Thank you, Madam Chairman, and welcome to

both of our colleagues.

Let me ask, our colleague, Mr. Paul, made the point in his opening

statement that the War Powers Act in some ways dilutes the

constitutional role of Congress in exercising its war powers. Doesn’t

he have a point?

The evolution of this issue is a fascinating one,

because the executive branch argues that there are virtually—well,

they argue there are lots of inherent powers, constitutional inherent

powers contained in the reference in the Constitution to the

President’s role as Commander-in-Chief.

Are there inherent powers, do you think, in the War Powers of

Congress in the Constitution? I mean, if there are inherent powers

in one, why aren’t there inherent powers in the other?

Let me, if I may, Congressman Gibson, because

I’m actually pretty sympathetic to your point of view. But are there

not, as Mr. Rooney indicated, going to be some circumstances,

though, in which practically we’ve got to allow the President to deploy

troops and come to us after-the-fact? I mean, I think Mr. Rooney

cited, dead of the night, Congress is not in session, and there’s

a real threat.

Now, let me pose some hypotheticals to you. The President decides

that we just need to intervene in a civil war in Central Africa.

Under the terms of your proposed legislation, he would have to

come to Congress before he could do that.

All right. But let’s say there is an imminent

threat to a NATO ally that we’re sworn to protect and defend,

Country X decides to invade a NATO ally in Central Europe, is the

President under the terms of your legislation allowed to respond to

that threat and come to Congress subsequently?

Wait, wait.

That is problematic, it seems to me. I mean, I

understand the intent, and I’m not unsympathetic with the intent,

but practically speaking, we have an ally that can’t wait. Their borders

have been breached, perhaps even superior force brought to

bear. The President hasn’t got a lot of time in which to come up

to Congress and draft legislation, and have us debate and pass or

not pass a resolution of authorization. It may be overtaken by

events by the time we get around to it.

So, surely, it’s reasonable in that set of circumstances, is it not,

that we’d want to give more leeway to the President to exercise his

executive authority?

Well, Madam Chairman, I don’t know that the

clock is working, and I don’t wish to impose. My clock still says I

have 5 minutes. But if I may just say, I really—I want to thank

our two colleagues for a very thoughtful contribution to this debate.

And I find myself on common ground with our colleague, Mr. Paul,

on the fact that, frankly, with whatever intentions, let’s assume

they were all good, I think the War Powers Act, by even acknowledging

there’s a statutory need to codify our powers in the Constitution,

has had the unintended effect, perhaps, of enhancing the

Executive’s powers directly at the cost of Congress. And that,

frankly, for an awful long time, we have abrogated our responsibilities

constitutionally. And, from my point of view, the Executive

has encroached and expanded beyond the giggle test its powers

pursuant to the Constitution in this regard.

I think there are practical issues we’re going to have to work out,

but I think Mr. Gibson, Mr. Paul, and Mr. Rooney all have a point,

and they’re going to find me sympathetic as we move forward.

Thank you, Madam Chair.