

Case Study: The "War Powers Act"

"The Congress shall have Power to declare War. . . ." Constitution, Art. II, Sec. 8, Clause 11

With the Constitution, the framers hoped to solve the problems of British rule. One of these was the King's misuse of the military. Without the people's consent, he quartered troops, drafted soldiers, and engaged in war.

Because an army can have only one leader, the framers named the President commander in chief of the armed forces. Congress, however, received exclusive power to declare war and provide money for the military.

In theory, then, Congress controls the military. Without a declaration, wars cannot be fought. Without money, battles cannot be launched. Nevertheless, the United States has sent troops to foreign countries more than 160 times since 1789, but Congress has only declared war five times. Most have been military actions ordered by the President, acting as commander in chief to protect national interests.

One of these military actions was Vietnam, where more than eight million Americans fought. The United States began sending help to Vietnam as early as 1950. Then, in 1965, President Johnson ordered troops to South Vietnam to protect its government. Congress never declared war, but U.S. involvement grew and grew. Finally, in 1973, President Nixon ordered U.S. troops home.

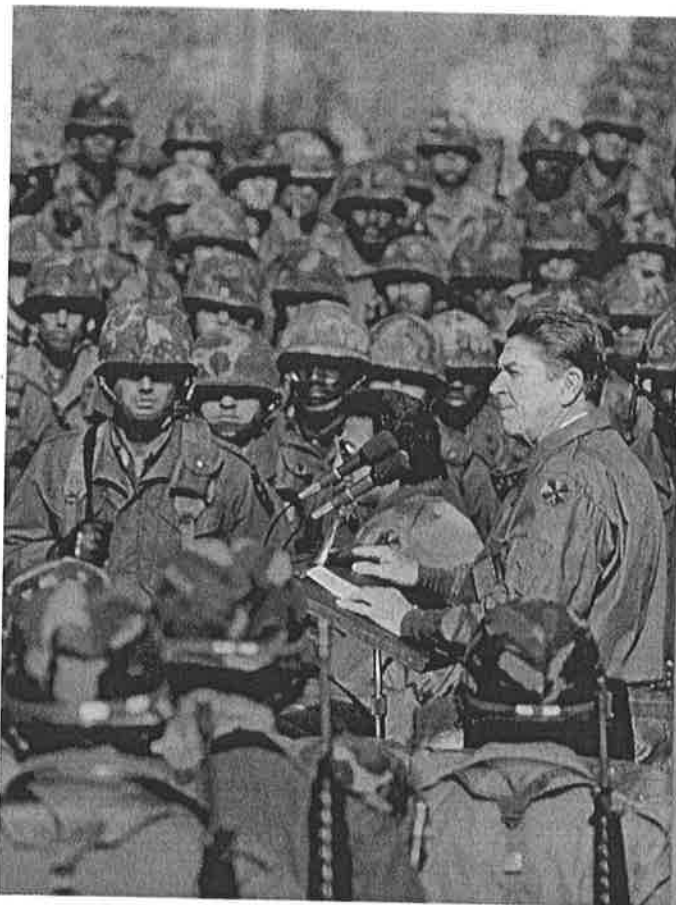
Fighting in Vietnam sparked great social and political unrest in the United States. To limit the President's power to make war, Congress passed the **War Powers Act** in 1973. If the President orders troops to foreign lands, Congress must be informed within forty-eight hours. If Congress does not approve the action or declare war within ninety days, the troops must come home.

Supporters of the act said it simply confirms the constitutional powers of Congress. Opponents argued that it limits the President's ability to respond to emergencies. Some think the act is unconstitutional. The controversy continues

and may not be settled unless it is put before the Supreme Court.

REVIEW

1. Why did Congress feel it needed to pass the War Powers Act?
2. Name as many wars in which Americans have fought as you can.
3. In your opinion, should the President's power to use troops be limited? Why?



President Reagan reviews the troops. Although the President is commander in chief of the armed forces, only Congress has the constitutional right to declare war.