

War Powers: Constitutional & Legislative

War Powers – President (Article II Sections 1, 2, 3)	War Powers – Congress (Article I Sections 7 & 8)	War Powers Resolution
<p><u>Direct War Powers</u></p> <ul style="list-style-type: none"> • Commander in Chief of the Army & Navy • Commander in Chief of the state militias (now the National Guard) • Commission all officers • Appoint ambassadors, ministers and consuls • Make treaties subject to senate confirmation • Receive ambassadors <p><u>Indirect War Powers</u></p> <ul style="list-style-type: none"> • <i>Inherent Powers</i> - Powers the Constitution presumed to have delegated to national government & the President because it is the government of a sovereign state within the world community • “Faithfully execute” the laws • Require the opinion of heads of executive departments • Recommend “measures” to the congress • Upon “extraordinary occasions” convene both houses of congress <p><u>Informal Powers</u></p> <ul style="list-style-type: none"> • <i>Executive Orders</i> – carry force of law (Clinton’s Don’t Ask, Don’t Tell, Truman’s desegregation of the military) • <i>Executive Agreements</i> – trade agreements • <i>Executive Privilege</i> – withhold sensitive information that would compromise national security 	<p><u>Direct War Powers</u></p> <ul style="list-style-type: none"> • Declare war (B) • Raise & support army & navy • Ratify treaties (S) • Advise & consent ambassadors (S) • Make rules concerning captures on land and water (B) • Make rules for the government and regulation of the land and naval forces (B) • Provide for calling forth the militia to execute the laws of the union (B) • Suppress insurrections and repel invasions (B) • Organize, arm, train militia <p><u>Indirect War Powers</u></p> <ul style="list-style-type: none"> • <i>Elastic Clause</i> - Make all laws necessary and proper for carrying out expressed powers in the Constitution • Regulate commerce with foreign nations • Originate tax bill (HR) • Collect taxes, duties, excises (B) • Borrow \$ (B) • Define & punish offenses against the law of nations (B) <p>B = both House & Senate S = Senate only HR = House only</p>	<p><u>Purpose of WPR</u></p> <ul style="list-style-type: none"> • Fulfill intent of the framers • insure “collective judgment” between Congress & the President occurs when US armed forces are introduced into hostilities • Cites necessary and proper clause to grant Congress authority in WPR <p><u>Key Provisions</u></p> <ol style="list-style-type: none"> 1. Whenever possible, the President must consult with Congress BEFORE introducing armed forces into hostilities 2. After troops introduced, consult with Congress regularly until troops removed 3. In absence of declaration of war, the President must submit w/in 48 hours of military deployment a report to Congress 4. President must remove troops after 60 days with an additional 30 days to withdraw troops if Congress has not declared war or given authorization to proceed