

Lugar: The President Has Violated the Constitution

The following is excerpted by Sen. Richard Lugar's July 5 remarks on the floor of the U.S. Senate:

President Obama's assertion that he does not need a congressional authorization to wage war in Libya represents a serious setback to the constitutional limits on Presidential war powers. Historians will point out that this is not the first time that a President has gone to war unilaterally. But saying that Presidents have exceeded their constitutional authority before is little comfort. Moreover, the Libya case is the one most likely to be cited the next time President Obama or a future President chooses to take the country to war without congressional approval.

Declarations of war are not anachronistic exercises. They force the President to submit his case for war to Congress and the American public. They allow for a robust debate to examine that case, and they help gauge if there is sufficient political support to commit American blood and treasure. And they define the role and strategy of the United States. Neither U.N. Security Council resolutions nor adminis-



tration briefings are a substitute for a declaration of war or other deliberate authorizations of military operations. . . .

The Founders believed that Presidents alone should not be trusted with war-making authority, and they constructed checks against executive unilateralism. James Madison, in a 1797 letter to Thomas Jefferson, stated, "The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the legislature."