The history surrounding the pursuits of war and peace for the United States spans from the Revolutionary War over 200 years ago to the U.S. soldiers stationed halfway around the world in commitment to international peace in the new millennium. It was not until more recently in this history, that the War Powers of the executive and legislative came into question, with Congress seeking to restore its role in war making decisions. The War Powers Resolution, adopted in 1973, is the manifestation of this inquiry. To better understand the War Powers Resolution and the history behind it, one must examine the history of the War Powers, including constitutional guarantees, and how they have been carried out through history, the War Powers Resolution itself, and the implementation of the Resolution by the president since its adoption.

From the first battles fought after the ratification of the Constitution, to modern wars fought halfway around the world, the war powers granted to legislative and executive branches by the Constitution have been a topic of debate. Over the last two centuries, presidents, lawmakers, and judges have all weighed in with their opinions and views of these powers. Each definition of the war powers by these statesmen differs to some degree with the one common goal of protecting American sovereignty. In order to examine those powers granted by the constitution, I will break this discussion into three
parts: the role of the president as Commander-in-Chief, the debate of inherent vs. granted war powers, and finally, the declaration of war throughout American history to the Vietnam War.

**The President as Commander-in-Chief**

Clause 1 of Article 1, Section 2 of the Constitution grants the president power as Commander-in-Chief over the armed forces of the United States, upon their entrance into service. This solitary sentence, like the rest of the U.S. Constitution, allows for broad interpretation in a number of situations. It does not clearly define the duties of the commander-in-chief with respect to the limits of his power during wartime or peacetime. Despite its vagueness, it appears that this clause was not hotly debated but rather strongly favored by the Continental Congress and subsequent state legislatures during ratification. It seemed favorable to grant this power to a single person who was politically dependent on the nation, who would be more expedient and efficient in decision-making than a group of statesmen. However, as smooth as the naming of the president as commander-in-chief was, much debate later focused on the actual duties of the man in this position (FindLaw Annotations, *U. S. Constitution, Article II, Section 2, Clause 1, President as Commander-in-Chief*). These debates ranged from the chief executive simply issuing orders, to actually leading troops into battle. The responsibilities given the president as Commander-in-Chief have been tested time and time again throughout history. As we will see later in our analysis, presidents have used their title to commit troops into hostile action, initiate missions of national defense, and even dictate domestic economic policy.

**The War Powers: Inherent vs. Constitutionally Granted**

For over 150 years, the war powers were continuously examined and redefined according to the opinions and views of a variety of political actors. Hamilton argued that the war powers were a collective of responsibilities and duties stemming from Article 1, Section 8 of the Constitution. Conversely, some argued that the War Powers were granted to the U.S. as a sovereign nation, and depended on that sovereignty, not the
Justice Marshall, however, stated, “the power to wage war is implied from the power to declare it” (FindLaw Annotations, *U. S. Constitution, Article I, Section 8, Clause 11, The War Power*). These three differing views boil down to a debate on whether the war power is inherent, due to national sovereignty, or granted by the Constitution.

The case for the war power as an inherent concept found its greatest defense in the 1936 case of the *United States v. the Curtiss-Wright Corporation*. Judge Sutherland concluded this case by comparing the post-revolutionary assemblage of colonies as a single agent. He stated that this agent adopted the powers of external sovereignty from the crown as a unified actor, not as each separate colony. He cites the actions of this assemblage of colonies, in such matters as foreign affairs, as an example of the unity of the colonies as one state. As a unified force, they are responsible for acting in the common defense of the nation, and therefore accept the right to wage war as an inherent power.

In contrast, in *Lichter v. the United States*, the approach of the court seems to be that the war powers are granted by the Constitution. In addition to the obvious power granted Congress “to raise and support an army,” the court also cited the legislative power, “to make all laws which shall be necessary and proper for carrying into Execution the foregoing powers.”

**The History of the War Powers through the Vietnam War**

American history has seen a common pattern when presidents act in defense of the nation. Presidents have many times throughout history committed troops to war or hostility without consultation or proper declaration of war from Congress. In a way, the actions of the president are a double standard. On the one hand, the framers did not want declaration of war to fall solely on one branch of government, and hence a concurrence of both Congress and the president to pass such a declaration. However, many presidents feel that a quick response is in the best interest of the nation. Hence, we see up until the Vietnam War, presidents acted according to their administration’s position and hoped for congressional approval later.

