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The Constitution Project Urges Congress To Fully Examine Whether New Legislation Authorizing Use of Force for Counterterrorism Should be Enacted

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WASHINGTON—Today The Constitution Project announced that members of its bipartisan War Powers Committee, including its co-chairs, former Members of Congress Mickey Edwards (R-OK) and David Skaggs (D-CO), as well as war powers expert Louis Fisher, have sent a [letter](#) to the leadership and key committees of the House of Representatives, to express their concern over the insertion of language (section 1034) into the 2012 National Defense Authorization Act (NDAA), without full public debate. Section 1034 would "affirm that the United States is engaged in an armed conflict with al-Qaeda, the Taliban, and associated forces" and authorize the President to use American military forces in this conflict. The House of Representatives is scheduled to consider the bill this week.

In the letter, TCP War Powers Committee Members stated, "We are concerned that Section 1034 is being inserted into the NDAA without full consideration of the important issues it raises regarding whether and to what extent the President should be authorized to deploy military forces in a potentially open-ended counter-terrorism campaign." They called on Congress "to examine closely and consider whether there is a need for any new authorization of the use of force, and if so, the proper scope of such legislation."

In its 2005 [report](#) entitled *Deciding to Use Force Abroad: War Powers in a System of Checks and Balances*, The Constitution Project's War Powers Committee recommended improvements to war powers decision-making designed to restore the proper roles of all three branches of government.