

The Commander-in-Chief Power, the War Powers Resolution, and Libya:
Putting Them in Legal and Historical Context

By

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Abstract

On March 19, 2011 President Obama authorized the U.S. military to engage in an international effort to prevent Colonel Muammar Gaddafi from using his security and armed forces to put down the protests of the Libyan people and later to support his opponents in their effort to depose Gaddafi from power. President Obama, unlike President Bush, did not seek Congressional approval for the action.

The Office of Legal Counsel (OLC) provided the Obama Administration with an opinion that, not unlike the opinions written by John Yoo in the Bush Administration, asserted that Congressional approval was not required because President Obama was exercising his powers as Commander-in-Chief to conduct foreign policy. The OLC further opined that the War Powers Resolution (WPR) requirement that the President remove American Forces within 60 days if Congress did not approve of the Libyan action did not apply because the U.S. was providing a supportive role to the international community and as such was not engaged in military action.



Abstract

This paper will review the Obama Administration's assertion regarding the requirements of modern presidents since the passage of the WPR and assert that the WPR has never controlled or limited the power of the President to use the military to assert foreign policy because the WPR opposes more than two hundred years of history in which the President has enjoyed plenary, if not absolute, authority in the use of American military power to implement U.S. foreign policy. Put simply, the WPR flies in the face of both the legal and historical traditions of American history regarding the Commander-in-Chief power and that is why it has not worked from its passage in 1973.



Introduction

- I will make two propositions:
- first, from the very early history of the American republic Presidents have been advised that they possess broad and plenary powers to deal with foreign affairs and military policy, and
- second, the OLC opinions on the legal authority to use military force made by the Bush and Obama Administrations were in line with the historical and legal arguments provided to every President of the United States for more than a century and a half.

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “Our men of war may repel an attack on individual vessels but after the repulse, may not proceed to destroy the enemy’s vessels generally”
 - **The President cannot act offensively**
 - Offensive action is only for Congress to authorize
 - **Commander-in-Chief power is defensive**

- Attorney General
 - Levi Lincoln

- Background
 - President Jefferson
 - May 1801
 - Barbary Pirates
 - Attacks on U.S. shipping in the Mediterranean Sea

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . .there are indeed, cases in which a war between the United States and a public enemy may exist without sanction of Congress – as where an unexpected war is commenced against the United States, and waged before Congress act upon the subject.”
 - “Since Congress had provided funds for the suppression of the Indians, ‘the war, on our part has been waged by authority of the legislative department, to whom the power of making war has been given by the Constitution.’”

- Attorney General
 - Benjamin F. Butler

- Background
 - President Van Buren
 - 1838
 - Indian Wars
 - Need for formal recognition of war

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . . there can be no valid suspension of the writ of habeas corpus under the jurisdiction of the United States, unless when the public safety may require it, in cases of rebellion or invasion. And the opinion is expressed by the commentators on the Constitution, that the right to suspend the writ of habeas corpus, and also that of judging when the exigency has arisen, belong exclusively to Congress”

- Attorney General
 - Caleb Cushing

- Background
 - President Pierce
 - February 1857
 - Power of the President to suspend Habeas Corpus

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “As Commander-in-Chief of the army it is your right to decide according to your own judgment what officer shall perform any particular duty, and as the supreme executive magistrate you have power to appoint. Congress could not, if it wanted, take way from the President, or in any way diminish the authority conferred upon him by the Constitution.”

- Attorney General
 - Jeremiah Black

- Background
 - President Buchanan
 - July 1860
 - Power to define the roles, purposes, duties and deployment of the Army and Navy officers

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “As the political chief of the nation, the Constitution charges him with its preservation, protection, and defense. . . .”
 - “The last clause of the oath is peculiar to the President. All the other officers of the Government are required to swear only “to *support* this Constitution;” while the President must swear to “*preserve, protect and defend*” it, which implies the power to perform what he is required in so solemn a manner to undertake.”

