



APPENDIX THREE
AN OVERVIEW OF FACTS RELEVANT
TO WAR POWERS ISSUES IN SELECTED
CONFLICTS SINCE WORLD WAR II



*This document reflects due diligence done by the Commission's staff,
but not necessarily the views of the Commission.*

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1950–1953: KOREA

Summary of the conflict

On June 27, 1950, with the U.S.S.R. absent, the U.N. Security Council voted to demand North Korea withdraw its forces south of the 38th parallel on the Korea peninsula and to cease hostilities.¹ Shortly thereafter, the Security Council called upon member nations to counter the North Koreans by military force.²

The U.S. sustained approximately 196,000 casualties during the Korean conflict, including over 36,600 killed in action.³ The U.N. command sustained nearly 90,000 deaths.⁴

- During the summer of 1950, U.N. and U.S. forces drove the North Korean army out of South Korea, and made incursions into North Korea by the fall.⁵
- China joined the war in the fall of 1950, and fought alongside North Korean forces throughout the winter of 1951.⁶
- From the summer of 1951 until the signing of an armistice in 1953, the North Koreans and U.N. forces fought to a stalemate.⁷
- The military commanders of the North Korean People’s Army, the Chinese People’s Volunteers, and the United Nations Command entered into an armistice agreement on July 27, 1953.⁸ The United States is not a signatory to the armistice, though it adheres to it through the United Nations Command.⁹ No peace agreement has been signed; the armistice pact remains the operative agreement.¹⁰

Congressional and executive action

Congress did not authorize the operation in advance, nor did it approve it following its conclusion.¹¹

- President Truman met with members of the congressional leadership after already having deployed troops to Korea.¹²
- Some Members of Congress expressed the opinion that Truman should have first sought approval.¹³ During the conflict, Truman periodically would give Members of Congress briefings on the conflict’s progress.¹⁴
- Truman did not refer to the conflict in Korea as a “war;” instead he called it a “police action under the United Nations.”¹⁵

1960–1975: VIETNAM

Summary of the conflict

Vietnam marked the longest deployment of troops in U.S. history. President Kennedy dispatched several thousand military advisers to South Vietnam in the early 1960s, and the U.S. military presence reached its peak in with more than 543,400 troops in the late 1960s.¹⁶ Over the course of the war,

58,000 Americans died and 300,000 more were wounded.¹⁷ The U.S. government spent more than \$140 billion on the war.¹⁸

Treaties

The Southeast Asia Collective Defense Treaty (“SEATO”) Treaty of 1954 provided that each party recognizes that “aggression by means of armed attack in the treaty area” against any signatory would “endanger its own peace.”¹⁹ Each signatory agreed to “in that event act to meet the common danger in accordance with its constitutional processes.”²⁰

Congressional action

The Tonkin Gulf Resolution authorized the President “to take all necessary steps, including the use of armed force, to assist any member of the . . . [SEATO] Treaty requesting assistance in the defense of its freedom.”²¹ It further authorized the President “to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.”²²

Congress debated the resolution on August 6 and 7, 1964. The measure passed the House, 416 to 0, and the Senate 98 to 2.²³

- Throughout the war, Congress appropriated billions of dollars to support the fighting and extended the draft on several occasions.
- For instance, in May 1965, Congress enacted a \$700 million special appropriation for “military activities in southeast Asia,” which passed the House 408 to 7, and the Senate, 88-3.²⁴ In March 1966, Congress approved an additional \$4.8 billion, 393 to 4 and 93 to 2.²⁵
- From July 1966 to July 1973, Congress voted on proposals related to the war 113 times. Its first limitation on U.S. military operations occurred in 1969 where it restricted troop deployments in Laos and Thailand.²⁶
- Congress voted to repeal the Tonkin Gulf Resolution in 1971, but the Nixon administration asserted that the Resolution was not essential to the President’s authority as Commander in Chief.²⁷ Following the repeal, Congress continued to appropriate funds for the war and extend the draft.²⁸ Congress voted to stop all bombing throughout Indochina in 1973.²⁹

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1974–1976: U.S. EVACUATION MISSIONS

1974: CYPRUS

Summary of conflict

In 1974, Turkish military forces intervened in a Greek government sponsored attempt to seize control of Cyprus, eventually controlling a third of the island nation.³⁰ During hostilities between Turkish and Greek Cypriot military forces, the United States Navy evacuated U.S. civilians from the island.³¹

Cyprus remains divided, with UN peacekeeping forces maintaining a buffer zone between the two sides.³²

Congressional action

Congress did not authorize this operation in advance, nor did it approve the operation after its conclusion.

