



Written by [Thomas R. Eddlem](#) on May 21, 2011

Congressmen Condemn Obama Attack on Congressional War Powers

"Not one young soldier will come home tonight, when the 60-day deadline for President Obama to terminate force in Libya passes," Representative Justin Amash wrote in the May 20 *Detroit News*. Amash is the author of the bipartisan legislation H.R.1212 that would demand Obama cease hostilities against Libya. Amash notes that Obama — who [pledged as a candidate](#) never to take the nation to war without the approval of Congress — broke the War Powers Resolution passed by Congress in 1973 at the twilight of the Vietnam War. "The War Powers Resolution (WPR), enacted at the end of the Vietnam War, places that 60-day time limit on the executive when Congress has not authorized military action. In fact, the administration has been violating the WPR from the moment the first bomb dropped on Libya. The WPR allows the president to launch an attack without Congress' approval only in self-defense. Even administration officials recognize our involvement in Libya is offensive, although, they claim, justified by a broad humanitarian concern."



Amash's sentiment was echoed by six Republican Senators,: Rand Paul (R-Ky.), Mike Lee (R-Utah), Jim DeMint (R-S.C.), Ron Johnson (R-Wis.), Tom Coburn (R-Okla.), and John Cornyn (R-Texas). The six Senators wrote a [letter](#) to Obama May 19 stating that the attack on Libya "was taken without regard to or compliance with the requirement of section 2(c) of the War Powers Resolution that the United States Armed Forces only be introduced into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances" specified in the War Powers Act, which require either explicit congressional approval or the President repelling a sudden attack against the nation. The six Senators [concluded](#) their letter with a challenge to see if Obama would be bound by the law: "We are writing to ask whether you intend to comply with the requirements of the War Powers Resolution. We await your response."

The War Powers Act [states](#) that the President's power to command troops into combat without congressional authorization is limited to repelling sudden attacks upon the country and sunsets with the ability of Congress to deliberate on the deployment, which matches perfectly with the [sentiment of Founding Fathers at the constitutional convention of 1787](#):



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The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

The War Powers Act also [requires](#) "the President shall terminate any use of United States Armed Forces" within 60 days even after an attack unless Congress authorizes the ongoing war. This mandate to put Congress in the driver's seat on war questions is also fully consistent with the wording of the [U.S. Constitution](#), which reserves to Congress alone the powers:

- To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;
- To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- To provide and maintain a Navy;
- To make Rules for the Government and Regulation of the land and naval Forces;
- To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
- To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress...

Liberal congressmen such as [Barney Frank](#) (D-Mass.) and [Dennis Kucinich](#) (D-Ohio) have become vocal opponents of Obama's Libyan war, and both have cosponsored Amash's H.R. 1212.

Other conservative Republicans have also spoken out strongly against the attacks against Libya. Congressman John Duncan (R-Tenn.) [railed](#) against the unauthorized Libyan war on Fox Business Channel's *Freedom Watch* with Judge Andrew Napolitano. "I think it's time for the Congress to reassert itself," Duncan [told](#) Napolitano. "Certainly our Constitution doesn't envision having some type of military dictatorship in this country." Texas Republican Representative and presidential candidate Ron Paul has opposed the Libyan war from the start and repeatedly [criticized](#) the deployment. Libertarian-leaning GOP presidential candidate Gary Johnson, a former governor of New Mexico, also wrote a column for the *Daily Caller* May 20 demanding that Obama abandon the Libyan war.

Despite the loud bipartisan outcry from conservatives, liberals, and libertarians against the war, the Washington, D.C.-based *The Hill* [claimed](#) that "Congress has grown largely silent on the administration's unilateral intervention into the war-torn North African nation."

Amash's [H.R. 1212](#) currently has 14 House sponsors, about evenly split between Republicans and Democrats, but the conservative Michigan Republican wrote in the *Detriot News* that his own party's leadership has blocked a vote on the measure. Indeed, the Republican leadership in the House may be the biggest stumbling block to Congress regaining its constitutional powers from the Democratic President Obama. Amash wrote: "While my bill has received strong and growing bipartisan support from more than a dozen members of Congress, it's unlikely that congressional leadership will permit a vote on it. The status quo provides cover for Congress, by allowing the people's representatives to



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complain about the president's actions without committing to a position for or against the war."

Photo: Rep. Justin Amash



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