Mr. President, what we have with the situation with Libya

presents us with a fundamental question, one we have wrestled with for

a couple centuries as a nation. The founding era was a time that was

fraught with wars. It was a time when we learned that executives

sometimes abuse their power. Sometimes they will take us into wars in

faraway nations without the support of the people, knowing full well it

is the sons and the daughters of the people on the ground who are asked

to make the ultimate sacrifice in those battles.

We channeled the war power in the Constitution so as to make sure

these debates would always come to the forefront, that they would

always be brought up by the elected representatives of the people in

Congress. For that reason, although we give power to the President to

be the Commander in Chief in article II of the Constitution, in article

I of the Constitution, we reserve that power, the power to declare war,

to Congress.

This is how we guarantee that the people's voice will be heard and

that people's sons and their daughters will not be sent off to war

without some public debate and discussion by those

who have been duly elected by the people and stand accountable to the

people.

We have, over time, clarified the intent. We have made clear there

are certain steps that have to be taken. We have also made clear that

although there is, to be sure, a certain unknown continuum, a continuum

that can be hard to define in every circumstance, between the

President's plenary authority as Commander in Chief, on the one hand,

and Congress's power to declare war on the other, there does come a

point at which we can recognize that we are at war and that some

authorization is required by Congress.

This very body, Congress, has, through the war powers resolution,

attempted to distill some of these principles. In section 1541 of the

War Powers Act--it is found at 50 United States Code section 1541--we

are told there are circumstances, three circumstances to be precise--