I thank you, Madam Chairman. I appreciate you holding

these hearings.

Since World War II, we’ve embarked in the wrong direction.

We’ve been fighting all these wars, and no declaration, so the War

Power issue is a key issue. And, hopefully, we can get to the bottom

of it, and expand this power.

But I think we get a pretty good idea about where the executive

branch comes from, and I’m not so sure it would be unique for one

party over the other. But the current Office of Legal Counsel to our

President has said that it was necessary, it was okay to go to war

to defend the credibility of the United Nations Security Council.

I think that is an outrage. We’re supposed to be defending the

Constitution, not the national—not the United Nations Security

Council. But this is not new. We did it in Korea, we ignore it sometimes,

now we ignore it in Libya. The War Powers Resolution,

which was set up in ’73 was supposed to curtail this.

Technically, it was deeply flawed, but it actually legalized war

for 60 days, which always drifts into 90, and even our Presidents

ignore that. So, this is a mess. And it’s not all that complicated.

Why do we complicate this for ourselves unless it’s deliberate? Because

we have a law, the law is called the Constitution.

We’re not supposed to go to war unless there’s a declaration.

We’ve been fighting this a long time, and the American people are

sick and tired of it. It’s draining us, it’s draining us financially.

And now we’re into—how many wars are we in now; Afghanistan,

Iraq, Pakistan, now Libya. We don’t even know to the extent to

what—how much we’re involved in these countries.

So, we in the Congress demand, or should demand our responsibilities

again. It should be up to us when we go to war, and not

to the executive branch.

I yield back.

It was really pregnant.

Thank you, Madam Chairman.

First, I want to thank Mr. Connolly for his comments, and his

questions, because I believe they were very pertinent, as well as

Mr. Berman, because he had some concerns that I’ve had, as well,

dealing with the obligations under treaty. And I do appreciate the

fact that Mr. Gibson has come by my office to discuss these, and

we’ve had our little debates on this, but I do want to follow-up with

it, because I do have the concerns about this obligation.

Actually, the way I understand, NATO, United Nations is that

it still requires, it doesn’t say that we automatically go to war, we

have to live within our Constitution. We have to come and get the

proper authority under NATO and the United Nations. Matter of

fact, I do believe that it was the League of Nations that failed because

it did not require congressional approval, and that’s why the

American Government didn’t support it.

But, nevertheless, I agree that there’s a lot of ambiguities, and

certainly today the legal opinion that I just read for the President,

that we were obligated in order to maintain the credibility of the

United Nations. So, they’re using this as an authority.

Ambiguities, I believe, are very strong here. But I am not sure

that adding to the bill, and to the War Powers Resolution that we

have obligations under treaties, since our treaties, though, are so

carelessly interpreted. So, I don’t want to get too much into this,

because you’ve already talked about this a good bit. But let us say

that your bill was the law of the land, what—how would the President

have been obligated to act differently when it came to Libya?

But could you not have said that without your phrase

‘‘obligations of treaty?’’ That doesn’t give you that information,

right?

Well, I have trouble with it, because I think there’s

going to be more ambiguities. You know, I stated earlier that I

don’t even like the War Powers Resolution, because I think it undermines

the Constitution and congressional authority, and hasn’t

done well for us. But the one part of it that sort of—it was intended

to protect the Congress. And the reason the Presidents all

considered the War Powers Resolution unconstitutional, because

they want more power. And that is the requirement to report back,

so I actually am concerned about removing the fact that they are

required to come back in.

So, if we raise the ambiguity level by saying we can go to war

under an interpretation of a treaty, then all of a sudden we don’t

have this extra protection, probably makes my case for why do we

have this War Powers Resolution, but I’m not—I don’t think that

strengthens the congressional position by removing that requirement.

Madam Chairman, my time has expired, but may I

have one short question?

Thank you. I would like to ask Mr. Rooney this question.

I know you’ve deferred and didn’t want to particularly discuss

Mr. Gibson’s bill. But since you’ve been a professor of Constitutional

Law, I think it would be nice to have your opinion.

That phrase that he wants to add into about obligations under

treaties, would you care to make any comment about that?

I thank you, and I yield back.