



**The Woodrow Wilson Center  
&  
The National Capital Area Political Science Association**

**Congress & the President at War:  
Checks or Imbalance?**

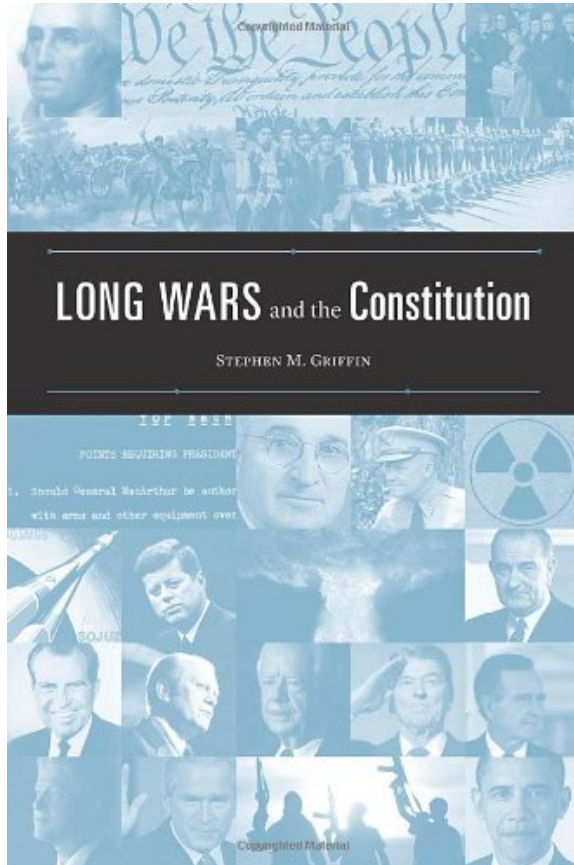
**The Honorable Mac Thornberry (R-Texas)**

**Stephen M. Griffin, Tulane University**

**Elisabeth Bumiller, *The New York Times***

**Robert Litwak, Wilson Center**

**Don Wolfensberger, NCAPSA**



In a wide-ranging constitutional history of presidential war decisions from 1945 to the present, Stephen M. Griffin rethinks the long-running debate over the “imperial presidency” and concludes that the eighteenth-century Constitution is inadequate to the challenges of a post-9/11 world.

The Constitution requires the consent of Congress before the United States can go to war. Truman’s decision to fight in Korea without gaining that consent was unconstitutional, says Griffin, but the acquiescence of Congress and the American people created a precedent for presidents to claim autonomy in this arena ever since. The unthinking extension of presidential leadership in foreign affairs to a point where presidents unilaterally decide when to

go to war, Griffin argues, has destabilized our constitutional order and deranged our foreign policy. *Long Wars and the Constitution* demonstrates the unexpected connections between presidential war power and the constitutional crises that have plagued American politics.

Contemporary presidents are caught in a dilemma. On the one hand are the responsibilities handed over to them by a dangerous world, and on the other is an incapacity for sound decision-making in the absence of inter-branch deliberation. President Obama’s continuation of many Bush administration policies in the long war against terrorism is only the latest in a chain of difficulties resulting from the imbalances introduced by the post-1945 constitutional order. Griffin argues for beginning a cycle of accountability in which Congress would play a meaningful role in decisions for war, while recognizing the realities of twenty-first century diplomacy.

## The Panel

**Mac Thornberry** is a Republican Member of Congress representing the 13<sup>th</sup> Congressional District of Texas in the U.S. House of Representatives. He was first elected to the House in 1994. He currently serves as vice chairman of the House Armed Services Committee and chairman of its Subcommittee on Intelligence, Emerging Threats, and Capabilities. He is also second ranking Republican on the House Permanent Select Committee on Intelligence. In 2011 he was named by the House Speaker and Majority Leader to head-up the Cybersecurity Task Force to guide House legislative action on this growing national security and economic threat. The task force, consisting of the chairmen of nine major committees, made its recommendations in October 2011. Thornberry was one of the first Members to recognize the need to confront the threat of terrorism, introducing legislation to create a Department of Homeland Security six months before the tragic events of September 11, 2001. He first came to Washington shortly after earning his law degree from the University of Texas in 1983, working first on Capitol Hill for five years for two Texas House Republicans, Tom Loeffler and Larry Combest, and then as deputy assistant secretary for legislative affairs in the Reagan Administration in 1988, before returning to Texas in 1989 to join his brothers in the cattle business and to practice law in Amarillo.



**Stephen M. Griffin** is the Rutledge C. Clement, Jr. Professor in Constitutional Law at Tulane University Law School. He first joined the Tulane law faculty in 1989 after serving as a Bigelow Fellow at the University of Chicago and research instructor in law at New York University. He is author of *Constitutionalism: From Theory to Politics* (Princeton University Press, 1996), selected as a *Choice* outstanding academic Book of 1997; and *The Long Wars and the Constitution* (Harvard University Press, 2013). He is the recipient of the Sumter Davis Marks Research Excellence Award for Scholarship in 1999-2000, and the Felix Frankfurter Distinguished Teaching Award in 2002. He earned BGS and JD degrees from the University of Kansas and an LLM degree from New York University.