One of the first cases regarding this type of presidential prerogative was that of
Lincoln’s blockade of the south after the attack on Fort Sumter. In 1861, after the Confederacy’s attack, Lincoln immediately ordered a naval blockade, without a formal declaration of war from Congress. The legislature later ratified his action and the court held, in a five to four decision, that the act was lawful under the president’s prescribed powers. The majority opinion was that the attack on Fort Sumter automatically threw the U.S. into a state of war, and to wait for Congress to declare it was unnecessary.

During World War II, President Roosevelt used his duties as Commander-in-Chief to steer not only troops abroad, but the economy at home. In 1942, he addressed Congress with the intention of repealing the Emergency Price Control Act. He claimed that as president, he had a duty to destroy any barriers that would hinder American victory in the war. By repealing the price controls, he hoped to stimulate the economy, which would in turn benefit the war effort. In the most poignant statement of the speech, Roosevelt warned Congress, “In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act” (FindLaw Annotations, U. S. Constitution, Article II, Section 2, Clause 1, President as Commander-in-Chief).

Perhaps no other armed conflict turned the spotlight on the War Powers more than the Vietnam War. President Eisenhower was the first to send troops to Vietnam in support of the anti-communist regime of South Vietnam. President Kennedy furthered American participation by sending 4000 more troops to Saigon in the early 1960’s. By 1964, 17,000 troops were stationed in South Vietnam to advise and train the Vietnamese army. It was not until well into Lyndon Johnson’s first elected term as president, that Congress was asked for its support of the mission in Southeast Asia. President Johnson asked the Congress for a resolution pledging American support of the anti-communist government. The legislature responded with the Gulf of Tonkin Resolution which allowed the president to take “all necessary measures” to stop further aggression and attacks on U.S. troops. The number of American troops grew through the 1960’s until it peaked at 543,000 troops in 1969 (Federation of American Scientists, <http://www.fas.org/man/dod-101/ops/vietnam.htm>). The Vietnam War was a failure for the United States and their fight against communism. The U.S. troops were under many restrictions when fighting the Vietcong, including not being able to invade parts of
North Vietnam, and Vietcong shelters like Laos and Cambodia. Furthermore, the US troops were unaccustomed to jungle warfare and lacked an intimate knowledge of the landscape. It was for these reasons, and many more, that serviceman after serviceman were either killed or captured. The outrage of the war began to escalate in the US, and soon mothers were begging their member of Congress to bring their boys home. It is at this point in time that many legislators started to review the powers granted to the executive, and their own branch, to try and bring an end to the deaths of Americans abroad. Unlike the Civil War or either of the World Wars, Vietnam became the blemish on the record of the American military, and so too, on the powers of the government. In response to the Vietnam War, both Houses of Congress proposed legislation designed to incorporate a congressional role in war making. Eventually, Congress proposed the War Powers Resolution that more clearly defined both the roles of the legislative and executive branches. After a struggle between the branches, this resolution did become law, and has been in practice since 1973. In this section, I will give a brief history of the creation of the War Powers Resolution, discuss each of its sections, and summarize what the Resolution entails for each of the branches.

The History of the War Powers Resolution

As mentioned above, as the war in Vietnam escalated, so did the anti-war sentiment in the U.S. Year after year more troops were sent home in body bags, with no end or victory in sight. The number of troops sent to Southeast Asia had increased dramatically each year since the Eisenhower administration, and back in the states, young high school seniors dreaded their graduation into an armed conflict halfway around the world. The pleas of these young men, their mothers, and the families of those already waging war did not go unheard by the government. In response to the staggering statistics from the frontlines, many in Congress began to formulate a plan to put an end to this hopeless cause. This plan, after several drafts, failed bills, and a presidential veto, eventually manifested itself as the War Powers Resolution.

The War Powers Resolution was a bill that was designed to restore the powers of war powers of Congress as granted by the Constitution. The hope was that Congress would
become an active player in the war-making process, whether it was a full-fledged war, or even a routine military operation to rescue Americans abroad. Representatives and Senators alike saw too much power wielded in the hands of one man, and had seen four presidents continually escalate the Vietnam conflict with little legislative interaction. The steps taken towards the creation of the War Powers Resolution played out as a contest between the House, the Senate, and of course, the president. Each institution was adamant on maintaining its vision of the War Powers, the House and Senate through new legislation, and the president through veto of such legislation. The first move in the direction of a war powers resolution took place in 1969, with the War Powers Resolution itself not taking effect until 1973. For four years, each house tossed bill after bill into committee, with a presidential veto looming overhead. However, after much deliberation and a final compromise, Congress was able to pass legislation that overturned the president’s veto.