War Powers Resolution of 1973 (“WPR”)

The President did not submit a report to Congress pursuant to or “consistent with” the WPR.³³

AND 1975: VIETNAM AND CAMBODIA

Summary of conflict

President Ford authorized the use of U.S. forces on three occasions in April 1975 to help evacuate American citizens and foreign nationals.³⁴ Naval vessels, helicopters, tactical air support, and Marines were deployed to transport refugees from Danang and other seaports to safer areas in Vietnam on April 4, 1975, to evacuate U.S. nationals from Cambodia on April 12, 1975, and to evacuate U.S. citizens and others from South Vietnam on April 30, 1975.³⁵

The final evacuation from South Vietnam involved a force of 70 helicopters and 865 Marines evacuating 1,400 U.S. nationals and 5,500 local and third country nationals from the U.S. Embassy in Saigon and Tan Son Nhut Airfield.³⁶

Congressional action

On April 3, 1975, the day President Ford authorized the Danang evacuation, members of the Senate and House leadership were advised that a severe emergency existed in the coastal communities of South Vietnam and that he was directing American naval transports and contract vessels to assist in the evacuation of refugees from coastal seaports.³⁷ The President then asked Congress on April 10 to clarify its limitation on the use of forces in Vietnam to insure the evacuation, but legislation was not completed.³⁸ President Ford directed that Congressional leaders be informed of the Cambodia phase on April 11, and then again on April 28 for the final evacuation.³⁹

WPR

The Vietnam and Cambodia missions prompted President Ford to issue the first reports to Congress citing the WPR. The Danang and Cambodia reports both take note of section 4(a)(2) authorizing the deployment of U.S. forces while equipped for combat into a foreign nation not experiencing current or imminent hostilities.⁴⁰ The Cambodia and South Vietnam reports took note of section 4 generally.⁴¹

AND 1976: LEBANON

Summary of conflict

On July 22 and 23, 1976, helicopters from five U.S. naval vessels evacuated approximately 250 Americans and Europeans from Lebanon during fighting between Lebanese factions.⁴²

Congressional action

Congress did not authorize this operation in advance, nor did it approve the operation after its conclusion.

WPR

The President did not submit reports to Congress pursuant to or “consistent with” the WPR.⁴³

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1975: RETAKING OF THE *MAYAGUEZ*

Summary of conflict

In May 1975, Cambodian naval patrols seized the U.S. merchant ship *Mayaguez*.⁴⁴ On May 12, President Ford deployed troops to rescue 39 crew members and retake the vessel.⁴⁵

The President ordered air strikes against Cambodia and introduced ground forces from the U.S. Marine Corps. 41 American servicemen were killed.⁴⁶

Congressional action

Congress did not authorize the operation in advance, nor did it approve it following its conclusion.

- In the immediate aftermath of the operation, many Members of Congress offered praise to the administration for the successful rescue.⁴⁷
- In the months following the operation, Members of Congress convened hearings on the operation and its relationship to the WPR.⁴⁸

WPR

On May 13, after the operation had commenced, administration officials contacted 21 members of the House and Senate to inform them of the operation.⁴⁹

- On May 15, after military operations had concluded, the President submitted a report to Congress “taking note of Section 4(a)(1) of the War Powers Resolution” and asserting that the operation was conducted “pursuant to the President’s constitutional Executive power and his authority as Commander-in-Chief of the United States Armed Forces.”⁵⁰

