Let me

thank the gentleman from Washington

(Mr. SMITH) for his leadership and for

characterizing where we are today as a

conflicted and, if you will, highly uncertain

posture.

I’m looking at the vote count, and it

looks as if 225 Republicans voted

against a time certain to get out of

Libya. If you read the bill H.R. 2278—

and I am looking at it over and over

again—there really is no print as to a

time certain. There is a nebulous statement

about limiting funds for such

things as search and rescue, intelligence,

surveillance and reconnaissance,

aerial funding, and operational

planning. That can go on ad infinitum.

We can take the American people’s

money forever and ever and continue in

this effort.

I don’t like where we are today. Constitutionally,

it is true, it is Congress’

right to declare war. And the War Powers

resolution—which my good friends

on the other side of the aisle are now

debating on its constitutionality, and

of course they’ve used it in the past—

does indicate that it was done in order

to track the Constitution and allow

congressional consultation. There was

a letter sent by the President. There

has been a report sent. But there’s no

doubt that this was not handled right.

But in the Iraq war, an unnecessary

war, no Arab League States asked us to

join with them. There was no defined

threat to the United States in the Iraq

war, as we’ve said. We left the Afghanistan

war to dillydally in Iraq and lose

4,000 soldiers. So where is the hypocrisy

here?

Right now, the Arab League has

asked us to join them. Right now, our

NATO allies are engaged in trying to

get rid of an oppressive abuser and a

person who has killed his own people.

Where is the dignity on this place? It’s

nothing but politics. And I respect my

colleagues who want to make choices

about which direction they want to go.

But I will tell you, I would much rather

vote for something that is time certain,

ending in 1 year or before. And if

there is not a definitive end, then I will

offer a privileged resolution to get out

of Libya.

But I don’t want to abandon my

friends in the Arab States who are now

struggling for democracy. Why is Syria

different? Why is Yemen different?

Why is Bahrain different? You are absolutely

right. Because other forces are

engaged in Syria, Yemen, and Bahrain.

And the Arab States are attempting to

negotiate.

So I am not interested in willy-nilly

going into all kinds of wars. I’m not interested

in going to Syria or Yemen or

Bahrain. But I am interested in being

consistent.

We now have an operation, and we

can tell that there is movement by

those who are rebels. And I would like

my friends to document for me, if they

have got a documented presence of al

Qaeda, then they can tell us that. But

right now, we have an obligation, and

we can’t play politics. And this bill is

nothing but politics because it does not

end when we’re supposed to get out. It

does it ad infinitum.

It is a

continuous, unending obligation to be

in Libya. I would much rather have a

definitive act which is to say that we

have no more than a year. And I would

offer to the White House that we would

like reports sooner than that, and some

of us may wish to go forward with another

resolution to move us out.

But I will not be supporting politics

today. I have to support those who are

fighting for justice in Libya.

Mr. Speaker, I rise to today to express my

disappointment with the Administration’s decision

not to consult with the Congress over the

important and critical actions taken in Libya.

Our government operates based upon a constitutionally

protected system of checks and

balances. It does not matter whether or not

the Administration is Democrat or Republican.

What is important is ensuring the role of Congress

when determinations are made to engage

in military actions in foreign countries.

The War Powers Resolution was intended to

ensure that any action taken by an Administration

which utilizes military forces would require

the involvement of this body.

As the Ranking Member of the House

Homeland Security Subcommittee on Transportation

Security and Senior Member of the

House Judiciary Committee, I believe in supporting

the Constitution of the United States.

The issue before us raises the debate on how

to apply the War Powers Resolution. As this

resolution has not been declared unconstitutional

it is important to follow our laws as written.

This is a reminder to the American people

that we must firmly hold true to our constitutional

duties. We have the power to ensure

the Executive does not overstep its bounds.

As Members of Congress, we can exercise

our power through appropriation, the appointment

process, exercising oversight over the

Executive, enactment legislation, or even establishing

a select Committee to probe any

abuse of power by the Administration.

