

Testimony of

# **The Honorable Orrin Hatch**

April 17, 2002

Mr. Chairman, I am one who strongly believes that we all must leave our political party affiliations at the door when it comes to our national security and supporting our troops in the field. When President Clinton drew criticism for sending our troops to Kosovo, I stood on the floor of the Senate and spoke out in support of his use of military force. I say now, as I said then, that I believe the 1973 War Powers Resolution is an unconstitutional encroachment on executive power by the legislative branch. And, my legal assessment remains the same regardless of who happens to sit in the White House.

All of us should continue to support the President during these obviously difficult times. That was precisely the message we conveyed in passing the joint resolution on September 15 - days after terrorists murdered thousands of Americans in a series of cowardly attacks. In the midst of this grave crisis, we endorsed the President's unqualified authority to use "all necessary and appropriate force" against any nation or organization that "he determines" aided in the terrorist attacks. Furthermore, we recognized in the joint resolution that it also, for what it was worth, constituted specific authorization under the War Powers Resolution.

The entire Senate has spoken with one voice with respect to the President's authority to use military force against any nation that aided or harbored terrorist organizations.

We sit here today seven months after the most disastrous and destructive terrorist acts in our history. The fires have died in lower Manhattan, and the smoke has cleared from the skies over the Pentagon, but bodies still lie trapped under the rubble, and our nation and thousands of American families still live daily with a deep, unyielding grief. The overwhelming majority of Americans stand shoulder-to-shoulder with the President in our fight to rid the world of terrorists who would do Americans harm.

I hope that today's hearing will provide more information on how we can aid the President in making sure he has all the tools necessary to keep our citizens safe. I look forward to hearing from today's panel of distinguished scholars. Particularly, I want to welcome one of this Committee's most respected former counsels, Professor John Yoo, who is now a leading authority on the scope of Presidential war powers.

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