- Attorney General
 - Edward Bates

- Background
 - President Lincoln
 - July 1861
 - Suspension of the Habeas Corpus

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “And this injunction, embracing as it does all the laws – Constitution, treaties, statutes – is addressed to **the President alone, and not to any other department** or officer of the government. And this **constitutes him, in a particular manner**, and above all other officers, **the guardian of the Constitution – its preserver, protector, and defender.**”

- Attorney General
 - Edward Bates

- Background
 - President Lincoln
 - July 1861
 - Suspension of the Habeas Corpus

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . . the President must, of necessity, be the sole judge, both of the exigency, which requires him to act, and of the manner in which it is most prudent for him to employ the powers entrusted to him, to enable him to discharge his Constitutional and legal duty. . . . And this discretionary power of the President is fully admitted by the Supreme Court”

- Attorney General
 - Edward Bates

- Background
 - President Lincoln
 - July 1861
 - Suspension of the Habeas Corpus

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . . as Commander-in-Chief of the Army, the President is by the Constitution invested with authority to constitute general courts-martial, and, consequently, can legally exercise such authority without a legislative grant.”
 - Within the title of Commander-in-Chief is the authority to maintain discipline in the ranks.
 - **The inherent power does not require Congressional approval.**

- Attorney General
 - Charles Devens

- Background
 - President Hayes
 - June 1877
 - Power of the President to convene courts martial in the absence of Congressional approval

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “The preservation of our territorial integrity and the protection of our foreign interests is instructed, in the first instance, to the President.”
- “. . . the President is not limited to the enforcement of specific acts of Congress. He takes a solemn oath to faithfully execute the office of President, and to preserve, protect, and defend the Constitution of the United States. To do this he must preserve, protect, and defend those fundamental rights which flow from the Constitution itself and belong to the sovereignty it created.”

□ Attorney General

- John Richards

□ Background

- President McKinley
- January 1898
- President’s authority to regulate international communication

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “. . . beginning with the time of President Jefferson, and running on down to the present, the Executive has consistently . . . declared that it possessed the right to protect with the forces of the United States the life and property of American citizens”
- “[T]he landing and operation of American forces in foreign countries for the protection of American citizens do not constitute either a declaration of war or acts of war, though it is quite obvious that such acts may lead to a state of war if resistance is encountered.”

□ Solicitor of Department of State

- J. Reuben Clark

□ Background

- President Taft
- August 1912
- Memo on Presidential power to deploy U.S. forces
- Definition of war
- Congressional power

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “The Constitution . . . authorizes Congress ‘to declare war.’ It does not . . . empower the Congress to authorize the President to use the forces of the United States to perform on foreign soil services or acts not amounting to acts of war.”
- “. . . [I]t is not believed that Congress may, merely because it is authorized to declare war . . . be considered as possessing the power to direct the President in the employment of forces in operations not amounting to war against a foreign country.”

□ Solicitor of Department of State

- J. Reuben Clark

□ Background

- President Taft
- August 1912
- Memo on Presidential power to deploy U.S. forces
- Definition of war
- Congressional power

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “The President . . . is Commander in Chief of the Army and the Navy. In the preservation of the safety and integrity of the United States and the protection of its responsibilities and obligations as a sovereignty, his powers are broad.”
 - “If the President is of the opinion that the relations of this country with foreign nations are, or are likely to be, endangered by actions deemed by him inconsistent with a due neutrality, it is his right and duty to protect such relations”

- Attorney General
 - T.W. Gregory

- Background
 - President Wilson
 - September 1914
 - Power of the President to censor radio transmissions during a state of war

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . . the Executive has powers not enumerated in the statutes . . .but from the Constitution.”
 - “These Constitutional powers have never been specifically defined, and in fact cannot be, since their extent and limitations are largely dependent upon conditions and circumstances.”
 - “The right to take specific action might not exist under one state of facts, while under another it might be the absolute duty of the Executive to take such action. “

- Attorney General

- Frank Murphy

- Background

- President Roosevelt
- October 1939
- Power of the President in times of national emergency
 - Fact specific

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “[The first] power of the Commander in Chief of the Army and Navy of the United States, which is conferred upon the President by the Constitution but **is not defined or limited.**”
 - “The Second power to be considered is that **control of foreign relations which the Constitution vests in the President as part of the Executive function.**”

- Attorney General
 - Robert Jackson

- Background
 - President Roosevelt
 - August 1940
 - Lend Lease program with Great Britain
 - Ships for rights to military bases

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “Indeed the President’s authority has long been recognized as extending to the dispatch of armed forces outside of the United States, either on missions of good will or rescue, or for the purpose of protecting American lives or property or American interests.”
 - “I have no doubt of the President’s authority to utilize forces under his command to instruct others in matters of defense which are vital to the security of the United States.”