The War Power resolution is an integral part

of our process. The actions that have taken

place in Libya raise the debate on how the

War Power Resolution should be applied.

Presidents, Members of Congress, scholars

and lawyers have long argued about which

branch of government has the power to decide

whether the nation goes to war, and meaningful

discussions between the branches has not

always taken place. In 1973, The War Powers

resolution was passed over the veto of President

Nixon, in order to provide procedures for

Congress and the President to participate in

decisions to send U.S. Armed Forces into hostilities.

Such force is constitutional under the Necessary

and Proper Clause which specifically

provided that ‘‘Congress shall have the power

to make all laws necessary and proper for carrying

into execution, not only its own powers

but also all other powers vested by the Constitution

in the Government of the United

States. . . .’’ The policy behind this power,

entrusted to the President as Commander in

Chief, to deploy U.S. armed forces to defend

itself is ‘‘exercised only pursuant to: (1) a declaration

of war; (2) specific statutory authorization;

or (3) a national emergency created by

attack upon the United States, its territories or

possessions, or its armed forces.’’ Pursuant to

this authority, the President ‘‘in every possible

instance’’ shall consult with Congress before

deploying U.S. Armed Forces, and to continue

consultations as long as the armed forces remain

in hostile situations.

As we consider this Joint Resolution, we

must also consider facts surrounding the state

of violence and unrest in Libya, and the consequences

of both action and inaction on behalf

of the Libyan people. I value the importance

of a fair, just, and balanced approach.

We must always act in compliance with our

nation’s constitution.

Prior to this conflict, since assuming power,

Colonel Qaddafi has ignored the needs of the

Libyan people; choosing instead to train other

oppressive leaders in intelligence and weaponry.

Qaddafi had given money to dictators

such as Robert Mugabe and Charles Taylor,

and intervened in foreign wars instead of investing

in education and infrastructure for the

betterment of his own people.

Human Rights Watch and Amnesty International

have consistently reported the lack of

free press and free speech in Libya. The State

controls the media and speaking out against

Qaddafi or his government is not only illegal,

it is also deadly. Qaddafi and his army executed

activists who opposed the government

and broadcasted their deaths on television.

Qaddafi was particularly intolerant of women

and other minorities. He established ‘‘social

rehabilitation’’ centers, where women who

were designated financially or morally vulnerable

were detained indefinitely. Homosexuality

was deemed criminal, and punished with up to

five years in jail.

Now, the people of Libya have given their

lives in their fight for democracy. This current

conflict in Libya began four months ago, when

Colonel Qadahfi failed to do what was right for

his country and its people. Violence erupted

as many Libyan citizens felt the painful consequences

of a government resistant to

change. Civil liberties were infringed upon,

human rights were violated, and worst of all,

many Libyan lives were lost. These atrocities

were not committed under the command of

some far away leader or as a consequence of

a conflict with a foreign nation. No, these unforgivable

acts were authorized by the hand of

the Libyan leader himself.

I applaud efforts to come to the aid of the

Libyan people. I condemn Colonel Qadahfi’s

despicable and inhuman actions, and support

the President in our national policy—and the

World’s policy—of removing this tyrant from

power. The widespread suffering in Libya was

initiated and continues to be encouraged by

the very man charged with protecting the Libyan

people. The Libyan people are in desperate

need of outside assistance; the question

is no longer whether or not Libya is in a

critical condition. I call on my fellow Members

of Congress to continue to condemn the violence

taking place in Libya.

We should not forget that the people of

Libya are continuing to fight for democracy

and there has been a significant loss of life.

Colonel Muammar Qadahfi has continued to

refuse to acknowledge the will of the Libyan

people and the reality of the dilemmas that

Libya faced. When faced with the shadow of

oppression, the suppression of liberties, and

the constant threat of brutality, history has

shown that humanity will always rise up in protest,

and if necessary, in armed resistance.

