Madam Speaker, the

author of this resolution is known for

his opposition to the use of American

military force, and those who agree

with him on foreign policy may well

vote for this resolution. In contrast, I

have voted for every authorization to

use military force that has come before

this Congress in the last 15 years, and

I would support the authorization to

use force in Libya if it had the proper

conditions and limits.

This resolution would not actually

result in the immediate withdrawal; instead,

it would force the President to

come to this Congress and seek authorization

pursuant to law—and would get

that authorization, I believe, with the

appropriate limits and conditions. That

would be an improvement to our foreign

policy. More importantly, it would

mean we’re following the Constitution.

The War Powers Act is the law of the

land and it requires congressional authorization

for military actions that

take more than 60 days.

We long for democracy and the rule

of law in Libya, but not at the expense

of democracy and the rule of law in the

United States. If we don’t require compliance

with the War Powers Act, who

will? And if the War Powers Act becomes

a dead letter, who will constrain

some future President with imperial

ambitions?

If your constituents insist that you

stand up for the rule of law, don’t go

back to them next week saying you

voted for the Boehner resolution. That

Boehner resolution does not mention—

let alone enforce—the War Powers Act.

The Boehner resolution

just grudgingly acquiesces to an

imperial vision of the Presidency. The

Kucinich resolution enforces the War

Powers Act and starts us on the War

Powers Act process.

We owe it to our fighting men and

women that when they risk their lives,

they do so pursuant to our laws and

our Constitution. And when they risk

their lives for an extended period of

time, they do so not because of the decision

of one individual but, rather, because

of the decision of the representatives

of all of the American people.

I thank the gentleman

for yielding.

I have been here a long time, and I

have never come to this floor for the

purpose of opposing innocuous resolutions.

In fact, I’ve voted for every piece

of innocuous legislation and post office

renaming in the last 15 years, as far as

I can remember. And this is innocuous

legislation.

First, it starts with a sense of Congress

about our opinion as to what

should or shouldn’t be done. It has a

sentence that purports to prevent the

President from putting ground forces

in Libya, but in fact just states that’s

our policy. It is certainly not designed

to prohibit the President from doing

so; it just says that it’s our opinion

that he shouldn’t. And, by the way, in

the Defense authorization bill, we have

real legislation that already prohibits

putting ground forces in Libya.

It then goes on to ask that a number

of questions be answered. There are

some who think, that’s important.

Those who think that the questions

propounded in this resolution are actually

going to get us useful information

are insulting the faculty of the law

schools of America, because both the

Pentagon and the State Department

have lawyers capable of writing long

and meaningless answers to every question

we propound. And as for getting

documents, some of the documents demanded

we already have, and as for the

rest, those same lawyers will be writing

long documents about executive

privilege.

So we have here a document that at

most is just questions for the RECORD

that the chairwoman of our committee

allows me to add at the end of so many

hearings; hardly earthshaking, certainly

innocuous.

But, okay, so it’s innocuous. Or is it?

This is innocuous legislation that

plays a particular role in avoiding the

constitutional role of this Congress. It

allows us to sidestep the War Powers

Act. It gives cover to those who don’t

want to authorize, or refuse to authorize.

It says we’re an advisory body. We

ask some questions so we can give good

advice. We will give the President some

advice. It is part of the trend of an

aggrandizing executive and a derelict

Congress, a Congress that almost is

complicit in this slow process by which

we are not legislators, we are not deciders;

we inquire and we advise.

The Constitution is clear, but the

War Powers Act is more clear: the

President must ask for congressional

authorization. Then we actually have

to act, and that is tough. We have to

review the proposals, and I believe our

ranking member (Mr. BERMAN) would

have one that would say, What are we

going to authorize? Under what conditions?

What demands will we make of

our allies in Libya to perhaps turn over

to us, or at least disassociate themselves

from, the al Qaeda operatives in

their midst? Are we going to limit the

duration? Are we going to limit the

scope? Are we going to impose limits

on the total cost?

With this resolution, we can avoid all

of those questions. We can avoid demanding

a withdrawal. We can avoid

limiting the authorization, and we can

allow the President to continue to

write the blank check that apparently

he believes he has, and we can do it all

while disassociating ourselves with

anything unpopular that ever happens

over the skies of Libya.

Now is not the time for us to shirk

our responsibilities. Our responsibility

is to act as a policy-making body.

Now is the time for

us to play the role that the War Powers

Act provides, because this is not an immediate

short-term emergency situation.

It has gone on for much longer

than 60 days. It should not go further.

Now, 208 Members of this Congress

voted for my amendment yesterday to

say that we should not expend funds in

violation of the War Powers Act, and

you were willing to vote for it even

though I put it on a bill as to which it

really didn’t pertain. Thank you for

those votes, but now please come back

here and say, It’s time to enforce the

War Powers Act. It’s time not to dodge

the War Powers Act. It’s time for our

policy over the skies in Libya to be determined

by the President and Congress,

not the President advised by

Congress.

Vote ‘‘no’’ on this resolution. Don’t

use it as a sidestep. Instead, go back to

your constituents and say, You are for

voting either for a withdrawal from

Libya or for a full authorization or for

a limited authorization.