

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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July 22, 2013

President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear President Obama,

As the conflict in Syria deepens and calls for greater U.S. involvement grow, we write to urge respect for the constitutional process for using force abroad. You must obtain advance congressional approval before taking any offensive military action.

We are members of the War Powers Committee of The Constitution Project, which addressed the vexing issue of how the United States should exercise its constitutional authority under Article I, Section 8, to make decisions about the use of force abroad. Our 2005 report, [\*Deciding to Use Force Abroad: War Powers in a System of Checks and Balances\*](#), recommended improvements needed to restore the proper roles of all three branches. The Report recalls that the Framers of the Constitution imposed deliberate requirements to guard against a single individual, the President, taking the nation into war. They gave the representatives of the people in Congress the power to declare or authorize war and gave the President, after obtaining that express legislative decision, the power as Commander in Chief to direct our armed forces.

We recognize that the Constitution contemplates a limited range of defensive conditions when the President may act on his own. None of these narrow exceptions applies to the conflict in Syria. Some actions urged by Members of Congress – such as targeting Syrian airfields, runways, and aircraft on the ground – would be unlawful absent advance congressional approval.

We understand your administration's view that the Syrian government crossed your "red line" by using chemical weapons against rebel forces. If that or later developments constitute cause for U.S. military action, you must come to Congress to seek authorization. Without it, any such use of force in Syria would be unlawful, contrary to the Constitution, and against the Framers' commitment to self-government. Unilateral presidential wars violate both the rule of law and democratic values.

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)**, Adjunct Professor of Law, University of Colorado Law School; former Member of Congress (D-CO); Member of the Appropriations Committee and Permanent Select Committee on Intelligence

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