- Attorney General
 - Robert Jackson

- Background
 - President Roosevelt
 - May 1941
 - Training British pilots by American military officers

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “As Chief Executive and as Commander-in-Chief of the Army and Navy, the President possesses an aggregate of powers that are derived from the Constitution and from various statutes enacted by the Congress for the purpose of carrying on the war.”
- Aggregate powers
 - Take care clause
 - Commander-in-Chief clause
 - Chief executive clause
- In time of war, control and protection of the economy is under the Commander-in-Chief clause because of the nature of modern warfare

□ Attorney General

- Francis Biddle

□ Background

- President Roosevelt
- April 1944
- Presidential power to seize the facilities of Montgomery Ward and Company
 - Mail system

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - As Commander-in-Chief his authority “to send the Armed Forces outside the country is not dependent on Congressional authority” and “throughout its history, upon orders of the Commander-in-Chief. . . without congressional authorization [Presidents have] acted to prevent violence and unlawful acts in other [countries] from depriving the United States . . . of [its] peace and security.”
 - Opinion cited 85 prior instances in which Presidents have used military force as part of an international force

- U.S. State Department

- Background
 - President Truman
 - July 1950
 - Legal authority to intervene in North Korea invasion of South Korea

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - Blockade is only lawful in times of war
 - “. . . assuming the existence of a state of war, both practice and authority indicate that the President, in the exercise of his constitutional power as commander in chief, can order a blockade of the enemy.”

- Office of Legal Counsel
 - Robert Kramer

- Background
 - President Kennedy
 - January 1961
 - Blockade of Cuba
 - Before the crisis
 - Presidential Authority to impose a blockade

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “[P]ractice and authority support the proposition that the President . . . can order a blockade **without prior congressional sanction and without a declaration of war by Congress.**”
 - “. . .with or without the Congressional Resolution of October 3, 1962, (PL 87-733), the President could declare a blockade of Cuba, and it is doubtful if Congress could circumscribe this right.”

- Office of Legal Counsel
 - Unsigned

- Background
 - President Kennedy
 - October 19, 1962
 - Blockade of Cuba
 - During the crisis
 - Presidential Authority to impose a blockade
 - War & blockade

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . .no question in present circumstances of the President’s authority to commit United States forces to the defense of South Viet-Nam Under the Constitution, the President . . . holds the prime responsibility for the conduct of United States foreign relations. These duties carry very broad powers, including the power to deploy American forces abroad and commit them to military operations when the President deems such action necessary to maintain the security and defense of the United States.”

- State Department
 - Leonard Meeker

- Background
 - President Johnson
 - March 1966
 - Vietnam
 - Authority to send military

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - Congress is too slow to utilize the make war power
 - “Madison and Gerry then moved to substitute ‘to declare war’ for ‘to make war,’ ‘leaving to the Executive the power to repel sudden attacks.’ It was objected that this might make it too easy for the Executive to involve the nation in war, but the motion carried with but one dissenting vote.”
 - “Constitution leaves to the President the judgment to determine whether the circumstances of a particular armed attack are so urgent and the potential consequences so threatening to the security of the United States that he should act without formally consulting the Congress.”

- State Department
 - Leonard Meeker

- Background
 - President Johnson
 - March 1966
 - Vietnam
 - Authority to send military
 - Distinction between make & declare war

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “[I]t is well to first dispel any notion that the United States may lawfully engage in armed hostilities with a foreign power only if Congress has declared war. From the earliest days of the republic, all three branches of the federal government have recognized that this is not so, and that not every armed conflict between forces of two sovereigns is ‘War.’”

