

THE CHARLIE-SAVAGE- USED-TO-BE-RICHARD- LUGAR'S-INTERN SFRC LIBYA HEARING

Boy has Charlie Savage caused a headache for Barack Obama and Harold Koh.

The Senate Foreign Relations Committee had a hearing to grill Koh today, in part, because of Savage's report that Obama overrode OLC, DOJ, and DOD lawyers in deciding that we are not engaged in "hostilities" with Libya and therefore he can blow off the requirements of the War Powers Resolution. Granted, the Obama Administration limited the headache by having just Koh, who sided with Obama in the dispute, and not those lawyers who were overridden, appear at the hearing. Committee Chair John Kerry admitted they had been invited, but declined to attend.

The issue of how Obama came to claim Libya did not involve "hostilities," by itself, had Koh speaking in circles worthy of his former student, John Yoo.

But what really made things difficult was Savage's 2007 report on what candidate Barack Obama believed about a President's war powers. In response to Savage's question about whether or not the President could unilaterally bomb Iran, the constitutional professor presidential candidate responded,

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.

Richard Lugar—who by partnering with Senator Obama on a key foreign relations law gave him

some credibility in the area—started the hearing by citing both Savage’s article citing the wisdom of candidate Obama and the one depicting President Obama overriding key lawyers on this issue.

It was about that point of the hearing where Charlie Savage revealed, via Twitter, that 15 years ago he served as an intern in Lugar’s office.

When Jim Risch raised the same quote from candidate Obama (Savage said nothing about interning for Risch), the lawyer now sanctioning Obama’s curious definition of hostilities said that candidate Obama’s 2007 stance on presidential war powers was legally incorrect.

So we’ve learned today that 2007 Harold Koh didn’t agree with what 2007 Charlie Savage reported 2007 Barack Obama believed about the law. But in 2011, Savage’s report made clear, 2011 Koh is the key administration lawyer who agrees with 2011 Obama’s views on the law.