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Congress of the United States
House of Representatives

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COMMITTEE ON EDUCATION AND THE
WORKFORCE

March 24, 2011

The Honorable Barack Obama
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

I write in response to your letter of March 21, 2011 to the House of Representatives, regarding the commitment of U.S. Armed Forces to Libya. As the United States and its allies continue military intervention in Libya, I am deeply concerned about the White House's neglect of its responsibility to seek Congress' authorization to use military force prior to the commitment of U.S. armed forces. I am equally concerned about the potential for further instability in the region as a result of U.S.-led international intervention in Libya.

You stated in your letter that U.S. military forces have been committed "to assist an international effort authorized by the United Nations (U.N.) Security Council and undertaken with the support of European allies and Arab partners" at your direction. While testifying before the House Appropriations Committee earlier this month, Defense Secretary Robert Gates acknowledged that imposing a no-fly zone over Libya was an act of war, stating that "A no-fly zone begins with an attack on Libya to destroy the air defenses."¹ The authority you claim in your letter to commit an act of war in the form of enforcing a no-fly zone over Libya is inconsistent with the Constitution, which, as you know, is defined in Article 1, Section 8 to give Congress the sole power to declare war. It is also in sharp variance to your own statement in a December 2007 interview in which you affirmed that "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."²

Not only were those preconditions not present, but Congress was available to consider a presidential request for authorization to use military force, had you chosen to submit one. It is

¹ Sanger, David E. and Shanker, Tom. (2011, March 2). "Gates Warns of Risks of No-Fly Zone." *The New York Times*, online. Accessible: <http://www.nytimes.com/2011/03/03/world/africa/03military.html?pagewanted=1& r=1>.

² Savage, Charlie. (2007, December 20). "Barack Obama's Q&A." *The Boston Globe*, online. Accessible: <http://www.boston.com/news/politics/2008/specials/CandidateQA/ObamaQA/>.

deeply troubling that in the weeks leading up to the passage of the U.N. resolution, you neglected to come to Congress for authorization to use military force. Your efforts to gather support from the U.N., The Arab League, and other international allies prior to launching the strikes is well-known. Your neglect of seeking support from the U.S. Congress was not proper and contrary to your own publically stated understanding of the Constitution.

My concerns about a war in Libya are not limited to questions of constitutionality, but extend to your criteria for intervention. If your criteria for military intervention in another country is instability and government sponsored-violence, as you suggest in your letter, we will stretch far too thin our already overcommitted military. We will also dramatically increase our military presence in the Middle East. Anti-Americanism will rise, accompanied by popular resentment toward a foreign occupier. If the criteria are more localized, and you will commit our Armed Forces to military intervention only in *certain* cases of government-sponsored violence against a popular uprising, then we will have an inconsistent foreign policy that will also elicit anti-American sentiment.

During a press conference at the Pentagon earlier this month, Secretary Gates warned of the negative implications of U.S. military involvement in Libya: "All of the options beyond humanitarian assistance and evacuations are complex. ... If we move additional assets, what are the consequences of that for Afghanistan? For the Persian Gulf?... We also have to think about, frankly, the use of the U.S. military in another country in the Middle East."³ The implications for our own national security should not have been ignored and cannot continue to be ignored.

I am also gravely concerned about the objectives of the intervention. You stated in your letter that the goal of intervention is "to prevent a humanitarian catastrophe and address the threat posed to international peace and security by the crisis in Libya." I wholeheartedly support the Libyan people's desire for democratic reform and representation and agree that the United States has a role in providing humanitarian assistance to Libyan civilians. However, the idea that military intervention for humanitarian purposes in Libya would lead to greater stability in the region runs counter to the track record of recent U.S. - led military interventions in the Middle East and threatens to commit the U.S. to another quagmire in the region. American military efforts to depose despotic and inhumane leaders of Middle Eastern countries have turned out to be much larger undertakings than Congress was led to expect. President Muammar Gaddafi can reasonably be expected to hang on until the bitter end in a protracted battle.

The United States has spent trillions of dollars on the wars in Iraq and Afghanistan thus far, with both wars having served to undermine our national and economic security. The war in Libya has reportedly cost well over \$100 million to date, at a time when Congress is forced to decide between cutting funds for keeping our seniors warm in the winters, helping low-income pregnant and nursing women access basic nutrition, and helping struggling middle class workers stay in their homes. The costs are likely to mount, with the costs to operate F-15s and F-16s used by the U.S. to conduct this operation at approximately \$100,000 per hour, including maintenance and fuel costs. The Center for Strategic and Budgetary Assessments states that the U.S. costs could

³ (2011, March 2). "Gates: Libyan no-fly zone would require attack." CBS news.com. Accessible: <http://www.cbsnews.com/stories/2011/03/02/501364/main20038352.shtml>.

“easily pass the \$1 billion mark...regardless of how well things go,” and put the costs of the operation in Libya anywhere from \$30 million to \$100 million per week.⁴

I believe these missteps so far seriously compromise the course of military intervention you have initiated. The only way I can see to correct them is to stop U.S. participation in the war entirely. As such, I intend to offer an amendment to the next general funding measure to be considered by Congress to defund U.S. military intervention in Libya. Congress must have the latitude to make an informed decision under circumstances in which Congress’s predictable desire to support the troops does not skew the debate on the war’s legitimacy.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive style with a large, prominent "D" and "K".

Dennis J. Kucinich
Member of Congress

⁴ Scully, Megan. (2011, March 23). “Costs of Libya Operation Already Piling Up.” *The National Journal*, online. Accessible: <http://nationaljournal.com/nationalsecurity/costs-of-libya-operation-already-piling-up-20110321>.