- Office of Legal Counsel
 - William H. Rehnquist

- Background
 - President Nixon
 - May 1970
 - Authority of President to use military to attack Cambodia

War Powers Act November 1973

- “[2](c) **Presidential executive power as Commander – in – Chief; limitation:** The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised **only pursuant** to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.” 50 USC § 1541(c).
- “[Section 3: **Consultation]** The President in every possible instance **shall consult with Congress before introducing United States Armed Forces into hostilities** or into situation where imminent involvement in hostilities is clearly indicated by the circumstances, **and after every such introduction shall consult regularly with the Congress** until □ United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.” 50 USC §1542.
- “[5](b) **Termination of use of United States Armed Forces; exceptions; extension period:** **Within sixty calendar days . . . the President shall terminate any use of United States Armed Forces . . . unless the Congress** (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. . . . “[5](c) **Concurrent resolution for removal by President of United States Armed Forces** notwithstanding subsection (b) . . . without a declaration of war or specific statutory authorization, such forces **shall be removed by the President if the Congress so directs by concurrent resolution.**” 50 USC §1544(b)(c)

War Powers Resolution

- “House Joint Resolution 542 would attempt to take away, by a mere legislative act, authorities which the President has properly exercised under the Constitution for almost 200 years. **One of its provisions would automatically cut off certain authorities after sixty days unless the Congress extended them. Another would allow the Congress to eliminate certain authorities merely by the passage of a concurrent resolution--an action which does not normally have the force of law, since it denies the President his constitutional role in approving legislation.**”

- War Powers Resolution
 - Veto message

- Background
 - President Nixon
 - October 24, 1973
 - WPR
 - Section 5(b) and (c)

War Powers Resolution

- “I do not, however, believe that the Congress can responsibly contribute its considered, collective judgment on such grave questions without full debate and without a yes or no vote. Yet this is precisely what the joint resolution would allow. It would give every future Congress the ability to handcuff every future President merely by doing nothing and sitting still.”

- War Powers Resolution
 - Veto message

- Background
 - President Nixon
 - October 24, 1973
 - WPR
 - Section 5(b) and (c)

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power

- “. . .from a legal point of view . . . Congress cannot by statute circumscribe a power which is derived from the Constitution.”
- Presidents power to use the military is broader than the three aspects of the WPR.

- State Department

- Monroe Leigh

- Background

- President Ford
- May 7 & June 4 1974
- WPR House hearing
 - Vietnam evacuations
 - Cambodia evacuation
 - SS Mayaguez
 - Section 2(c)

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - Rejected the notion that the WPR delegates power to the President or controls the Commander-in-Chief power. Rejected the assertion that section 3 consult provision equals prior approval.
 - “It is, as Senator Javits was saying, a procedural scheme for arranging an interchange in what is obviously a difficult area between the two branches of the Government, but I don’t think there is any delegation here.”

- State Department
 - Monroe Leigh

- Background
 - President Ford
 - May 7 & June 4 1974
 - WPR House hearing
 - Vietnam evacuations
 - Cambodia evacuation
 - SS Mayaguez
 - Section 3

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “Our history is replete with instances of presidential use of military force abroad in the absence of prior congressional approval.”
- “The power to deploy troops abroad without the initiation of hostilities is the most clearly established exercise of the President’s general power as a matter of historical practice.”
- Rejected, as did Presidents Nixon and Ford, that the WPR section 5(b) 60 day rule limits the power of the President.

□ Office of Legal Counsel

- John Harmon

□ Background

- President Carter
- February 1980
- Iran Hostages

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “Congress may regulate the President’s exercise of his inherent powers by imposing limits *by statute*. **We do not believe that Congress may, on a case-by-case basis, require the removal of our armed forces by passage of a concurrent resolution** which is not submitted to the President for his approval or disapproval pursuant to Article I, § 7 of the Constitution.
- **The Practical effect of the 60-day limit is to shift the burden to the President to convince the Congress of the continuing need for the use of our armed forces abroad.** We cannot say that placing that burden on the President unconstitutionally intrudes upon his executive powers.”

