

1812: Congress's First Declaration of War Under the Constitution

Worksheet 2: The Constitutional Context for Declaring War

Instructions: Analyze and discuss the following excerpts from the Constitution. Select a spokesperson to report your discussion to the class.

The Constitution of the United States

Article I, Section 8

The Congress shall have Power To...

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress...

Article II, Section 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States

1. To which branch of government did the Founders assign the power to declare war?
2. What role did the Founders assign to the President in declaring war?
3. What roles did the Founders give to Congress and the President in prosecuting a war after the declaration? Overall, to which branch did the Founders assign more power over questions of war? Explain your answer.
4. To what extent does this division of war power reflect the Founders concept of separation of powers?
5. How are the constitutional war-related roles of Congress and the President different from one another?