



## Civitas Mock Legislature Background Paper

### Congressional Control of Going to War

1. Article I, Section 8, Clause 11 of the U.S. Constitution grants Congress the power “to declare war.”
2. The last time that Congress did that was on December 8, 1941, the day after Japan attacked the U.S. Navel Fleet at Pearl Harbor, Hawaii. President Franklin Roosevelt called that day, Dec. 7, 1941, a “day that will live in infamy.”
3. Since that declaration of war in 1941, the United States has been involved in the following military conflicts, none of which have been authorized by a Congressional Declaration of War:
  - a. 1950 – 1953 – Korean War
  - b. 1961 – Cuba (Bay of Pigs)
  - c. 1961 – 1973 – Vietnam War
  - d. 1965 – Dominican Republic
  - e. 1982 – Lebanon
  - f. 1983 – Grenada
  - g. 1989 – Panama
  - h. 1991 – Gulf War (Kuwait & Iraq)
  - i. 1993 – Somalia
  - j. 1994 – Haiti
  - k. 1994-1995 – Bosnia

- l. 1999 – Kosovo
  - m. 2001- Present – Afghanistan
  - n. 2003 – 2010 --Iraq
4. What does it mean that the United States has gone to war fourteen times consecutively without the president asking the Congress for a Declaration of War or the Congress stepping up on its own to either:
    - a. Officially declare war, **or**
    - b. Use the War Powers Act to prevent the president from going to war more than 60 days.
  5. What are the arguments for a president to be able to take the United States to war on his or her own; without consent from Congress?
  6. What are the arguments for Congress to insist that a president cannot proceed with a war for more than 60 days without the consent of Congress?
  7. Not exactly related, but do you think that if a majority of the Members of Congress think that the president is not doing a good job of negotiating with other countries on behalf of the United States that Congress ought to set guidelines and expectations for negotiations, particularly about peace?