Mr. Speaker, I rise today in support

of H. Con. Res 51 by my colleague Congressman

DENNIS KUCINICH, which directs

President Barack Obama to remove the

United States Armed Forces from Libya by not

later than 15 days after the adoption of this

concurrent resolution.

Let me be perfectly blunt—the reason we

are here today voting on two resolutions that

deal with the President’s role and responsibility

under the War Powers Resolution is because

of President Obama’s failure to abide

by the law, and our failure to address this

issue before day 74.

The War Powers Resolution was enacted

into law on November 7, 1973, overriding

President Richard Nixon’s veto. The law states

that the President’s powers as Commander in

Chief to introduce United States forces into

hostilities or imminent hostilities are exercised

only pursuant to either (1) a declaration of

war; (2) specific statutory authorization; or (3)

a national emergency created by an attack on

the United States, its territories and possessions,

or its forces.

The War Powers Resolution requires the

President—in every possible instance—to consult

with Congress before introducing American

armed forces into hostilities unless there

has been a declaration of war or other specific

congressional authorization, such as the Congressional

Resolution that provided President

George W. Bush authority to engage in Operation

Iraqi Freedom in 2003.

The War Powers Resolution also requires

the President to report to the United States

Congress any introduction of forces into hostilities

or imminent hostilities, into foreign territory

while equipped for combat, or in numbers

which substantially enlarge U.S. forces

equipped for combat already in a foreign nation.

Such a report is required within 48 hours.

Once this report is submitted—or required to

be submitted—the United States Congress

must authorize the use of forces within 60

days, or the forces must be withdrawn within

30 days from the 60 day mark.

Before discussing the current situation the

United States finds itself in, it is important for

the American people to understand the reasoning

behind the passage of the War Powers

Resolution in the 1970s.

Article I, Section 8 of the United States Constitution

gives the United States Congress the

power to declare War, not the President. However,

Article II, Section 2 declares that ‘‘The

President shall be Commander in Chief of the

Army and Navy of the United States.’’ Many

Presidents have cited their authority under Article

II, Section 2 to defend the United States

against attacks, or to take actions in our nation’s

national security interest, through military

action without a formal declaration of war.

Presidents Eisenhower, Kennedy, Johnson

and Nixon used their authority as Commanders

in Chief in order to send American

combat ‘‘advisors’’ forces into Vietnam beginning

in the late 1950s. By the 1968 Tet Offensive,

the United States had over half a million

troops on the ground in Vietnam engaged in

intense military conflict. Unclear about the

American strategy in Vietnam, many Members

of Congress became concerned about their

eroding authority granted by the Constitution

to debate, decide and declare when to involve

the United States in a war.

As such, the War Powers Resolution enacted

in order to ensure the checks and balances

mandated by the United States Constitution

would remain intact during times of

armed conflict.

On March 19, 2011, U.S. military forces

began operations in Libya. Two days later, on

March 21, 2011, President Barack Obama informed

the United States Congress that Operation

Odyssey Dawn was aimed at ‘‘assisting

an international effort authorized by the United

Nations Security Council . . . to prevent a humanitarian

catastrophe and address the threat

posed to international peace and security.’’

To date, President Obama has not provided

a clear and defined mission for the United

States involvement in Libya. Since the opening

hours of military action on March 19, the

President has had no clear direction in Libya.

President Obama has not defined the mission,

defined success, nor defined the end state.

Further, the President has still not identified

who the so-called rebels are that are receiving

millions of dollars of American support in

terms of weapons, ammunition, and resources,

as well as attacks against Moammar

Qadaffi’s forces.

As a 22-year Army combat veteran, I can

tell you from experience that successful mission

completion is obtained by properly defining

the very things I have mentioned, which

President Obama has failed to do. As a Member

of the United States House of Representatives,

I swore an oath to protect and defend

American citizens against all enemies, foreign

and domestic.

Is Moammar Qadaffi an enemy of the

United States—absolutely. But because President

Obama has not informed us of whom the

rebel forces we are supporting are, how can

we be absolutely certain that they will not be

an enemy of this country? Quite simply, we

cannot because the President has failed to define

our strategy.

It has now been 74 days since President

Obama informed the United States Congress

on the introduction of American forces into

Libya as required by the War Powers Resolution.

Since March 21, 2011, the United States

Congress has not declared war or enacted a

specific authorization for the use of force, has

not extended the 60-day period required by

the War Powers Resolutions, nor is United

States Congress physically unable to meet as

a result of an attack upon the United States.

In fact, United States Congress has met nearly

30 times since March 21, 2011. Therefore,

President Obama is in violation of Title 50,

Chapter 33 of United States Code—the War

Powers Resolution.

Section 5, Paragraph C of the War Powers

Resolution states that ‘‘at any time that United

States Armed Forces are engaged in hostilities

outside the territory of the United

States, its possessions and territories without

a declaration of war or specific statutory authorization,

such forces shall be removed by

the President if the Congress so directs by

Concurrent Resolution.’’

The Concurrent Resolution offered by Congressman

KUCINICH falls right in line with Section

1544 of the War Powers Resolution, and

simply states that pursuant to Section 5c of

the War Powers Resolution, the United States

Congress directs the President to remove

armed forces from Libya within 15 days of enactment.

President Barack Obama is in violation of

the law—plain and simple—and he must comply

with the law. The very foundation of our

Republic lies on the rule of law, and is guarded

by a system of checks and balances, and

as a Member of the United States Congress,

I have a Constitutional obligation to ensure

this system is upheld.

I support the Concurrent Resolution offered

by Representative KUCINICH.