□ Office of Legal Counsel

- John Harmon

□ Background

- President Carter
- February 1980
- Iran Hostages
- WPR section 5(b)

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “The Executive Branch has taken the position from the very beginning that § 2(c) of the WPR does not constitute a legally binding definition of Presidential authority to deploy our armed forces. The Department of State’s position set forth in a letter of November 30, 1973 was that § 2(c) was a “declaratory statement of policy.” Were the Executive to concede that § 2(c) represented a complete recitation of the instances in which United States Armed Forces could be deployed without advance authorization from Congress, the scope of the Executive’s power in this area would be greatly diminished.”

□ Office of Legal Counsel

- Theodore Olsen

□ Background

- President Reagan
- October 1984
- Summary memo on the Commander-in-Chief power to deploy forces and the significance of WPR

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “. . . any statute infringing upon the President’s inherent authority to conduct foreign policy would be unconstitutional and void”
- “On these facts, we conclude that the President was within his authority in maintaining the secrecy of this sensitive diplomatic initiative from Congress until such time as he believed that disclosure to Congress would not interfere with the success of the operation.”

□ Office of Legal Counsel

- Charles Cooper

□ Background

- President Reagan
- December 1986
- Memo regarding presidential reporting of diplomatic efforts prior to informing Congress

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “We believe that because the Constitution permits the President, where necessary, to act secretly to achieve vital national security objectives abroad, a rigid requirement of prior notice for covert operations impermissibly intrudes upon his constitutional authority.”
 - “Accordingly, however broad the Congress’s appropriations powers may be, the power may not be exercised in ways that violate constitutional restrictions on its own authority or that invade the constitutional prerogatives of other branches.”

- Office of Legal Counsel
 - William Barr

- Background
 - President G.W. Bush
 - July 1989
 - Proposed legislation that would put controls on spending of covert operation funds without Congressional approval

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “The [WPR] necessarily presupposes the President’s authority, even in the absence of express authorization by Congress, to deploy troops in circumstances such as those here. Where (as here) the President would be ordering United States forces into foreign territory while equipped for combat, **the Resolution requires a report to Congress.** The Resolution thus assumes that the President sometimes may order such deployments without prior statutory authorization.”

- Office of Legal Counsel
 - William Dellinger

- Background
 - President Clinton
 - November 1995
 - Deployment of military forces to Bosnia to assist NATO

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “While ‘the constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping,’ **Congress may not deploy that power so as to exercise functions constitutionally committed to the Executive alone, . . . Nor may Congress legislate in a manner that ‘impermissibly undermine[s]’ the powers of the Executive Branch.**”
- “Even though there are areas in which Congress and the President have a constitutional voice . . . it may not impose constraints in the areas that the Constitution commits exclusively to the President.”

□ Office of Legal Counsel

- William Dellinger

□ Background

- President Clinton
- May 1996
- Proposed legislation to prevent funds from supporting US forces from serving under United Nations control

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . . the Constitution vests the President with the plenary authority, as Commander in Chief and the sole organ of the Nation in its foreign relations, to use military force abroad - especially in response to grave national emergencies created by sudden, unforeseen attacks on the people and territory of the United States.”

- Office of Legal Counsel
 - John Yoo

- Background
 - President Bush
 - September 2001
 - Events of 9/11

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . . **historical practice** of presidential military action without congressional approval **precludes any suggestion that Congress’s authority to declare war covers every military engagement**, however limited, that the President initiates.”

- Office of Legal Counsel
 - Caroline D. Krass

- Background
 - President Obama
 - April 2011
 - Enforcement of U.N. Resolution to enforce no-fly zone in Libya

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “. . . the President’s legal authority to direct military force in Libya turns on two questions:
 - first, whether United States operations in Libya would **serve sufficiently important national interests** to permit the President’s action as Commander in Chief and Chief Executive and pursuant to his authority to conduct U.S. foreign relations; and
 - second, **whether the military operations** that the President anticipated ordering would be **sufficiently extensive in “nature, scope, and duration” to constitute a “war”** requiring prior specific **congressional approval** under the Declaration of War Clause”

