

# Dispatches

LET THE PEOPLE LEAD THE WAY

**M**y nerve held until I landed in San Antonio. But with my family a single two-hour flight away after 10 months deployed and two weeks of traveling, I panicked. Racing to an airport gift shop, I searched madly for something to win over my daughter when I arrived home.

Though unsure at seeing me, pure joy greeted the stuffed brown horsie. Definitely the best \$8.99 I ever spent.

From winning over my daughter to the initial dreamlike days with my wife, from a morning beach run without armed protection to hearing screeching tires and not grabbing a sidearm, the initial days back from Afghanistan were euphoric.

The euphoria faded unpredictably. Watching my daughter at play and imagining the fate of the three Afghan girls who sold pashminas outside our base. Sharing stories with civilian friends and falling into the awkward pause after they ask, “So, did you kill anybody?” Checking the news and realizing an Afghan soldier gunned down a general I occasionally briefed.

It is easy to lose yourself in the dark moments.

Fortunately, the same day I touched down in the U.S., my Oregon bar exam books arrived, providing focus during the weeks that followed. Still, on the morning of the bar exam in the Jantzen Beach Red Lion, I had to remind myself to smile and nod after a nervous examinee exclaimed, “I don’t think I’ve ever been more terrified!” The memory of forcing myself into the earth while squeezing rounds from a service pistol as bullets whizzed overhead crowded out the polite reaction.

It can be awkward to sit with peers after going through such divergent life experiences. I recall joining a law student committee and listening to a potential law school hire discuss his background as a State Department legal advisor during the 2011 Libya operations.

“The challenge,” he explained knowingly, “was finding the legal distinction between the ongoing operations and ‘hostilities’ requiring Congressional approval. The intra-governmental struggles between the State Department and the White House Office of Legal Counsel over potentially illegal actions were epic.”

Having participated briefly in the Libya mission, I interjected, pointing out that when an F-15 crashed on a bombing mission outside Benghazi and the personnel recovery team went in to recover the two pilots, it hadn’t seemed like a challenge to understand what hostilities were.

In the silence that followed, I realized I might have done better if I’d simply belched loudly.

War, leaders declared after World War I, is too serious to be left to the military. Having gone back and forth between uniforms and law books, I have concluded it is also too important to be left to lawyers. Watching the fallout from the Libya operations and the politicization of its consequences, clearly more than smart legal arguments are needed to ensure sending in troops or drones is a wise decision.

After the torture of the Bush years, President Obama campaigned on a platform of restoring limits on executive power. But as American forces return to Iraq again, on the President’s unilateral orders, one remembers the evolution of Thomas Jefferson. Once



AFGHAN GIRLS PHOTO BY JAKE KLONOSKI

a vociferous voice for limited executive power, the views from the presidency transformed him. When purchasing the Louisiana Territory from France over the inaction of Congress, an act outside the explicit presidential powers, Jefferson wrote, “It is the case of a guardian, investing the money of his ward . . . saying to him when of age, I did this for your good.”

Two centuries later, faced with exigent crises, leaders continue to believe that the American polity has not reached maturity.

It is hard to disagree after watching the bewildered response to President Obama seeking Congressional authorization to act in Syria following the use of chemical weapons. Further in the past, President Clinton’s request for military authorization to prevent a 1999 genocide in Kosovo resulted in a mind-bending tie vote in the House of Representatives.

Clinton cites America’s failure to act during the slaughter of the 1994 Rwandan genocide as his greatest regret in office, a regret that drove his 1999 actions. There can be little doubt that a failure to prevent the ongoing genocide against religious minorities in Iraq would be similarly appalling. But in a vibrant democracy, the moral feelings in the Oval Office, no matter how admired the occupant, should not dictate military intervention.

Diverse, if isolated, voices in Congress seek to show there is air left in the tires of American democracy. Senators ranging from firebrand Ted Cruz and libertarian-leaning Rand Paul to former Democratic Party chairman Tim Kaine and Oregon’s own Jeff Merkley have demanded that Congress asserts its proper role in military deliberations.

With most of America disengaged from these decisions — perhaps a result of the all-volunteer military’s distance from the general public — change seems unlikely. Even today the legitimacy of American bombs dropped on enemy fighters and American advisors steering the combat operations of allied forces is again open to question.

I never served in Iraq, but the discord following the Afghan presidential election, the vibrancy of the Taliban in Pakistan, and the survival of al-Qaeda leaders in that nation make clear that American

involvement in Central Asia will continue for years to come as well. Watching the label of “terrorist” become the new “communist,” justifying American strikes around the world, one senses entry into an age of permanent conflict.

Since returning, the most common questions I’ve heard are, “What do you think is going to happen next? And what should we do now?” People seem eager for special knowledge from someone who has been “on the ground.” But honestly, I can offer little more than questioners can uncover themselves with minimal research. Instead, I find the value of service in Afghanistan is the feeling of responsibility that flows from knowing the people we seek to help and sharing in the sacrifice that makes that help possible.

That responsibility is not something that should be felt only by servicemembers, or by government leaders. After all, your tax dollars pay for the bombs we drop and your civic participation — through action or inaction — enables decisions on when American blood is spilled, where we spill the blood of others, and if the killing of innocents goes unchallenged.

I am proud to have served in Afghanistan, and would proudly don a uniform to protect the Yazidi of northern Iraq. But examining the last decade of national debates it seems national consensus, formed through constitutional process and civic debate, is critical to making American military power a long-lasting, positive force in the world.

With my wife soon to have our second child, America again joins the clash of arms in Iraq. With so many children already having lost so much, I often wonder what this new baby will endure.

Coming home to Oregon, the birthplace of the Oregon System, the land of Mark Hatfield and Wayne Morse, where civic virtue is a public nature, I cannot help but hope that a truly participatory American body politic is possible. If there is one place that can blaze a trail for the nation, through barren wastelands of apathy and yawning ravines of factionalism, it is Oregon. Growing up in this community gave me the faith to serve at the ends of the earth, leaving everything behind, for the promise of a world made better for my children. Please help that promise come true.