remarkable array of circumstances. In 1993, Clinton fought and lost a minor war in Somalia. In 1994, he dispatched US troops to occupy Haiti and reinstall President Jean Bertrand Aristide to power. In 1995, American aircraft provided the preponderance of the combat power for the North Atlantic Treaty Organization ("NATO") bombing campaign that paved a way for the Dayton peace accords ending (or at least suspending) the Bosnian civil war. When NATO peacekeepers entered Bosnia in December of that year, American ground troops were in the vanguard. On a reduced scale, they have remained ever since.

That was not all. In 1998, to lend substance to its so-called "war on terrorism," the Clinton administration launched cruise missile attacks on suspected terrorist base camps in Afghanistan. In Sudan, US missiles also leveled a pharmaceutical plant alleged—incorrectly as it would turn out—to have been used to manufacture materials essential to the production of nerve gas. In the Persian Gulf, Clinton on two occasions directed the Pentagon to mount a show of force, deploying contingents of combat troops to Kuwait on short notice. He has maintained and expanded the air patrols in the "no-fly zones" over northern and southern Iraq, ordered air strikes from time to time to express displeasure with Saddam Hussein, and in December 1998 launched Operation Desert Fox to punish Iraq for refusing to cooperate with United Nations ("UN") weapons inspections. Since Desert Fox, the United States and Great Britain have continued a desultory bombing campaign against Iraq, attacking targets

* Professor of International Relations, Boston University.

every two or three days for the ostensible purpose of enforcing UN resolutions dating back to the Gulf War of 1990–1991. And, of course, a year ago the United States was once again in the forefront of NATO's efforts to bring Slobodan Milosevic's Yugoslavia to heel, an initiative that resulted in a massive 78-day air war and another open-ended commitment of American troops as "peacekeepers"—this time to Kosovo.

By any measure the decade of the 1990s has been an immensely busy—even exhausting—one for US forces. For the Pentagon, the "peace dividend" that was to result from the end of the Cold War has led instead to a ratcheting up of commitments and responsibilities. But apart from an increased tempo of activity, how much is really new here? In examining the "Clinton Doctrine" for the use of force, how much is really different? And what do those differences signify?

Critics of Mr. Clinton's performance as commander-in-chief have taken him to task for violating a number of ostensible taboos. Whether implicitly or explicitly, those evaluating Clinton contrast his actions to those of earlier (especially Republican) presidents and discover much with which to find fault. The subtext of the critique is that those presidents, Ronald Reagan and George Bush—most notably—had used force wisely whereas Clinton has done so frivolously and ineffectually. Clinton's predecessors had digested and respected the essential lessons of Vietnam whereas Clinton, the Vietnam War draft-evader, has not.

Thus, for example, in an essay published in this journal, Professor John C. Yoo writes: "Kosovo represents the culmination of several trends in the American use of force over the last eight years."¹ The basic insight is correct: the war for Kosovo does mark a culmination point. But the relevant trends stretch not over eight years but over five decades. The events in Kosovo grew not out of a single administration but out of the last ten presidencies. The prerogatives asserted by the Clinton administration regarding the use of force and even the methods employed do not differ as radically from past practice as Professor Yoo suggests. In short, the problem—for those of us who are uncomfortable with what we saw, for example, in Kosovo—is much bigger than Clinton himself and cannot be attributed simply to the amateurism of fuzzy-headed liberals. Rather, the problem is an expression of an approach to US foreign policy shared by the vast majority of those who direct that policy, conservatives and liberals, Democrats and Republicans, especially when they are in power.

In drawing a distinction between Clinton and his Republican predecessors, Professor Yoo writes: "During the Reagan and Bush administrations, the United States often intervened unilaterally, quickly, and generally in pursuit of purely American interests."² To support the point, he cites Grenada during Reagan's time in

1. John C. Yoo, *UN Wars, US War Powers*, 1 *Chi J Intl L* 355, 358 (2000).

2. *Id.* at 360.

office and Panama and the Persian Gulf War during Bush's term. But, of course, Reagan also had Beirut, a disaster far worse than any that the Clintonites have thus far managed to concoct. As for Bush, if he deserves credit for victories over Manuel Noriega and Saddam Hussein, we may also credit him with the intervention in Somalia and with inaugurating the military patrols in the Iraqi no-fly zones that continue aimlessly to the present day. Indeed, the very first of the pinprick air strikes that have since become a hallmark of US policy was an attack that Bush ordered against Baghdad just before he left office in January 1993.

