



Gerald L. Baliles, Director

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Contact: Lisa Todorovich  
434.243.4096; cell: 434.409.1327

[ltodorovich@virginia.edu](mailto:ltodorovich@virginia.edu)

<http://www.millercenter.org/warpowers>

## National War Powers Commission Recommends War Powers Consultation Act of 2009

*Bipartisan panel led by former Secretaries of State Baker and Christopher  
unanimously recommends new process for president, Congress*

WASHINGTON, July 8, 2008 — The National War Powers Commission, co-chaired by former Secretaries of State James A. Baker, III and Warren Christopher, today recommended that Congress repeal the War Powers Resolution of 1973 and substitute a new statute that would provide for more meaningful consultation between the president and Congress on matters of war.

In a report released today after 13 months of study, the Commission concluded that the War Powers Resolution of 1973 has failed to promote cooperation between the two branches of government and recommended that Congress pass a new statute – the War Powers Consultation Act of 2009 – that would establish a clear process on decisions to go to war.

“This statute does not attempt to resolve the constitutional questions that have dominated the debate over the war powers, and does not prejudice the president or Congress their right or ability to assert their respective constitutional war powers,” said Baker. “What we aim to do with this statute is to create a process that will encourage the two branches to cooperate and consult in a way that is both practical and true to the spirit of the Constitution.”

“We have tried to be as specific as possible in this report and in this legislation,” said Christopher. “We have defined the kinds of armed conflict that would be covered by the statute, and have laid out a clear course of action for both the president and Congress that is practical, constructive and deliberative.”

The War Powers Consultation Act of 2009:

- Provides that the president shall consult with Congress before deploying U.S. troops into “significant armed conflict” – *i.e.*, combat operations lasting, or expected to last, more than a week.
- Defines the types of hostilities that would or would not be considered “significant armed conflicts.”

- Creates a new Joint Congressional Consultation Committee, which includes leaders of both Houses as well as the chair and ranking members of key committees.
- Establishes a permanent bipartisan staff with access to the national security and intelligence information necessary to conduct its work.
- Calls on Congress to vote up or down on significant armed conflicts within 30 days.

The Miller Center of Public Affairs at the University of Virginia impaneled the National War Powers Commission in February 2007. This bipartisan commission met seven times over 13 months, interviewing more than 40 witnesses about the respective war powers of the president and Congress.

Commission members: Slade Gorton, former U.S. Senator from Washington; Lee H. Hamilton, former U.S. Rep. from Indiana; Carla A. Hills, former U.S. Trade Representative; John O. Marsh, Jr., former Secretary of the Army; Edwin Meese, III, former U.S. Attorney General; Abner J. Mikva, former Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit; J. Paul Reason, former Commander-in-Chief of the U.S. Atlantic Fleet; Brent Scowcroft, former National Security Advisor; Anne-Marie Slaughter, Dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Strobe Talbott, President of the Brookings Institution.

Pulitzer Prize-winning historian Doris Kearns Goodwin served as the Commission's historical advisor. John T. Casteen, III, President of the University of Virginia, and David W. Leebron, President of Rice University, served as *ex officio* members.

John C. Jeffries, Jr., Emerson Spies and Arnold H. Leon Professor of Law of the University of Virginia School of Law, and W. Taylor Reveley, III, Interim President and John Stewart Bryan Professor of Jurisprudence at the College of William & Mary, served as Co-Directors of the Commission.

The James A. Baker, III Institute of Public Policy at Rice University, the Freeman Spogli Institute for International Studies at Stanford University, Stanford Law School, the University of Virginia School of Law, and the William & Mary School of Law served as partnering institutions.

A PDF version of the full report will be available after 11 AM EDT at [www.millercenter.org/warpowers](http://www.millercenter.org/warpowers), and on the websites of the partnering institutions:

- <http://www.bakerinstitute.org>
- <http://fsi.stanford.edu>
- <http://www.law.stanford.edu>
- <http://www.law.virginia.edu>
- <http://www.wm.edu>

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The Miller Center has convened ten national commissions during the past quarter century, including the Commission on Federal Election Reform in 2001, co-chaired by Presidents Jimmy Carter and Gerald Ford.

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