

THE CONSTITUTION PROJECT



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War Powers Experts Say Lawsuit Filed Against the Obama Administration is Right on the Merits

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WASHINGTON- Today, former Members of Congress and Co-Chairs of The Constitution Project (TCP) War Powers Committee David Skaggs (D-CO) and Mickey Edwards (R-OK), as well as TCP War Powers Committee member and renowned war powers scholar Louis Fisher, released a statement in response to the news that a bipartisan group of lawmakers had filed a lawsuit against the Obama administration for violating the War Powers Resolution by undertaking military action in Libya without congressional approval.

Their statement follows:

"The complaint filed against the president today by several members of the House is exactly right on the merits. The ongoing U. S. military action in Libya is unconstitutional as a violation of the authority granted to Congress in Article I section 8 to decide when this country can initiate the use of force abroad. The lawsuit is also correct in claiming the President has violated the War Powers Resolution - the statute that requires a President who has already acted unilaterally to get approval from Congress for a military action to last longer than 60 days. The complaint is also right to point out that neither the U. N. nor NATO can provide a substitute for congressional authorization for war. Unfortunately, the lawsuit will almost certainly be dismissed on procedural grounds. In the past, courts have decided that they will not hear claims like this from aggrieved Members of Congress."

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.