Professor Yoo chides the Clinton administration for its willingness to put US troops under foreign command. This has become a familiar charge, frequently voiced by congressional Republicans and conservative pundits. But the origins of this taboo are difficult to discern. Certainly it is a recent one. Certainly it did not apply to various wars of the 20th century. In World War I, for example, the first offensive action undertaken by an element of the American Expeditionary Force was the famous action at Cantigny in April 1918 by the 1st Infantry Division. The Big Red One in that action was fighting as part of the French X Corps which was subordinated to the First French Army. In May, the US 3rd Division went into action as part of the French XXXVIII Corps which was subordinated to the French Sixth Army. In June, the US 2d Division was also committed as part of the French Sixth Army. Nor was the practice limited to division-sized formations.³ To help the hard-pressed British turn back the German 1918 spring offensive, General John J. Pershing loaned the British several separate regiments of engineers and field artillery. During the decisive counteroffensive of the fall of 1918, the four regiments comprising the 92nd Division, a black unit, were parceled out to fight as part of several French divisions.⁴ For its part, the US Navy participated in World War I as essentially a wholly-owned subsidiary of the Royal Navy. For example, the five American dreadnoughts that were deployed to the war zone "became a unit of the British Navy under the orders of Admiral Sir David Beatty."⁵

World War II tells much the same story. In the European theater of operations, British officers frequently exercised command over US troops. True, General Dwight D. Eisenhower reigned over the Normandy invasion as the grandiloquently-titled Supreme Commander. But the commander of the allied land forces that hit the beach on June 6, 1944 was Field Marshal Sir Bernard L. Montgomery. All of the naval forces were commanded by Admiral Sir Bertram Ramsey of the Royal Navy. Commanding the tactical air forces providing support overhead was Air Chief Marshal Sir Trafford Leigh-Mallory of the Royal Air Force.⁶ From the Battle of the Bulge until virtually the

3. David F. Trask, *The AEF and Coalition Warmaking* 65, 70–71 (Kansas 1993).

4. Edward M. Coffman, *The War to End All Wars* 232–33 (Oxford 1968).

5. *Id.* at 101.

6. Russell F. Weigley, *Eisenhower's Lieutenants* 36, 43 (Indiana 1981).

end of the war, the Ninth US Army fought as part of Field Marshall Montgomery's 21st Army Group.

The practice did not end with World War II. Americans take pride in the fact that a US officer is at the top of NATO's chain-of-command: the alliance reserves the position of Supreme Allied Commander Europe for an American general. But during the Cold War, Europeans claimed positions in the next echelon of command. For example, had the Warsaw Pact ever launched a ground invasion of Western Europe, the officer directly responsible for turning back that attack was the commander of Allied Forces Central Europe ("AFCENT"). By common agreement among the allies, AFCENT was a German billet. In short, had the Warsaw Pact ever invaded Western Europe, US troops would have fought under the orders of a product of the German general staff!

The point is not to argue that any of this was necessarily good. Sometimes it was anything but: allowing Monty to employ US airborne troops during the ill-starred Operation Market Garden led to disaster. But the notion that American troops as a matter of principle do not serve under foreign command is simply ahistorical. Indeed, as a practical matter, if the United States wants the benefits (such as they are) of fighting as part of a coalition, it will from time to time serve *American* interests to have US troops take their orders from a commander who is not an American. Among other things, that occasional concession will help preserve the larger reality, that since World War II, US commanders are in charge *almost all of the time* with the soldiers of other nations obediently taking their marching orders from us.

So one may conclude that the "foreign command" issue is largely a red herring. Much more to the point is Professor Yoo's statement that, "Practice under the Clinton administration seems to have established . . . true bipartisan precedents in both Congress and the Presidency in favor of a flexible system of war powers characterized by executive initiative and legislative funding approval." That "system" effectively permits the commander-in-chief to do whatever he wants in matters relating to the use of force.

But the Clinton administration did not establish this system. The system is a product of the Cold War, a period of ostensibly unique danger when national survival demanded that the Congress all but surrender its war-making authority to the chief executive. Harry Truman created the system that Professor Yoo alludes to when Truman took the United States to war in the summer of 1950, a conflict which, as with Kosovo, the administration adamantly insisted was not *really* a war.

The achievement of the Clinton administration has been to extend the life of this system into a new era when threats to national security by any objective measure have diminished. In this new era, the United States uses its predominant military power for

7. Id.

a variety of reasons, most of them remote from questions of national survival. The Department of Defense has become the Department of Power Projection. The truly remarkable thing is that the administration has managed to renew what we might label the "Truman Mandate" with so little debate either in Congress or among the public. The legislative branch has veered between deference and irresponsibility. The people increasingly simply cannot be bothered.

If I understand Professor Yoo correctly, he finds no constitutional barrier to the "Truman Mandate." That finding tacitly acknowledges the claims that Clinton and his predecessors of both parties have made, namely that there are no limits or restraints on the authority of the commander-in-chief to employ force. Given sufficiently talented counsel, any president in any situation can find a rationale to use American military power as he desires. Given that line of reasoning, I would anticipate that President Clinton's successor, regardless of party, will likewise avail himself of those prerogatives. The all too likely result will be the further, and perhaps irreversible, militarization of US foreign policy.