**Elisabeth Bumiller** is deputy Washington Bureau Chief of *The New York Times* where she currently oversees White House and domestic policy reporting. She was a *Times* pentagon correspondent from 2008 to 2013 where she traveled frequently with the Secretary of Defense and embedded with Marines in Afghanistan. In 2008 she covered the presidential campaign of Senator John McCain. From 2001 to 2006 she was White House correspondent for the *Time*, and from 1999 to 2001 she was the paper's City Hall bureau chief responsible for covering Mayor Rudolph Giuliani and his Senate race against Hillary Rodham Clinton. From 1979 to 1985 she worked for *The Washington Post*. Her first job in journalism was in the Naples bureau of *The Miami Herald*. She is author of *Condoleezza Rice: An American Life* (2007), and *May You Be the Mother of a Hundred Sons: A Journey Among the Women of India* (1990); and *The Secrets of Mariko: A Year in the Life of a Japanese Woman and Her Family* (1995). In 2006 and 2007 she was a public policy scholar at the Woodrow Wilson Center and a Transatlantic Fellow at the German Marshall Fund. She is a graduate of the Medill School of Journalism at Northwestern University and the Graduate School of Journalism at Columbia University.



**Robert Litwak** is vice president for scholars and academic relations at the Woodrow Wilson Center. He previously served as director of International Security Studies at the Wilson Center. He is an adjunct professor at Georgetown University's School of Foreign Service and a consultant to the Los Alamos National Laboratory. He served as director for non-proliferation on the staff of the National Security Council during the Clinton Administration. He is author of *Rogue States and U.S. Foreign Policy: Containment after the Cold War* (2000); *Regime Change: U.S. Strategy Through the Prism of 9/11* (2007); and, *Outlier States: American Strategies to Change, Contain or Engage Regimes* (2013). He is a member of the Council on Foreign Relations. He received his Ph.D. from the London School of Economics.



**Don Wolfensberger** is president of the National Capital Area Political Science Association, a senior scholar at the Woodrow Wilson Center, and a resident scholar at the Bipartisan Policy Center. He was director of the Congress Project at the Wilson Center from 1999 to 2012, and a public policy scholar at the Center from 1997 to 1999. He served as a congressional aide in the U.S. House of Representatives from 1969 to 1997, culminating as chief-of-staff of the House Rules Committee for Chairman Gerald B.H. Solomon in the 104<sup>th</sup> Congress (1995-1997). He is author of *Congress and the People: Deliberative Democracy on Trial* (2000). He writes the twice monthly column "Procedural Politics" for the Capital Hill newspaper, *Roll Call*. He earned a B.A. in English from North Central College and successfully completed his course work toward an M.A. in political science from the University of Iowa. He worked as a reporter and newscaster for KXIC radio in Iowa City, Iowa, and spent two years as a Peace Corps Volunteer teaching English in a secondary school in Tanzania, East Africa.



## OFFICIAL DECLARATIONS OF WAR BY CONGRESS

War	Foreign Nation	Declaration Date	Senate Vote	House Vote
War of 1812	Great Britain	June 18, 1812	19-13	79-49
Mexican-American War	Mexico	May 11, 1846	40-2	174-14
Spanish-American War	Spain	April 24, 1898	42-35	310-6
World War I	Germany	April 4, 1917	82-6	373-50
World War I	Austria-Hungary	Dec. 7, 1917	74-0	365-1
World War II	Japan	Dec. 8, 1941	82-0	388-1
World War II	Germany	Dec. 11, 1941	88-0	393-0
World War II	Italy	Dec. 11, 1941	90-0	399-0
World War II	Bulgaria	June 5, 1942	73-0	357-0
World War II	Hungary	June 5, 1942	73-0	360-0
World War II	Romania	June 5, 1942	73-0	361-0

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## U.S. MILITARY ENGAGEMENTS AUTHORIZED BY CONGRESS

War or Conflict	Enemy or Enemies	Initial Authorization
Undeclared Naval War	France	1798
First Barbary War	Barbary States	1801
Second Barbary War	Barbary States	1815
Raid of slave traffic	Africa	1820
Redress for attack on navy vessel	Paraguay	1859
Protection of Lebanon	Rebels	1958
Vietnam War	National Liberation Front	Gulf of Tonkin Resolution August 7, 1964
Lebanese Civil War	Rebels	1982
Gulf War	Iraq	Jan. 12, 1991
War on Terrorism	Taliban Govt., Afghanistan	Sept. 18, 2001
Invasion of Iraq, 2003	Iraq	October 16, 2002

**Source:** <http://encyclopedia.thefreedictionary.com/Declarations> (5/14/04)

**U.S. MILITARY ENGAGEMENTS  
NOT AUTHORIZED BY CONGRESS  
(1900-2011)**

<b>Country</b>	<b>Years of Intervention</b>	<b>International Authorization</b>
Philippines	1899-1902	
Mexico	1916	
Korea	1950-1953	U.N.
Dominican Republic	1965	
Grenada	1982	
Libya	1986	
Panama	1989	
Somalia	1992-1994	U.N.
Haiti	1994	U.N.
Bosnia	1995	U.N., NATO
Kosovo	1999	NATO
Libya	2011	U.N., NATO

**Sources:** Charles A. Stevenson, *Congress at War: The Politics of Conflict Since 1789* (Washington, D.C.: Potomac Books, 2007 ed.); Richard F. Grimmett, “The War Powers Resolution: After Thirty-Six Years” (Washington: Congressional Research Service, April 22, 2010).