The first push in this direction was in 1969 when the Senate adopted a resolution stating, “that a national commitment could result only from affirmative action taken by the executive and legislative branches of the United States government by means of a treaty, statute or concurrent resolution of both Houses of Congress specifically providing for such commitment” (Franck, 611). This resolution did not pass the House and therefore did not carry the weight of law, but it did spark debates for future action.

Not to be outdone, the House of Representatives began to devise their own resolution in the early 1970’s. Their legislation, H.J.Res 1355 in 1970 and H.J.Res.1 in 1971, was much less restrictive than the Senate’s. The House resolutions would have required the president to report to Congress after troops were committed into combat. Furthermore, the resolutions did not require congressional authority to initiate or terminate a commitment. The Senate did not pass either bill, instead creating a stricter legislation, S. 2956 in 1972. This bill set limits on the role of the president as Commander-in-Chief and enumerated situations in which he was able to introduce armed forces into hostilities. These were: 1) repelling an attack against the United States, 2) responding to an attack against the United States, 3) protecting U.S. citizens while evacuating them from abroad, and 4) acting pursuant to specific statutory authorization. Furthermore, the Senate put a
30-day limit on any action taken, and reserved the right to bring troops back ahead of schedule by an act or resolution of Congress. Like the House bills, this Senate attempt died in conference in 1972.

In 1973, each House introduced new bills and seemed to be drawing closer to a compromise. The Senate passed S.440, which was virtually the same as S.2956, while the House passed H.J.Res.542, which although considerably different than the Senate’s, was much stronger than the House’s first attempt. It did not enumerate circumstances, as the Senate’s did, but this resolution did set up two important time limits. It said that 48 hours after committing troops, the president must make a report to Congress and it also put a 120-day time limit on the commitment of troops. The most controversial part of the resolution was the “congressional veto,” which allowed the Congress, by concurrent resolution, to terminate any operation abroad, before the end of the 120-day period.

In July of 1973, with a presidential veto promised, both resolutions passed their respective houses and were sent to conference. In October, a final compromise was reached, and a new resolution was created that was similar to the House resolution. The Senate’s enumeration of circumstances was gone as was their 30-day cutoff. The House’s 120-day time limit was reduced to 60 days in which the president could commit troops without a declaration of war. It also allowed for a 30-day extension to be granted by Congress. The congressional veto by concurrent resolution remained as well.

This resolution passed both Houses, but not with the 2/3 majority in the House of Representatives that would be needed to override the president’s veto. The veto came on October 24, 1973, and sent many congressmen lobbying for votes to overturn it. On November 7, after what seemed like a hopeless cause, both Houses found the 2/3 they needed, and successfully passed the War Powers Resolution into law (Franck, 614).

The Provisions of the War Powers Resolution

The War Powers Resolution contains 10 sections, only 8 of which I will cover, as the 1st and 10th simply add a name and date to the Resolution.
Section 2, Purpose and Policy, acts as Congress’s justification for creating the Resolution. This section states that the creation of the document was to fulfill the desires of the Framers of the Constitution to “insure that the collective judgment of both the Congress and the president will apply to the introduction of United States Armed forces into hostilities…” (Public Law 93-148, 372). In subsections (a), Article 1, Sec. 8 of the Constitution is used to legitimate congressional authority, as it gives Congress the ability to make laws that govern all offices and departments of the U.S. government. Subsection (b) qualifies the role of the president as Commander-in-Chief, as it specifies that the commitment of troops must be pursuant to “1) a declaration of war, 2) specific statutory authority, or 3) a national emergency created by an attack upon the United States…” (Public Law 93-148, 372). This last section, instead of enumerating circumstances like previous Senate bills, allows for the commitment of troops under any circumstance, as long as it is “pursuant to” one of the above specifications.