1980: DESERT ONE IRANIAN HOSTAGE RESCUE ATTEMPT

Summary of conflict

In November 1979, more than 50 American citizens were taken hostage in the U.S. Embassy in Tehran, Iran.⁵¹

- In April 1980, President Carter ordered several military helicopters to a location south of Tehran known as “Desert One” to prepare for a hostage rescue operation.⁵²
- The helicopters had planned to meet several C-130 cargo planes carrying nearly 100 commandos in the rescue effort.⁵³ Due to a sudden dust storm and mechanical issues, only five of the original eight helicopters were operational upon reaching Desert One.⁵⁴ As it was previously determined the mission required six operational helicopters, the President canceled the operation.⁵⁵ As the group was preparing to return, two of the helicopters collided, killing eight and injuring five.⁵⁶

Congressional action

The administration did not inform the congressional leadership or Members of Congress that the operation was going to take place before it occurred for fear of endangering the success of the mission.⁵⁷

- Congress took no action prior to the operation, and did not approve it in its aftermath.
- Members of Congress convened hearings in the aftermath of the rescue effort.⁵⁸

WPR

The administration outlined plans for the rescue attempt to congressional leadership, but did not inform the leadership that the rescue attempt had commenced until it did so.⁵⁹

- On April 26, 1980, the President reported to Congress about the operation “consistent with the reporting provision” of the WPR.⁶⁰
- The President cited the U.S. right under Article 51 of the U.N. Charter to rescue its citizens in foreign territory.⁶¹

1981–1992: EL SALVADOR

Summary of conflict

In February 1981, the Reagan administration announced the deployment of 20 military advisers to join the 19 advisers already sent by the Carter administration to aid the Salvadoran government in its fight against leftist insurgents.⁶² By March 14, the Administration had authorized a total of 54 advisers.⁶³ The Administration subsequently adhered to a Congressionally suggested cap of 55 advisers.⁶⁴ However, this cap did not include temporary duty personnel, which if included would bring the total at times to as high as 250 personnel.⁶⁵

- Advisers were grouped into three mobile training teams providing military combat and intelligence instruction to government forces, as well as assistance in the military decision making process.⁶⁶ The teams were made up of active duty military personnel, generally from the infantry, special forces, and military intelligence branches of the U.S. Army.⁶⁷
- In all, 20 U.S. advisers were killed while providing support to the El Salvadoran government.⁶⁸

Congressional action

Congress did not authorize the joint exercises prior to the deployments, nor did it specifically agree with the Administration's assertion that WPR reporting was not required.⁶⁹ Members of Congress challenged the deployment to El Salvador:

- In May 1981, eleven Members of Congress filed suit claiming that the President violated the Constitution and the WPR by sending advisers to El Salvador. By June 1981 there were 29 co-plaintiffs as well as 29 additional Members of Congress who filed a motion to intervene on the grounds that legislation was pending that would provide the opportunity for Congress to vote to end the military assistance. The suit was dismissed in October 1982 on political question grounds.⁷⁰
- Several proposals for legislation were introduced but not adopted, including a requirement for specific authorization prior to introducing U.S. forces into hostilities in El Salvador, as well as a Congressional declaration that the President was required to file a report under section 4(a).⁷¹

WPR

The President did not report the deployment of advisers under the WPR, nor did he seek approval from Congress.⁷² A Department of State memorandum stated that a report was not required because U.S. personnel were not being introduced into hostilities or into an environment where hostilities are imminent.⁷³ The memorandum further asserted that reporting was not necessary under section 4(a)(2) as personnel were authorized only to carry personal sidearms which could only be used in their own defense or in the defense of other Americans.⁷⁴ Finally, the memorandum stated that reporting under section 8(c) was not required, as U.S. personnel "will not act as combat advisers, and will not accompany Salvadoran forces in combat, on operational patrols, or in any other situation where combat is likely."⁷⁵

1982–1990: HONDURAS

Summary of conflict

President Reagan dispatched ground troops and ships to Honduras to engage in joint training exercises in Central America and the Caribbean.⁷⁶

