

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

President Must Seek Congressional Authorization if He Plans for Continued American Military Action in Libya

FOR IMMEDIATE RELEASE: May 18, 2011

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WASHINGTON—Today, members of The Constitution Project’s 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, urged President Obama to immediately seek congressional approval if he plans to continue America’s military operations in Libya.

In a [letter](#) sent to the White House today, the President was reminded that on May 19, 2011, the 60-day clock of the War Powers Resolution runs out. The letter notes, “The Constitution requires the President to obtain the authorization of Congress prior to initiating the use of force abroad except for a limited range of defensive purposes. None of these purposes was present in the reasons you gave for your unilateral determination to use force in Libya. While we appreciate that United Nations Security Council and NATO approvals may have significance under international law, they have no bearing on the legality of the use of force under the Constitution of the United States.”

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.

Established in 1997, The Constitution Project (TCP) is known for its ability to bring together unlikely allies—experts and practitioners from across the political spectrum—in order to promote and safeguard America’s founding charter. TCP is working to reform the nation’s broken criminal justice system and to strengthen the rule of law by undertaking scholarship, consensus policy reforms, advocacy and public education. TCP was born out of the belief that we must cast aside the labels that divide us, in order to keep our Constitution and our democracy strong.