Thank you, Mr. Chairman.

Mr. Koh, I’ve been watching the fray from afar on the TV broadcast,

and I’m intrigued by the creative explanations that we’ve had

here today.

Let me ask you this. I want to give you a quote from then-

Senator Obama in December of 2007, and he said, ‘‘The President

does not have power under the Constitution to unilaterally authorize

a military attack in a situation that does not involve stopping

an actual or imminent threat to the nation.’’

Now, I’ve heard the discussion of that. Can you give me a simple

answer? Is that still his position?

You know, this was widely disseminated at the

time. It wasn’t just one publication. It may have originated there;

I’m not sure. But you’re right, this is how many angels can dance

on the head of a pin when you’re talking about, well, is it military

attack, is it hostilities, is it—whatever you want to call it. But it

seems to me he was pretty clear in this statement. Is this still his

position?

Make war? Hostilities? Military attack? This is

all the same thing, isn’t it?

Are we making war on Libya?

Is this or is this not the President’s position at

this time, this statement?

Can you give me a yes or no? Is this or is this

not the President’s position at this time?

All right. Let me try it again. ‘‘The President

does not have power under the Constitution to unilaterally authorize

a military attack in a situation that does not involve stopping

an actual imminent threat to the Nation.’’

No, no. Mr. Koh, I’m not asking about legally correct.

Is this or is this not the President’s position today?

I’m not talking about that. I’m talking about the

President of the United States. Is this or is this not his position

today?

As you know, President Obama’s predecessor, for

every conflict that occurred under his watch, he came to Congress

and asked for authorization. You’re aware of that, of course.

Notwithstanding all these other explanations and

arguments you’ve made, don’t you agree with me that that would

be a really, really good idea, to come to Congress and ask for that

authorization under the circumstances?

Well, and of course, you know, you can go beyond

that, too. You’ve talked about the citizens of Libya, but we’ve also

got a really serious situation in Syria right now. Indeed, the Syrians

aren’t even armed and they’re being attacked by their government,

versus Libya, where there’s actually armed conflict going on.

You would agree with that, correct?

And my point is it deserves a debate that the

American people can hear. Is that fair enough?

Thank you. Thank you, Mr. Chairman.