Section 3 on Consultation is one of the most vague and therefore most controversial issues of the War Powers Resolution. It requires that the president “in every possible instance” (Public Law 93-148, 372) to consult Congress before troops are introduced into hostilities, and continually consult until the operation is complete. This may be one of the most ignored sections of the Resolution for a variety of reasons. The first is defining consultation. Some argue that this requires and actual exchange of opinions and ideas between the two branches, which is most likely what Congress had in mind. However, some presidents have simply “informed” congressional leaders of their intentions to employ the Armed forces, and considered themselves as cooperating with the legislation. Moreover, there are many operations that are on a “need-to-know” basis, which for safety and security purposes should probably remain secretive until troops are introduced. This issue of consultation remains an interesting factor when reviewing the actions of former presidents.

Section 4 on Reporting establishes a general outline for presidential responsibilities during conflict. It declares that in absence of a declaration of war, the president must report to Congress within 48 hours, if he has committed troops abroad. The report is to
include the reason for commitment of troops, the authority by which the president committed the troops, and the duration of time the commitment is expected to last. Also under this section, the president is required to report any additional information to that Congress requests, and he must report periodically to the Congress until the termination of the operation.

**Section 5** on congressional action outlines the procedures taken by Congress and the president after a report under section 4 is submitted. The report is to be transmitted to the Speaker of the House and president pro tempore of Senate. They may then decide, if the Congress is adjourned for any more than three calendar days, to jointly request the president to reconvene Congress so that they may take appropriate action in regards to the report. Subsection (b) requires the president to terminate any operation after 60 days after the report has been submitted, or after the introduction of troops, whichever is earlier. This may only be extended if Congress declares war, extends the 60-day period, or is physically unable to meet. The last subsection of congressional action is the introduction of the congressional veto, which states that the Congress may terminate any operation and call for the return of forces abroad by concurrent resolution.

**Sections 6 and 7**, Congressional Priority Procedures for Joint Resolution or Bill, and for Concurrent Resolution respectively, simply outline the process for creation and adoption of such resolutions. Section 6 concerns a joint resolution or bill in response to a report from the president[1] whereas Section 7 deals with a concurrent resolution under Section 5c, or the congressional veto.

**Section 8**, on the Interpretation of the Joint Resolution, is a section that makes the War Powers Resolution the final word on the introduction of Armed Forces into hostilities. Subsection (a) states that the use of Armed forces of the United States cannot be inferred from any law that has been enacted before or after the resolution, or any treaty ratified before or after the resolution, unless such a law or treaty specifically authorizes such a use. Subsection (b) declares that members of the United States Armed Forces are permitted to participate with the militaries of foreign nations in their “high-level military commands” (Public Law 93-148, *U. S. War Powers Resolution*, 68 AJIL 2 372 (1974) at
that were established before the enactment of the War Powers Resolution (i.e. NATO). Subsection (c) simply, or rather not so simply defines the “introduction of United States Armed Forces.” This definition will be interesting later on when we examine the Resolution in practice, as the introduction should trigger the start of the clock in terms of reporting, consultation, etc. Subsection (d) claims that the Resolution does not change the constitutional authority of the legislative or executive branches, and reiterates that no further powers have been granted to the president than those he had before the enactment of the Resolution.

Section 9, or the Separability Clause, states that if any provision granted in the Resolution should be deemed invalid, it does not affect the remaining provisions. My best guess concerning this clause is that Congress was worried that the “congressional veto” may not survive in practice, and they did not want to lose the entire package because of it.

What Does the War Powers Resolution Really Do?

The War Powers Resolution was designed to give the legislative branch a voice in the commitment of troops into hostilities. Congress felt that the Framers had guaranteed them a role in the war-making process, and the War Powers Resolution works to specify that role. Furthermore, as Franck describes, the Resolution permits the president to "engage in short wars." (Franck, After the Fall: The New Procedural Framework for Congressional Control over the War Power, 71 AJIL 4 605, at 613). In this respect, the president is granted autonomy with the military for a 60-day period in which he may conduct his operations. With the exception of the congressional veto, which during the 60-day period is unlikely, there is little that Congress may do during this period.

With Vietnam bringing the issue of war making to a head, the Congress responded with the creation of the War Powers Resolution. This Resolution established guidelines for the behavior of the legislative and executive branches upon introducing the Armed Forces into hostile situations. On paper, the act seems competent and insightful in its provisions.
However, the true test of the Resolution is in its practice, (and it has been in practice on many occasion).

The War Powers Resolution in Practice

President Gerald Ford was the first to be tested by the War Powers Resolution. During his short time in office, there were many instances in which the president found himself bound by the resolution. Each time, his actions came under criticism by Congress for not fulfilling his responsibilities under the resolution.

