

Unconstitutional War and Emergency Powers

The Constitution for the United States of America clearly grants Congress the exclusive power “to declare war, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water”; therefore Congress may not delegate this power under any circumstances unless the Constitution is amended. The Constitution also clearly declares that the President serves as a Commander-in-Chief only when called into service by Congress during times of invasion or rebellion. Therefore, only Congress can initiate war; the President merely executes it. History has proven that war powers are invariably abused when left in the hands of one individual. Furthermore, all war activities should be for the sole purpose of national defense. (Art 1, §8, cl.11 and Art 2, §2, cl.1)

However, the Citizens of the several States united and the United States of America have been subjected to a state of declared national emergency beginning with Executive Order #1 issued by Abraham Lincoln on April 15, 1861 and then reactivated by Franklin D. Roosevelt and Congress in 1933. These and other declared states of emergency, many of which have continued uninterrupted to this day, have given successive Presidents a multitude of autocratic powers. Senate Report 93-549, War and Emergency Powers Act, 1973, (93rd Congress, 1st Session) states, among other things, in its **Introduction**:

"A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years [**now 80 years**], freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency. The problem of how a constitutional democracy reacts to great crises, however, far antedates the Great Depression. As a philosophical issue, its origins reach back to the Greek city-states and the Roman Republic. And, in the United States, actions taken by the Government in times of great crises have - from, at least, the Civil War - in important ways, shaped the present phenomenon of a **permanent state of national emergency**."

The **Foreword** to the Report states the following, in part:

"Since March 9, 1933, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidentially proclaimed states of national emergency: In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970, and August 15, 1971.

“These proclamations give force to 470 provisions of Federal law [**there have been hundreds more since 1973**]. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers, taken together, confer enough authority to rule the country without reference to normal Constitutional processes.

“Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens. ...

“Over the course of at least the last 40 [now 80] years, Presidents have had available an enormous - seemingly expanding and never-ending - range of emergency powers. Indeed, at their fullest extent and during the height of a crisis, these ‘prerogative’ powers appear to be virtually unlimited. ... Because **Congress and the public are unaware of the extent of emergency powers**, there has never been any notable congressional or public objection made to this state of affairs. Nor have the courts imposed significant limitations.”
[emphasis added]

The 1973 Senate report also expresses concern that in our current state of emergency, we could end up with a totalitarian state:

“If the President can create crimes by fiat and without congressional approval, our system is not much different from that of the Communists, which allegedly threaten our existence... **The enormous scope of powers ... is a time bomb.**” [emphasis added]

Congress has repeatedly violated its war powers through a long series of unconstitutional acts, resolutions and other actions, starting with the National Banking Systems Act and the Agriculture Adjustment Act of 1933; and consequently the President usurped this power from Congress. The power to both declare and conduct war is thus in the hands of one man resulting in decades of unjust wars with enormous loss of life and expense, while these actions are falsely being propagandized as patriotic.

During the New Deal, the Supreme Court initially struck down much of Roosevelt's emergency economic legislation (*Schechter v. United States*, 295 U.S. 495). However, political pressures, a change in personnel, and presidential threats of court-packing, soon altered this course of decisions (*NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1). Since 1987, the Court has been extremely reluctant to invalidate any congressional delegation of powers to the President. It appears that this will not change in the foreseeable future.

Congress and Presidents have persisted in violating the lawful “war and emergency powers” in such ways as:

Unconstitutionally sending advisors, troops, and/or money, equipment, and other support to aid foreign nations in “wars”, conflicts, police actions, and covert activities, including, but not limited to, Korea, Vietnam, Somalia, Haiti, Kuwait, Kosovo, Iraq, Afghanistan, Syria and Libya, all without a lawful congressional declaration of war or a letter of marque as required in Article 1, Section 8 of the Constitution for the United States of America;

Unconstitutionally engaging in non-defensive military actions by committing U.S. troops in over 133 countries throughout the world, engaging us in foreign entanglements and fomenting animosity and reprisals; and

Unconstitutionally abused their power by committing U.S. troops to serve as mercenaries in foreign conflicts under the auspices of the United Nations.

It is well past time for all those in government to once again strictly follow their “oath of office”.

We the people must learn more about what has actually been done by those in government at all levels since at least the “War between the States”. We must network with other freedom and liberty loving Patriots, and repeatedly demand that all of those in government read, study, understand, and “support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and discharge the duties of [their] office with fidelity” strictly according to the original intent of the Constitutions and our other founding documents.