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June 9, 2011

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Dear Members of Congress:

We, the undersigned Members of the Constitution Project's bipartisan War Powers Committee, are writing to express our grave concerns over the President's use of force in Libya without authorization from Congress. Even if the War Powers Resolution ("WPR") may be interpreted to provide authority for the President to unilaterally commit U.S. forces to combat for sixty days, the

WPR's sixty-day "clock" ran out last month.

The War Powers Committee of the Constitution Project was convened to study how the United States should exercise its constitutional authority under Article I Section 8 to make decisions about the use of force abroad. In our 2005 report entitled [*Deciding to Use Force Abroad: War Powers in a System of Checks and Balances*](#), we recommended improvements to war powers decision-making designed to restore the proper roles of all three branches of government.

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 the President provided for his 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 under the Constitution of the United States on the legality of the use of force. The President had the responsibility to come to Congress to seek authorization for military action. He has failed to do so. Unless he does so, U.S. use of force in Libya will continue to be unlawful.

Sincerely,

Mickey Edwards (co-chair), Vice President, Aspen Institute; former member of Congress (R-OK) and chairman of the House Republican Policy Committee

David Skaggs (co-chair), former Member of Congress (D-CO): Member of the Appropriations Committee and Permanent Select Committee on Intelligence

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