Rather than act as a true leader and acknowledge

the interests of Libyan citizens,

Qadahfi chose to remain steadfast to the status

quo—to disregard the context of an intolerable

situation in favor of blindly following what

has always been done just for tradition’s sake

and lust for power. The reality of the situation

is this: it was Qadahfi’s refusal to contemplate

the circumstances in Libya that has led to the

unnecessary loss of innocent lives. Let us not

make the same error as we continue to deliberate

the role of the U.S. and the decision of

our President to act on behalf of innocent people.

Colonel Qadahfi has proved himself to be,

by the standards of any free nation, an illegitimate

leader of the Libyan people. He has utilized

snipers, helicopters gunships, mercenaries

and gangs of hired thugs to harm his

own people throughout the course of the protests.

Rebels taking to the streets demanding

free elections were injured and killed.

No leader should remain in power after

committing the indiscriminate slaughter of

thousands of their own citizens; no leader

should remain in power after ordering soldiers

to fire upon crowds of defenseless, peaceful

protesters; no leader should remain in power

after executing hundreds of soldiers who

bravely refused to carry out orders to shoot

their fellow citizens in cold blood.

My message to Qadahfi is clear: stop the

slaughter, stop the killing, and stop murdering

your own people. I demand you step down

from power! I implore you to consider and

value the lives of your people. Stop the violence.

I call for a unified voice from NATO, the

United Nations, the African Union, and other

world groups to stop the slaughter and violence

against the people of Libya.

As a Member of this body, I am calling on

my colleagues to join me in calling attention to

the plight of the people of Libya and their fight

for freedom, justice, and deliverance from

Colonel Qaddafi.

For over four months, NATO-led air strikes

in Libya have inflicted serious damage upon

the Qaddafi regime’s war machine, yet loyalist

forces continue to demonstrate cohesiveness

and operational superiority over besieged

rebel forces. Still, some analysts suggest the

stalemate is now yielding to a war of attrition

favoring the rebels. Rebel combat skills have

improved, as has their arsenal, which now reportedly

includes vehicle-mounted antiaircraft

guns, recoilless rifles, and mortars.

As rebels consolidate recent gains, NATO

has proven to be the equalizing force. The African

Union continues to press for a peace

deal that was accepted by Qaddafi but rejected

by the opposition because it would

leave Qaddafi in power. With the support of

the United States, United Nations, and NATO

we must continue to push for the support of

the African Union resolution. Turkey also has

proposed a roadmap to establish an immediate

and verifiable ceasefire, secure humanitarian

aid corridors, and advance a political

process for a transition. However, Turkey has

not yet provided an implementation strategy

other than making it clear that Qaddafi must

go.

After the President of South Africa, Jacob

Zuma, engaged in peace talks with Qadahfi

most of the world believed the bloodshed

would end. Today, it is clear that Qadahfi is

going to continue to fight to stay in power.

We cannot stand by and watch as the people

of Libya suffer. We need and must provide

humanitarian aid. Americans have always

come to aid of their neighbors in times of crisis.

We must continue to remember the context

upon which we are currently operating in the

world today. The Middle East is finally awaking

to democracy and freedom. Advancing

these objectives also advances our nation’s

security. The evidence is clear of an Arab

Spring. The evidence is compelling all we

need to do is look at Egypt, Byrahn, Yemen,

Syria, and Libya to watch the effects of voices

that are calling for democracy.

The Founders distributed the decision to go

to war between the two political branches to

assure that the decision would be made carefully.

The founding generation experienced the

hardship of several wars and they knew war’s

human and financial costs. They understood

that a strong executive who is already given

the title ‘‘Commander in Chief,’’ might flex the

country’s military strength injudiciously. Giving

Congress the essential power to declare war

allows heads to cool, alternatives to be considered,

and makes certain there is consensus

if the country is called to fight.

I continue to support the premise that Congress

has the right to declare war, and our

current debate must reflect this imperative.

Congress has a right to assert its authority;

however, the situation in Libya gives me great

pause.

H.J. RES 68, ‘‘Authorizing the limited use of

the United States Armed Forces in support of

the NATO mission in Libya,’’

Authorizes the President to continue the limited

use of U.S. Armed Forces in Libya in support

of U.S. security policy interests as part of

the North Atlantic Treaty Organization (NATO)

mission to enforce U.N. Security Council Resolution

1973, as requested by the Transitional

National Council, the Gulf Cooperation Council

(GCC), and the Arab League.

