Thank you, Madam Chairman.

And, Mr. Secretary, job well done and you will be missed.

You know, I think it is very important to remember that in this

exercise of limited intervention by the United States we are operating

under a legal framework. What makes this different than

other places, Yemen, Bahrain and so forth, is that we had for the

first time in my memory an Arab League resolution calling for a

no fly zone in a fellow Arab country. We had a U.N. security resolution,

in fact we had two of them, 1970 and 1973, calling explicitly

for all necessary means to stop the bloodshed in Libya. The United

States is part of that lawful international community and responded.

Responded in a limited way with the coalition.

I look forward to this hearing and I look forward in particular,

Mr. Secretary, to your outlining not only this legal framework for

the President’s response, but also how the administration views the

necessary consultation with Congress as this event unfolds.

And I was pleased to hear Mr. Rohrabacher’s support for the administration.

Than you, Madam Chairman.

Thank you, Madam Chairman.

Mr. Secretary, again, thank you for being here.

I am one who, based on the international framework that was

created from calls of both the Arab League and the U.N. Security

Council for a limited scope no fly zone, was cautiously supportive

of the President’s actions in that respect. But I must say it is not

often I, myself, am on common ground with Mr. Burton, but I do

think this question is relevant and I want to give you the opportunity,

you are about to go into academia, tell me what if anything

with respect to the War Powers Act do you believe is triggered in

this particular intervention?

Do you believe that pursuant to the War Powers

Act some act of authorization is required from this Congress?

In previous no fly zones, particularly in Iraq in

the north and then subsequently in the south, what provisions of

the War Powers Act did Presidents at that time follow? Did they

also follow the reporting rule?

And would you refresh my memory? The authority

in the Constitution you cite for the President to go into Libya,

or anywhere else for that matter, is what again?

As Commander in Chief? So from your point of

view the Commander in Chief de novo is free under the Constitution

to deploy U.S. troops as he sees fit?

I understand.

I guess, respectfully, I am a pretty constructionist with respect

to War Powers. The Constitution could not be clearer that the War

Powers contained in the Constitution are exclusively and entirely

with the Congress of the United States.

Well but just as the executive branch claims inherent

powers under the provision you cite, I mean if we have

under the Constitution, clear as a bell, the power to declare war,

it could not be clearer that there are inherent powers that flow

from that as well, including the decision in advance whether or not

to deploy U.S. military personnel.

I do not agree with your interpretation of the Commander in

Chief powers. He gets to be Commander in Chief after we decide

whether or not troops are to be deployed. But that is a fight——

Yes.

Yes. Yes. And the last President to recognize that

was Franklin Delano Roosevelt. Not a bad President, however.

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Final point: I want to give you the opportunity, what if anything

are we going to do with the frozen assets that turned out to be

much bigger than we thought of Libya and can we, should we use

any of them to finance this endeavor?

Thank you, Madam Chairman.