

Mr. Speaker: I rise to introduce a resolution expressing the sense of the Congress that the President is required to obtain in advance specific statutory authorization for the use of United States Armed Forces in response to civil unrest in Libya. As many in the administration, Congress, and elsewhere clamor for the president to initiate military action to support those seeking to overthrow the Libyan regime, Congress sits by, as usual, pretending that Article I, Section 8 of the US Constitution does not exist. According to this long-ignored section, "The Congress shall have Power To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water."

This is black letter law, not some aspirational statement by our Founders. Their intent was indisputably clear: Congress alone, not the Executive Branch, has the authority and the obligation to declare war if hostilities are to be initiated against a foreign state that has not attacked the United States.

Let us be clear about one thing: for the US to take action to establish a "no fly" zone over all or part of Libya would constitute an act of war against Libya. For the US to establish any kind of military presence on the sovereign territory, waters, or over the airspace of Libya is to engage in a hostile action that requires Congressional authorization.

Whatever we may think about the Gaddafi regime, we must recognize that this is a coup d'etat in a foreign country. What moral right do we have to initiate military action against Libya? Libya has not attacked the United States. Neither the coup leaders nor the regime pose an imminent threat to the United States and therefore, as much as we abhor violence and loss of life, this is simply none of our business.

I would remind my colleagues that we have been here before. In the 1990s we established “no fly” zones and all manner of sanctions against Saddam Hussein’s regime in Iraq in attempt to force him from power. When that did not work -- at a high cost in Iraqi lives -- the US ultimately went to war to achieve these ends. The costs of this war, I do not need to remind my colleagues, was much higher even, in US military lives, in Iraqi civilian lives, in our diminished moral standing in the world, in our economy. Yet none of us seem able to learn from an enormous mistake made only a few years ago. Once again a bad man is doing bad things thousands of miles away and once again irresponsible voices are demanding that the US “do something” about it. Will we ever learn? We continue to act as the policemen of the world at our own peril, and as we continue we only accelerate our economic collapse.

Let the supporters of yet another war in the Middle East come forth to make their case for a US attack against Libya. I will strongly oppose such a move, but it should be very clear that if a war against Libya is to be initiated it must be declared by the proper Constitutional authority: the US Congress.