- Office of Legal Counsel
 - Caroline D. Krass

- Background
 - President Obama
 - April 2011
 - Enforcement of U.N. Resolution to enforce no-fly zone in Libya
 - Declare War Clause
 - Clinton OLC opinions

Views of Attorneys General

- Opinion regarding Commander-in-Chief Power
 - “We have acknowledged one possible constitutionally-based limit on this presidential authority to employ military force in defense of important national interests—a planned military engagement that constitutes a “war” within the meaning of the Declaration of War Clause.”
 - Two factors define the Declaration of War Clause and limit presidential power

- Office of Legal Counsel
 - Caroline D. Krass

- Background
 - President Obama
 - April 2011
 - Enforcement of U.N. Resolution to enforce no-fly zone in Libya
 - Declare War Clause
 - Clinton OLC opinions

Views of Attorneys General

□ Opinion regarding Commander-in-Chief Power

- “The OLC opined that if in 1994 the deployment of more than 20,000 troops to Haiti to reinstall the legitimately elected government was not a “war” that required advance congressional approval and in 1995, if the dispatching of 20,000 troops to enforce a peace agreement in Bosnia and Herzegovina was not a ‘war’ although there was some risk of casualties due to hostilities ---
- Then the deployment of U.S. airpower without ground troops and no direct military engagement with the Libyan forces could not be ‘war’ requiring Congressional approval.”

□ Office of Legal Counsel

- Caroline D. Krass

□ Background

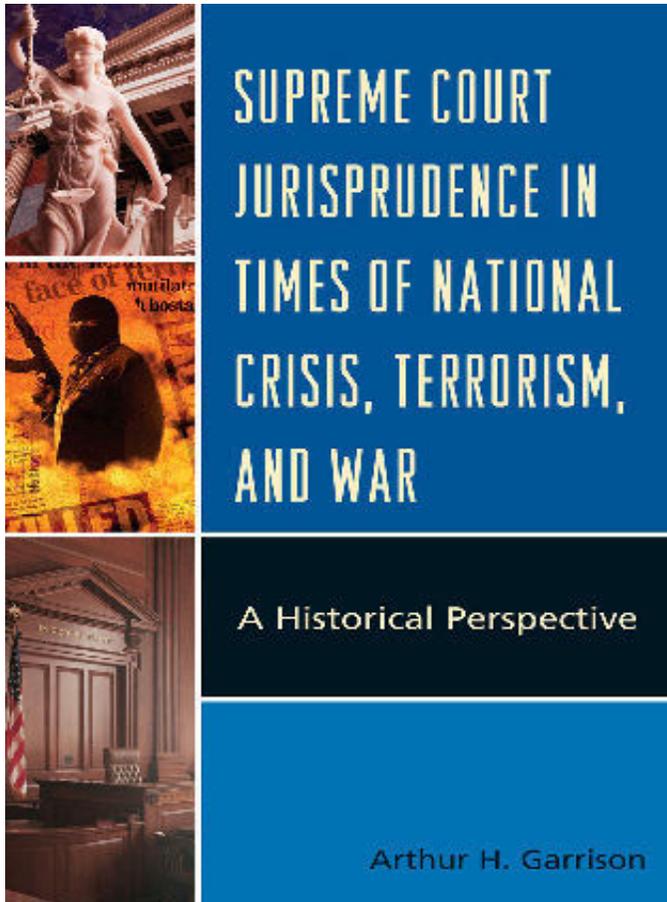
- President Obama
- April 2011
- Enforcement of U.N. Resolution to enforce no-fly zone in Libya
- Declare War Clause
 - Clinton OLC opinions



Conclusion

- The Commander-in-Chief Power, the General Executive Power, and the Faith Execution of the Law Power in Article II of the Constitution form the legal basis for Presidential control over foreign policy.
- Every President from Washington to Obama has asserted that foreign policy development is an executive function.
- Every President, after Jefferson, has asserted the power to use the armed forces as a tool for protection of U.S. interests regardless of Congressional prior approval.
- The Obama Administration's assertion that the WPR was no bar to presidential use of the armed forces to enforce the UN resolution against Libya without Congressional prior approval did not break new ground. It was simply the continuation of current practice.

Questions?



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- Thank you