This bill will terminate such authorization

one year after the date of enactment of this

joint resolution. Further, H.J. Res. 68 states

that consistent with the policy and statements

of the President, Congress does not support

deploying, establishing, or maintaining the

presence of units and members of U.S. Armed

Forces on the ground in Libya unless the purpose

of the presence is limited to the immediate

personal defense of U.S. government officials

(including diplomatic representatives) or

to rescuing members of NATO forces from imminent

danger. It requires the President to

consult frequently with Congress regarding

U.S. efforts in Libya, including by providing

regular briefings and reports. Includes as elements

in such briefings and reports:

(1) an updated description of U.S. national

security interests and policy objectives in

Libya;

(2) an updated list of U.S. Armed Forces activities

in Libya;

(3) an updated assessment of the opposition

groups in Libya, including potential successor

governments; and

(4) an updated explanation of the President’s

legal and constitutional rationale for

conducting military operations in Libya consistent

with the War Powers Resolution.

H.R. 2278, ‘‘To limit the use of funds appropriated

to the Department of Defense for

United States Armed Forces in support of

North Atlantic Treaty Organization Operation

Unified Protector with respect to Libya unless

otherwise specifically authorized by law,’’ this

bill prevents the use of funds to pay for United

States participation in any aspect of North Atlantic

Treaty Organization (NATO) effort except

intelligence, surveillance, search-and-rescue

and other ‘‘non-hostile’’ support activities.

I am for peace and not war, however I am not

for politics of the Republicans that vote

against Democratic Presidents but for Republican

Presidents. This war is an effort for humanitarian

assistance in Libya. The Libyan

people were being attacked and were dying by

their own leader.

Although, I am again disappointed by the

continuing actions of the Administration that

are taking place without the consultation of

Congress. This should not cause us to ignore

the plight of the Libyan people. We must continue

to insist on providing the technical assistance

and weapons necessary to defeat this

regime. I will vote against H.R. 2278 because

it is a political game and does not have a time

certain to leave Libya.

The resolution cuts off funds just to embarrass

President Obama. I want peace to come

to Libya in the right way. Efforts to support action

by the African Union, European Union,

NATO and other U.S. allies only advance our

call for democracy that is now being heard

and is spreading throughout the Middle East.

This can be done while complying with the

War Powers Resolution, that is why I will support

H.J. Res. 68 for now which sets a time of

before one (1) year this war should end. I

want the conflict to end sooner, I therefore reserve

the right to offer a resolution on the floor

to end this war.

I thank

the distinguished Speaker, and to the

distinguished Members that are on this

floor, what a heck of a position to be

in.

Let me make it very clear this is a

set of circumstances that frames itself

around the Constitution, the War Powers

resolution, that indicates that Congress

must be consulted. But I am in

the middle of my actions that took

place months ago or many weeks ago

as the crisis and the murderous acts of

Colonel Qadhafi began to seize his people.

And we went to the Libyan Embassy

to ask for Colonel Qadhafi to

step down, and we joined with the

then-Ambassador in his courageous

act. Colonel Qadhafi is known to oppress

his people; to deny rights of freedom

of press and speech, as well as association;

to train dictators in oppression

and intelligence; and the murderous

acts still go on.

But it is a crisis when we have an administration,

unfortunately, that has

not seen fit to undertake the consultation

that is necessary. Yet I believe

that we should finish the task, and it is

different from Iraq and it is different

from Afghanistan. We have a time certain

and, as well, we have the Arab

League that has asked us to stand with

them against the oppression of one of

its members.

This is a door opener to say to the

people that we have asked to be with

us to go against terrorist acts to stand

for democracy. So this is a devastating

position to put the Members of Congress

in, but we must do our duty

today, and I believe that it is good to

say that the Hastings amendment is

the framework, though I would prefer 6

months, and I hope there is an opportunity

to address this for a limited

time.