The first three incidences in which Ford committed troops abroad occurred between late March and early May in 1975. Each of these missions was an evacuation of government personnel or U.S. nationals from Southeast Asia. Because the forces were not introduced into hostilities, Section 3 on prior consultation did not apply, although Ford stated that congressional leaders had been informed ahead of time. However, the second of these evacuations did involve some fighting during the operation, on which Ford briefed the congressional leaders the next day. In describing the situations, Franck says, "If the test of the War Powers Resolution is its effectiveness in adding congressional voices to the councils in which war/peace decisions are made, none of these three cases, marginal as they may seem, give cause for great satisfaction."

The biggest test of the Resolution during Ford's term came not long after, on May 12, 1975. On this day, the merchant vessel Mayaguez was seized only 6.5 miles from the Cambodian and Vietnam Wai Islands. This situation certainly came under Section 3 of prior consultation and Section 4(a)(1) under reporting. Ford immediately received calls from congressmen urging action and speeches to justify such action. The first act of aggression was taken on the morning of May 13th, when warning shots were fired off the bow of the Mayaguez to prevent it from being moved to the mainland. Then, early on the morning of the 14th, U.S. planes sank three Cambodian ships, which were moving the crew to the mainland. At 7:20 p.m., the occupation of Kho Tang Island, where the marines were being held, had begun. However, as Franck points out, it was not until 6:40 p.m. that Ford held his first meeting with the congressional leadership. This failed the requirement of the consultation and once again fell under a simple "informing" session.
There was no shared decision-making in the entire process, as was required "in every possible instance." Furthermore, under the reporting clause, Ford only succeeds if the 48 hours began upon the commencement of force, and not the dispatch of troops. According to Franck, this operation, although operationally successful, "Legally, it was a failure." (Franck, After the Fall: The New Procedural Framework for Congressional Control Over the War Power, 71 AJIL 4 605, at 618).

If the War Powers Resolution had failed under Ford because of lack of implementation, then it failed under Reagan because of its lack of clarity. Reagan was instrumental in exposing the fundamental flaws of the Resolution. These flaws were disastrous for Congress, as they were forced to rethink the roles that had been established by the Resolution. Michael Glennon demonstrates the problems that occurred in the early 1980's in his article, "The War Powers Resolution Ten Years Later: More Politics than Law."

Glennon begins by pointing out that Section 4(a) requires that the president make a report to Congress no more than 48 hours after committing troops to hostilities. Furthermore, pursuant to Section 5(b), the commitment must end 60 days after submission of the report under Section 4(a)(1). This is one of the fundamental flaws of the War Powers Resolution. The 60-day clock only starts after the "hostilities" report of Section 4(a)(1) has been submitted or was required to have been submitted. However, Section 4 allows for two other types of reports to be submitted instead. They are Section 4(a)(2), when forces have been introduced "into the territory, airspace, or waters of a foreign nation, while equipped for combat" (Public Law 93-148, U.S. War Powers Resolution, 68 AJIL 2 372 (1974) at 373) and Section 4(a)(3), when forces are introduced "in numbers which substantially enlarge Unites States Armed Forces equipped for combat already located in foreign nation" (Public Law 93-148, U.S. War Powers Resolution, 68 AJIL 2 372 (1974) at 373).

Hence, when Reagan submitted two reports on the escalation of troops in Lebanon, and one on the invasion of Grenada, he did not specify under which subsection the report applied. Because he had not technically filed a "hostilities" report under Section 4(a)(1), the 60-day clock did not immediately trigger. This caused what Glennon refers to as role-reversal on the part of the two branches.
Congress designed the War Powers to be a document that was self-activating. It did not need further congressional legislation to initiate many of the provisions in it. In the most limited view, Congress saw the provisions of the War Powers Resolution to be initiated by the actions of the executive. In other words, once the president began consultation, committed troops, or filed reports, other areas of the Resolution would activate. However, after the Reagan debacle, Congress found itself on the outside, looking in. They had to decide when or if the 60-day time limit had began, a problem they had not anticipated. One congressman suggested implementing legislation that would enact the War Powers Resolution, or it would become a dead letter document. However, as Glennon expertly points out, “precisely the opposite is true: if Congress needs to ‘implement’ the resolution, then it becomes a dead letter, for the whole point was to be that the resolution was self-activating” (Glennon, 574). Reagan’s successor, George Bush ignored the War Powers altogether when he committed troops to the Persian Gulf in 1990. Instead, the Bush Administration lobbied heavily for United Nations support of their actions. That support was codified on November 29, 1990 in Security Council Resolution 678, which in its second paragraph, “Authorizes Member States co-operating with the Government of Kuwait, unless Iraq on or before January 15th, 1991 fully implements, as sets forth in paragraph 1 above, the foregoing resolutions, to use all necessary means to uphold, and implement Resolution 660 (1990) and all subsequent relevant Resolutions, and to restore international peace and security in the area” (Franck, 74-75).

