

United States Senate

June 16, 2011

COMMITTEES:
BANKING, HOUSING
AND URBAN AFFAIRS
FOREIGN RELATIONS
ENERGY AND NATURAL RESOURCES
SPECIAL COMMITTEE ON AGING

The Honorable John Kerry
Chairman, US Senate Committee on Foreign Relations
446 Dirksen Senate Office Building
Washington, DC 20510-6225

Dear Senator Kerry,

Yesterday the administration submitted to Congress a report that purports to outline the US justification for continued involvement in the military operations over and near Libya. It can be disputed that this report does not sufficiently respond to the series of questions posed by myself in a letter on April 14, 2011, H.Res.292, which passed the House of Representatives on June 3, 2011, or the identical questions posed by S.J.Res.18, which was introduced on June 8, 2011. That said, I would like to focus this request specifically on divergent definitions for "hostilities" and how this term is used in the legal analysis for continued involvement in the military operations absent specific authorization from Congress.

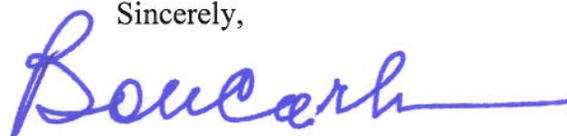
The report to Congress states the "President is of the view that the current US military operations in Libya are consistent with the War Powers Resolution and do not under the law require further congressional authorization, because US military operations are distinct from the kind of 'hostilities' contemplated by the Resolution's 60 day termination provision." Our committee should have the opportunity to examine this specific point in hearings before the Senate recesses for July 4th.

To that end, I specifically request at least one hearing be held with the following individuals on this issue: Deputy Assistant Secretary for the Arabian Gulf and Maghreb Affairs, Janet Sanderson; Principal Deputy Assistant Secretary of Defense for International Security Affairs, Joe McMillan; representatives from the Office of the Director for National Intelligence; Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 and Rear Admiral Kurt Tidd, Vice Director for Operations, J-3. I further request this hearing include General James Cartwright, Vice Chairman of the Joint Chiefs of Staff and Harold Hongju Koh, Legal Advisor of the State Department.

We owe it to every man and woman who puts on a uniform to serve our country, and every taxpayer who funds the operations, to be clear that our entry into any conflict – whether in response to an attack on the homeland or a threat to our broader national security – has been entered into in a lawful and appropriate manner.

I look forward to the scheduling of these hearings in the very near future.

Sincerely,



BOB CORKER
United States Senator