

NATIONAL CONSTITUTION CENTER

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KENNETH W. STARR AND ERWIN CHEMERINSKY DEBATE THE WAR POWERS RESOLUTION DURING THE PETER JENNINGS PROJECT FOR JOURNALISTS AND THE CONSTITUTION

Philadelphia, PA (February 5, 2009) – The year is 2015, and the newly-created nation of Kurdistan, carved out of what were once the northern provinces of Iraq, is under attack from Turkey. The American President responds with a commitment of troops to aid the Kurdistanis, but Congress resists, and, after waiting the required ninety days, votes to withdraw troops. When the President refuses to comply, the two sides are drawn into federal court for a showdown. This hypothetical Supreme Court case testing the constitutionality of the War Powers Resolution will be argued by distinguished legal scholars **Kenneth W. Starr**, Dean of the Pepperdine University School of Law, and **Erwin Chemerinsky**, Dean of the University of California at Irvine School of Law, as part of the National Constitution Center's **Peter Jennings Project for Journalists and the Constitution**.

A Moot Court: The War Powers Resolution, will take place on Saturday, February 28 at 1:00 p.m. in the Ceremonial Courtroom at The United States District Court for the Eastern District of Pennsylvania located at 601 Market Street in Philadelphia. Admission is free, but seating is limited. Reservations are required and can be made by calling 215.409.6700.

Controversial since it became law in 1973, the War Powers Resolution provides that the President can send U.S. armed forces into action abroad only by authorization of Congress or if the United States is already under attack or serious threat. The law forbids armed forces from remaining deployed for more than 60 days without an authorization of the use of military force or a declaration of war. Starr and Chemerinsky will argue before a panel of judges whether or not this is an unconstitutional infringement on the President's power as Commander in Chief or a legitimate exercise of congressional authority.

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ADD ONE/WAR POWERS ACT

The panel of judges includes:

- **Arlin M. Adams**, Counsel at Schnader, Harrison, Segal & Lewis and former Judge, United States Court of Appeals for the Third Circuit Court
- **William T. Coleman, Jr.**, former United States Secretary of Transportation
- **Michael A. Fitts**, Dean and Bernard G. Segal Professor of Law, University of Pennsylvania Law School
- **Judith S. Kaye**, Chief Judge of the State of New York Court of Appeals (retired)
- **Timothy Lewis**, Counsel at Schnader, Harrison, Segal & Lewis and former Judge, United States Court of Appeals for the Third Circuit
- **Marjorie O. Rendell**, First Lady of the Commonwealth of Pennsylvania and Judge, United States Court of Appeals for the Third Circuit
- **Albert M. Rosenblatt**, Associate Judge, State of New York Court of Appeals (retired)
- **Dolores K. Sloviter**, Judge, United States Court of Appeals for the Third Circuit
- **Jan Ting**, Professor of Law, Temple University Beasley School of Law

Kenneth W. Starr is the Duane and Kelly Roberts Dean and Professor of Law at Pepperdine University School of Law. He is a former Judge for the U.S. Court of Appeals, D.C. Circuit, Solicitor General of the United States, and during the 1990s, served as Independent Counsel on the Whitewater matter. Starr clerked for the Honorable David W. Dyer of the U.S. Court of Appeals, Fifth Circuit, and for Supreme Court Chief Justice Warren E. Burger. He is a former partner at Kirkland & Ellis and Gibson, Dunn & Crutcher.

Erwin Chemerinsky is the founding dean of the new School of Law at the University of California, Irvine. He was formerly the Alston & Bird Professor of Law and Professor of Political Science at Duke Law School and, before that, spent 21 years on the faculty of the University of Southern California Law School. He has practiced law as a trial attorney in the United States Department of Justice and at Dobrovir, Oakes & Gebhardt in Washington, D.C. In April 2005, Chemerinsky was named one of “the top 20 legal thinkers in America” by *Legal Affairs*.

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ADD TWO/WAR POWERS ACT

The theme of the 2009 Peter Jennings Project is “The Presidency,” and it will run from February 27 through March 1, 2009. Named in honor of the late, award-winning news anchor and friend of the National Constitution Center, the Peter Jennings Project for Journalists and the Constitution allows professional journalists from print, broadcast, and online media organizations, as well as a select group of collegiate journalists from across the country, to examine the constitutional dimension in the news today and acquire a deeper understanding of the Constitution and its important role in the lives of all Americans. **Kayce Freed Jennings**, wife of Peter Jennings, serves on the board of the project and veteran journalist **Todd Brewster**, who worked closely with Jennings and co-authored two books with him, is the program director.

The Peter Jennings Project for Journalists and the Constitution is made possible through the generosity of The Annenberg Foundation.

The National Constitution Center, located at 525 Arch St. on Philadelphia’s Independence Mall, is an independent, nonpartisan, nonprofit organization dedicated to increasing public understanding of the U.S. Constitution and the ideas and values it represents. The Center serves as a museum, an education center, and a forum for debate on constitutional issues. The museum dramatically tells the story of the Constitution from Revolutionary times to the present through more than 100 interactive, multimedia exhibits, film, photographs, text, sculpture and artifacts, and features a powerful, award-winning theatrical performance, “Freedom Rising”. The Center also houses the Annenberg Center for Education and Outreach, which serves as the hub for national constitutional education. Also, as a nonpartisan forum for constitutional discourse, the Center presents – without endorsement – programs that contain diverse viewpoints on a broad range of issues. For more information, call 215.409.6700 or visit www.constitutioncenter.org.

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