

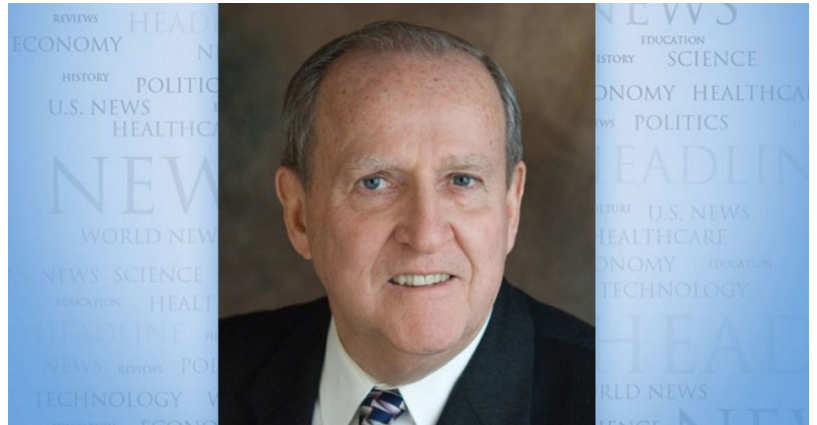


Written by [John F. McManus](#) on December 29, 2015

## The War Power Belongs Only to Congress

I happened to be reading a *New York Times* editorial a few days ago. In it, I was both pleased and surprised to find the following important statement about congressional dereliction of duty:

... By abdicating one of their most important responsibilities under the Constitution, which gives Congress the exclusive right to declare war, lawmakers are unwisely emboldening the executive branch to overstep its powers.



That sums up what has happened. But the *Times* editorialist didn't go back as far as he (or she) should have gone in history. Pointing only to the 1973 passage of the War Powers Act wasn't enough. Our nation went to war in Korea in 1950 without a declaration of war. Though a cease-fire was arranged in 1953, the state of war in Korea still exists and shooting could break out again at any time. Approximately 30,000 U.S. troops are kept on station in South Korea.

December 1941 marked the last time Congress used its power to declare war, first against Japan and then days later against Germany and Italy when these two nations declared war on the U.S. No one should ignore the fact that World War II happened to be the last war our nation won. We didn't win in Korea, or Vietnam, or Desert Storm. And we're not winning in Afghanistan after 13-plus years of struggle.

When a few senators challenged President Truman's 1950 high-handed decision to send troops to Korea, the president insisted, "We're not at war; this is a police action." He got away with skirting the clear intention of the Constitution regarding war-making.

In 1973, after several years of sacrificing thousands of lives and spending billions of dollars in Vietnam, Congress decided to challenge the presidential usurpation of its exclusive war-making power. The lawmakers passed the "War Powers Act" that gave the president the right to use America's forces without declaring war, requiring only that the president seek a congressional OK to continue using troops. However, whenever troops are already actively involved in combat somewhere, it is certain that very few in Congress would cease funding their mission. The War Powers Act didn't help the situation; it merely gave members of Congress the opportunity to say they did something.

Our nation's forces are now employed for humanitarian missions, removal of unfriendly leaders of governments, special missions, etc. All such deployments are initiated by the president acting with illicit regal-like power. Meanwhile, the sole reason for the very existence of our nation to have a military arm — protection of the lives, liberty, and property of the American people — has been forgotten.

Of course, the *New York Times* never mentioned the seeking of the [United Nations](#) (UN) or North Atlantic Treaty Organization (NATO) authorization for the many uses of the U.S. military. When permission to use forces is sought not from Congress, but from elsewhere, the U.S. has placed itself in a subordinate position. The Korean War was fought under authorization supplied by the UN.



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Authorization supplied by the Southeast Asia Treaty Organization (a duplicate of NATO and, like it, a “regional arrangement” authorized by the UN) resulted in the Vietnam War. Desert Storm was authorized by the UN. And the Afghan struggle has been placed in the hands of NATO. The U.S. military has become the UN’s force. This is terribly wrong.

Correcting this situation requires repeal of the War Powers Act and withdrawal from the United Nations, two steps never mentioned by the *New York Times*. [Contact your Congressman to tell them to Get Us Out of the United Nations!](#)



*John F. McManus is president of [The John Birch Society](#) and publisher of The New American. This column appeared originally at the [insideJBS](#) blog and is reprinted here with permission.*



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