

Congress, the President, and the War Powers

Handout 1: Quotes from the War of 1812

President James Madison's Message to Congress, November 5, 1811; Records of the U.S. Senate, National Archives:

With this evidence of the hostile inflexibility [of Great Britain], in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops...

Representative Peter Porter's minutes of the House Committee on Foreign Relations Meetings February 11, 1812; Records of the Buffalo and Erie County Historical Society:

That the President deemed it a departure from the correct course of his official duties to hold formal & written communications with a committee of the House on the subject of the resolution [soliciting the President's opinion on the needed size of the military force], and therefore declined giving the written opinion requested by the Committee.

The President has however remarked, by way of answer to the request contained in the resolution, that the committee were already in possession of the opinions of the Executive in respect to the number and species of troops proper to be provided, through the channel of informal communication hitherto pursued by the committee & the Executive.

Speaker of the House Henry Clay to Secretary of State James Monroe, March 15, 1812; Papers of James Monroe, Manuscript Division, Library of Congress:

Altho' the power of declaring War belongs to Congress, I do not see that it falls less within the scope of the President's constitutional duty to recommend such measures as he shall judge necessary and expedient than any other which, being suggested by him, they alone can adopt.

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Handout 2: Balance of Power



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Handout 3: Document List

Group 1: Mexican War

- ❖ Henry Clay's Speech in Lexington, November 13, 1847 (excerpts), in *The Papers of Henry Clay*, vol. 10, eds. Melba Porter Hay and Carol Reardon, (Lexington: University Press of Kentucky, 1991), 361-377. [Full text](#).
- ❖ Representative Abraham Lincoln's "Spot" Resolutions, December 22, 1847 (facsimile, 3 pages). Records of the U.S. House of Representatives, National Archives Building, Washington, D.C. NAID [306605](#). [Transcript](#).

Group 2: Mid-19th Century

- ❖ President James Buchanan's message to Congress requesting legislation to protect Americans in the Isthmus of Panama, February 18, 1859 (facsimile, 3 pages). Records of the U.S. Senate, National Archives Building, Washington, D.C. NAID [7788754](#).
- ❖ President Abraham Lincoln's Special Session Message to Congress, July 4, 1861 (excerpts), in *A Compilation of the Messages and Papers of the Presidents*, vol. 7, ed. James D. Richardson, (New York: Bureau of National Literature, 1897). [Full text](#).

Group 3: World War II

- ❖ Neutrality Act of 1935, S.J. Res. 173, August 31, 1935 (excerpts). 74th Congress, Records of the U.S. Senate, National Archives Building, Washington, D.C.
- ❖ "Day of Infamy" message to Congress from President Franklin Delano Roosevelt concerning the Japanese attack on the United States at Pearl Harbor, December 8, 1941 (facsimile, 3 pages). Records of the U.S. Senate, National Archives Building, Washington, D.C. NAID [595426](#).

Group 4: Post War

- ❖ President Harry Truman's statement on Korea, June 27, 1950 (facsimile). Papers of George M. Eley, Harry S. Truman Presidential Library, Independence, Missouri. [Transcript](#).
- ❖ Gulf of Tonkin Resolution, as introduced, August 5, 1964 (facsimile, 2 pages). Records of the U.S. Senate, National Archives Building, Washington, D.C. NAID [2127364](#).

Modern Era

- ❖ President Richard Nixon's Veto of the War Powers Resolution, October 24, 1973 (excerpts). Records of the U.S. Senate, National Archives Building, Washington, D.C. [Transcript](#).
- ❖ President George Bush's [Statement](#) on Signing the Authorization for Use of Military Force Against Iraq Resolution of 2002, October 16, 2002 (facsimile). George W. Bush Presidential Library.

Online documents are available from [Online Public Access](#) by searching for the National Archives Identifier (NAID).

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Worksheet 1: Decoding the Documents

Document title: _____

1. What kind of document is it? (newspaper, official record, photo, drawing, advertisement, personal letter, public statement, petition, etc.)
2. Who is the author of the document? Why was it created?
3. What ideas are asserted about the proper role of the legislative branch in relation to war powers?
4. What ideas are asserted about the proper role of the executive branch in relation to war powers?
5. What is the historical context of this document? How does the context affect your interpretation of the war powers issue?
6. At this point in time, do you think the exercise of the war powers by the executive and legislative branches were in balance? Was one branch more dominant than the other? By how much? What would the Founders think?