For our purposes, there are elements of this case that we will overlook and instead focus simply on the fact that American action was taken after the January 15th deadline as authorized by the Security Council Resolution. Glennon, in his work, “The Constitution and Chapter VII of the U.N. Charter” points out many flaws on the part of the United States in adhering to Resolution 678, or rather not adhering to the War Powers Resolution.

In the Charter of the United Nations, Articles 42 and 43 provide for the authorization of the use of armed forces by the Security Council. The important article remains 43, which allows for the authorization of armed forces only after those countries providing
troops have made special agreements. Glennon points out that this issue of special agreements is one of the issues that led the Congress to approve U.S. membership to the United Nations. It basically allows for congressional approval of the agreement before U.S. troops are committed. In other words, the war-making power of Congress stays in tact and is not overruled by a war-making power by the Security Council.

The Bush Administration, however, took Resolution 678 as authorization to intervene militarily, although that was not specified as the type of action authorized in the resolution but certainly does fall under *all necessary means*, without congressional approval. This type of authorization does not exist under section 8 of the War Powers Resolution. This section states that no act or resolution in place before or after the War Powers Resolution may infer the commitment of U.S. troops to hostilities. In other words, as I stated before, the War Powers Resolution remains the final word on the commitment of troops. Even if the United Nations, NATO, or another multilateral organization one day required, however unlikely, that U.S. troops engage in hostilities, Congress must first approve. The president, in acting on a resolution, which authorized, not required, military action violated domestic law. Glennon masterfully summarizes the Bush Administration’s handling of the situation by stating, “What the president constitutionally needs from the United States Congress, he cannot get from the United Nations Security Council” (Glennon, *The Constitution and Chapter VII of the U. N. Charter*, 88).

Since the Gulf War, through the end of one Bush administration, the eight years of Bill Clinton, and now the beginning of a second Bush administration, Iraq has consistently been a problem of international concern. The array of problems with Iraq consist of breaking the cease-fire agreement by wandering out of no-fly zones, refusing U.N. weapons inspections, and a variety of other actions. Both Clinton and now Bush have treated these breakages as re-activations of Resolution 678, authorizing the use of force. The inherent problem with this interpretation is now two-fold. The first is that the international community overwhelmingly disagrees that such a re-activation exists, and secondly, the president is once again running into, or rather through section eight of the War Powers Resolution. The re-activation of 678 is a moot point if Congress does not first approve military action. I believe that Clinton and Bush would both be working within the
Resolution if they would simply consult the congressional leadership and then order the strikes. Furthermore, they would have a 60-day leeway in which to take action.

**Conclusion**

The War Powers Resolution was designed to increase congressional participation in war making decisions. Throughout history, presidents, as Commander-in-Chief, have been willing to wage war and commit troops to hostilities before receiving congressional consent, and sometimes without receiving it at all. During the Vietnam War, the ignorance by the executive of the constitutional right for Congress to declare war became a hotly debated issue in both the House and Senate. After reaching a compromise between themselves, and overriding a presidential veto, the Congress successfully gave birth to the War Powers Resolution. This new law would allow the president a 60-day executive war, and gave Congress the privileges of consultation and reporting, and reinstated the right to declare war.

Unfortunately, as successful as it was on paper, the Resolution has thus far been a failure in combating the problems of war making. Every president has either found a loophole with which to circumvent his duties stated in the Resolution, or has simply ignored them altogether. Moreover, little congressional action has been taken to rectify these situations in order to set precedent for further mishaps. The War Powers Resolution remains a key document in the instance of war making, and if followed, it is a useful guide for our government to follow. However, without serious retooling or adjustment, the Resolution will continue to be worth less than the paper on which it is printed.

**References**