



Written by [Joe Wolverton, II, J.D.](#) on March 28, 2025

The War Powers Act: Another Congressional Abdication of Constitutional Duty

For decades now, Washington has played a shameful shell game with the lives of American soldiers and the liberties of the American people. Nowhere is this more obvious — and more dangerous — than in the War Powers Act of 1973.

This law is an affront to the Constitution, a perversion of the rule of law, and a cowardly escape hatch for Congress to shirk its solemn duty to declare war while still allowing American blood to be spilled in unconstitutional, undeclared conflicts all over the globe.



It's long past time we call the War Powers Act what it really is: an unconstitutional fig leaf for congressional cowardice.

The Constitution Is Clear: Congress Declares War

Let's not play word games. Article I, Section 8 of the Constitution gives Congress the power "to declare war." Not the president. Not the Pentagon. Congress, and Congress alone.

The Founders knew exactly what they were doing when they put that power in the hands of the people's representatives. They had just thrown off a king who could drag his nation into war without the consent of the governed. They weren't about to set up another tyrant on this side of the Atlantic.

James Madison, the Father of the Constitution, put it plainly:

The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war and most prone to it. It has accordingly with studied care vested the question of war in the Legislature.

It doesn't get clearer than that. The Founders studied history. They knew that executive power and endless war go hand in hand. So they took the power to initiate war away from the president and gave it to Congress. Full stop.

As St. George Tucker wrote in his *View of the Constitution of the United States*:

The power of declaring war, with all its train of consequences, direct and indirect, forms the next branch of the powers confided to congress; and happy it is for the people of America that it is so vested. The term war, embraces the extremes of human misery and iniquity, and is alike the offspring of the one and the parent of the other.

The president's role? He's the commander-in-chief of the military only after war has been lawfully declared. He does not declare it, initiate it, or authorize it; he carries it out after Congress puts its name



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on the dotted line.

The War Powers Act: Constitutional Fraud

So, what does the War Powers Act do? It allows the president to send U.S. troops into hostilities without a declaration of war — and then gives Congress up to 60 days to decide whether to approve or end the operation.

That's not a check on power, and that's not a balance: That's a blank check with a post-it note attached. Congress essentially says, "Go ahead and start the war. We'll let you know later if it's okay." That's not how law — or liberty — works.

The War Powers Act turns the Constitution on its head. Instead of Congress initiating war and the president executing it, we get presidents launching wars and Congress rubber-stamping them after the fact — or, more often, just pretending they don't see what's going on.

It's a con game. And like all cons, it depends on the mark — in this case, the American people — not paying attention.

A Pattern of Cowardice

The War Powers Act is just one example of a broader and more dangerous trend: Congress refusing to do its job.

They don't want to be accountable. If they actually had to vote on a declaration of war, they'd have to explain that vote to their constituents. They'd have to answer for the lives lost, the money spent, and the unintended consequences that inevitably follow foreign intervention.

But if the president launches the war unilaterally, Congress can shrug and say, "Well, we passed the War Powers Act. He shouldn't have done that without our approval."

What a joke.

The Constitution doesn't say Congress has to "approve" wars. It says they *declare* them. You either declare war, or you don't. You don't get to ride both sides of the fence — sending American kids to die without owning up to the decision.

It's cowardly, and it's killing the Republic.

Madison Warned Us

James Madison, once again, saw it coming:

No nation could preserve its freedom in the midst of continual warfare.

But continual warfare is exactly what we have — and it's been that way for decades.

Korea. Vietnam. Iraq. Afghanistan. Libya. Syria. Yemen. Ukraine. And now the warmongers are salivating over Iran and China.

Where is the declaration of war? Where is Congress?

Nowhere to be found. Hiding behind the War Powers Act while presidents from both parties play global policeman with American lives and money.

And don't let the partisan talking heads fool you — this is not just a Democratic or Republican problem.



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It's a D.C. problem. It's a constitutional crisis disguised as bipartisan foreign policy.

The Founders Didn't Trust Presidents With War

The idea that the president can unilaterally launch military strikes and then ask Congress later is exactly the kind of thing the Founders feared.

Alexander Hamilton — no small government guy — was crystal clear on this point. In *Federalist* No. 69, he explained the difference between the president's powers and those of the British king:

The president is to be commander-in-chief of the army and navy of the United States.... [This] would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies.

In other words, the American president is not a king. He doesn't get to start wars. That's Congress's job.

The War Powers Act tries to smudge that line. It tries to split the baby — to let presidents wage war while giving Congress plausible deniability.

But the Constitution doesn't allow smudging. It's written in black and white.

A Nation of Laws, Not Men

If we are to remain a republic, then we must demand that every branch of government obey the Constitution — not just when it's convenient, but especially when it's hard.

No more undeclared wars, no more executive adventurism, and no more cowardly congressional cover.

If Congress believes a war is necessary, let them declare it. Let them go on the record. Let them look their constituents in the eye and take responsibility.

And if they won't? Then it's up to us — the people — to hold them accountable. To remind them that they work for us, not the other way around.

Congress must repeal the War Powers Act — not because it gives the president too much power, but because it violates the very framework of our Republic.

The First Step Toward Restoration

If we want to restore the Constitution, we must start where the Founders started: by putting the power to make war back in the hands of the people's representatives, where it belongs.

The War Powers Act isn't a check on executive power. It's an excuse for legislative negligence.

It's time to stop accepting constitutional betrayal wrapped in patriotic language.

The Founders gave us a roadmap. They gave us the tools to stop tyranny in its tracks. But they only work if we use them.

War is the gravest power a government can exercise. It should never be launched by one man. And it should never be allowed to drag on without clear, lawful, constitutional authority.

We either uphold the Constitution, or we abandon it. There is no middle ground.



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And the War Powers Act proves that Congress has chosen the latter.

Now the only question is: Will we let them get away with it?



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