

War powers act of 1973

[Countries](#), [United States](#)



I. The Influence of the War Powers Act of 1973 The United States of America holds the position in the world as a nation in which foreign policy is focused and debated as a matter of embittered public outrage and controversy. This is the reality not only among the party in office and their equivalent opponents but mainly within the very party themselves. It is much truer within the party that is controlling the executive branch. This criticism thrown at foreign policy is not that evil. It is a well meaning constructive criticism that tells the incoherence of policies passed by the executive branch. However, the fault is not likely coming from a flawed national character or among the attitudes of the leaders but the circumstances that surround it. Such circumstances comprise an increasing external challenge coupled with congressionally mandated restraints on the executive branch. The combination of both provides a dangerous whipsaw that can render American foreign policy as ineffective. As such it can be seen that the President is bound by laws, amendments and continuing resolutions that place too much weight on the conduct of foreign policy complicated by the participation of military aspect (Cockburn, 1999). It is essential that the effect of these laws on foreign policy should be understood. The War Powers Act of 1973 was a result of drastic response to the American participation in the Vietnam War. The act was passed over the veto of the President and apparently it seemed to many as a good idea at that time. Therefore, then President Johnson entered and tried to conduct a full scale and protracted war disguised as a police action. It can be said that Congress was complicit in this error but by the end of the war, there was an overwhelming reaction and outrage from the majority of Americans (Gallent, 1993). It was

convincing without doubt that the conduct of war had been a serious mistake. This is because the limitation of the Presidents ability for continued deployment of U. S. forces placed the War Powers Act in the hands of the Congress (Gallent, 1993). In effect, these policies are very much in play especially in our modern times. Today when there is a lot of terrorism, subversion and war fundamentals, the " U. S. Congress must now be consulted in every possible instance on every deployment of military forces around the world. " (Cockburn, 1999). As such, any military troops cannot be introduced anywhere in the world outside the United States unless there is a full report submitted to Congress within forty eight hours. Likewise, the President may not have any troops for more than 90 days in any area where hostilities are present or ongoing without explicit approval again from Congress. Therefore, this means that in an area of foreign policy and military action where secrecy is important, it can be said that the publicity it generates is mandatory.

II. The Enactment of the War Powers Act of 1973

The U. S. Constitution notes that war powers are divided and are not equal (Jones, 1990). In essence, the Congress posses the power to declare war and support the armed forces in this endeavor while the president essays being the Commander in Chief. Furthermore, it is generally agreed that the Commander in Chief role gives the president the authority to order the repelling of attacks again the United States. This makes him as the sole responsible person for leading the military forces. The history that placed America to police during the Korean and Vietnam wars are classic examples of intense conflict without a declaration of war. As it has been said, the U. S. Congress was alarmed with the erosion of congressional authority in the

decision to decide when the United States should involve itself in a war or similarly the use of the military to lead to war. Therefore, both chambers of Congress passed a joint resolution over then President Nixon's veto on November 7, 1973. This is seen in American history where Cambodia was bombed during Nixon's office. It led the House to consider the inclusion of the articles of impeachment and likewise pass the War Powers Act of 1973. The requirements are the discussed forty-eight hour of introducing U. S. forces into hostilities with the President reporting to Congress. After sixty days, this should be terminated unless otherwise, there is an explicit authority from both houses allowing it to continue for another thirty days. The War Powers Resolution has been controversial since it became law. It hardly does not circumscribe and settle the question of the division of power between branches of U. S. government pertaining to the declaration of war (Cockburn, 1999).

III. Revising the War Powers Act of 1973

The history that led to the enactment of the War Powers Act will continue to haunt us unless Congress does not work on certain procedures to regularize its relationship with the executive branch regarding the recourse to arms in times of war. It is deplorable that there were ambiguities that were unforeseen war powers legislation of 1973. Likewise, the Congress accepted an incorrect formula from the War Powers Act "report" that orders the withdrawal of U. S. troops not later than 90 days after they were first committed. Actually, irrespective of any report, any military activity itself starts the 90-day time span (Jones, 1990). When there is enough will to further improve the War Powers Act, it must require the executive to provide reports that are much timely and more extensive. Therefore, it would rethink the obligation that troops return within

90 days. Likewise, it would compel more thorough consultations pursuant to any military undertaking. An improved war powers statute would come to the approval of Congress in court and the financing of any proposed military undertaking. According to Philips, (1997) in every consideration of considering revisions that are good grounds for arguing that the Congress is lawfully obliged to participate in executive war plans is an important element. This is indicated in the retention of the War Powers Resolution, in sec. 2(a) which hoped to:

IV. Conclusion

The passage of War Powers Resolution in 1973 was the result of inadvertent participation to wars in Asia. It was a no win situation and the then presidents did not want to loose the battle in their tenure. As such, the war was described as a decent interval of prolonging the war not because it was a conflict of national interest but rather because it was among the political interest of the incumbent to accept a predictable failure and loss. As such, when there were too many problems and expenses, Congress focused on restricting the war. In one last course, it took three years of hearing for Congress to deliver the War Powers Act along with the Intelligence Oversight Act, and the Impoundment Control Act.. It looked upon the Vietnam War as a measure of checking commitments and resources in entering to war. Thus, Congress took these measures to be part of the process of proportioning ends and means in U. S. foreign policy. The Congress took this stride to align itself in assisting the executive branch in fitting interests to national security policy, including the use of force. As Senator Jacob Javits was fond of saying, the War Powers Act was a "mechanism of co-determining" a critical area of overlapping responsibility (Lee, 1999). The contemporary times have seen that there have been

positive and negative aspects in the War Powers Act. All means in order to comply with negotiable and altruistic measures should be adopted by both branches in order not to further create unwanted collateral damage in our world that encounters clashes and wars in big proportions. Likewise, the president in command should be free as to be resolute after the examples of Lincoln and Truman. The decision to reverse disastrous complications is urgent and necessary.