

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Contact: Larry Akey, Director of Communications, (202)580-6922 [o] or (202)580-9313 [c], lakey@constitutionproject.org

Military Action in Syria Requires Congressional Approval, TCP War Powers Experts Say

WASHINGTON, D.C. -- President Obama cannot conduct offensive military action in Syria without prior congressional approval, a group of legal scholars and former members of Congress says.

Without specific congressional authorization, "any such use of force in Syria would be unlawful, contrary to the Constitution, and against the Framers' commitment to self-government," wrote members of The Constitution Project's War Powers Committee in a letter delivered to the [president](#) and [key members of Congress](#) earlier this week.

Last month, the Obama administration said Syria had crossed a "red line" with its use of chemical weapons, including the nerve agent sarin gas, against rebels seeking to overthrow President Bashar al-Assad in an ongoing civil war. Some in Congress have repeatedly called on the administration to step up its support of the rebels, including destruction of Syrian air fields and enforcing a "no-fly" zone.

However, unless Congress gives its prior approval, such actions would "violate both the rule of law and democratic values," the signers of the letter said.

The group cited an [earlier report](#) by The Constitution Project (TCP) that recommended improvements needed to restore the proper roles of all three branches of government in decisions about the use of force abroad. They noted the Constitution clearly gives "the representatives of the people in Congress the power to declare or authorize war and the President, after obtaining that express legislative decision, the power as Commander in Chief to direct our armed forces."

Those signing the letter are: **Mickey Edwards**, co-chair of TCP's War Powers Committee, Vice President of the Aspen Institute and a former Member of Congress (R-OK); **David Skaggs**, co-chair of TCP's War Powers Committee, Adjunct Professor of Law at University of Colorado Law School and a former Member of Congress (D-CO); **Louis Fisher**, a retired specialist in constitutional law at the Law Library of Congress and TCP's Scholar in Residence; **Michael J. Glennon**, Professor of International Law at the Fletcher School of Law & Diplomacy, Tufts University and a former legal counsel for the U.S. Senate Committee on Foreign Relations; and **Don Wallace, Jr.**, Professor, Georgetown University Law Center and chairman of the International Law Institute.

Copies of the letters and the underlying report are available at www.constitutionproject.org.

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[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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