- Over the course of several years, the U.S. deployed thousands of troops, as well as warships and planes to the region.⁷⁷
- Honduras was never designated as a hostile fire or imminent danger pay area,⁷⁸ and personnel

deployed there were not entitled to a campaign or expeditionary medal triggering veteran benefits such as hiring preferences.⁷⁹

Congressional action

Congress did not authorize the joint exercises prior to the deployments, nor did it specifically approve them during or following the exercises.⁸⁰ But Members of Congress did express concern over the potential use of force in neighboring Nicaragua:

- In 1982, Congress passed the Boland Amendment to the Defense Appropriations Act which prohibited the use of funds to overthrow the Sandinista government of Nicaragua or to instigate a conflict between Honduras and Nicaragua.⁸¹
- In the Defense Authorization Act for FY1985, Congress expressed its nonbinding “sense” that U.S. military forces should not be introduced into Nicaragua for combat.⁸²
- In 1986, Congress prohibited U.S. personnel from approaching within 120 miles of the Nicaraguan borders with Costa Rica and Honduras or from entering Nicaragua to provide military advice or support for Nicaraguan paramilitary forces.⁸³

WPR

The President did not report the exercises under the WPR, nor did he seek approval from Congress.⁸⁴

1982–1984: LEBANON

Summary of conflict

In the summer of 1982, President Reagan deployed U.S. troops to Lebanon as part of a three-nation peacekeeping force (1) to remove the Palestine Liberation Organization (PLO) from Lebanon; and (2) restore the sovereign Lebanese government.⁸⁵

- The President deployed 800 Marines in August and 1,200 more in September 1982.⁸⁶
- In April 1983, the U.S. embassy in Beirut was bombed, killing 16 Americans. In August and September 1983, more U.S. Marines were killed during hostile fire.⁸⁷ In October 1983, a suicide truck bomber killed 241 U.S. Marines and wounded others.⁸⁸
- In February and March 1984, the President removed American troops from Lebanon, and reported that the U.S. had concluded its participation in the multinational peacekeeping force. U.S. special forces remained for some months thereafter.⁸⁹

Congressional pronouncements

In early July 1982, President Reagan approved a plan to send troops to Lebanon.⁹⁰ Congress did not specifically authorize the use of force in advance of the deployment of U.S. troops.

- In October 1983, Congress passed, and the President signed, a resolution which authorized U.S.

troops to participate in the multinational operation in Lebanon for 18 months. The act also provided that Section 4(a)(1) of the WPR was triggered in late August of 1983.⁹¹

- In signing the legislation, the President objected to the August 29 trigger and to the 18-month deadline.⁹²

WPR

On August 24, 1982, the President filed the first of three reports “consistent” with the WPR, and not pursuant to Section 4(a)(1).⁹³ The report stated that troops would not engage in combat, as did a second WPR report filed on September 29.⁹⁴

- On August 30, 1983, the President filed a third such report with Congress after two marines were killed amidst fighting between factions in Lebanon.⁹⁵

1983: GRENADA

Summary of conflict

On October 25, 1983, President Reagan announced that he had dispatched troops to Grenada in the aftermath of an October 12 coup in which Prime Minister Maurice Bishop and other government officials were killed.⁹⁶

- The administration stated that its goals were to protect the lives of nearly 1,000 Americans on the island and to assist in the restoration of “conditions of law and order and of governmental institutions.”⁹⁷ The administration was also concerned that Grenada could devolve into a client state of the U.S.S.R.⁹⁸
- The President deployed 1,900 U.S. Army and Marine Corps personnel. The Organization of Eastern Caribbean States voted unanimously for the operation, and contributed 300 personnel.⁹⁹
- 18 U.S. servicemen were killed, and another 116 were wounded.¹⁰⁰

Congressional action

Congress did not specifically authorize the use of force in advance of the deployment of U.S. troops.

- In November, the House of Representatives passed legislation, 403 - 23, which provided that the WPR became operative on October 25 pursuant to Section 4(a)(1). The Senate appeared to support the bill, but ultimately did not vote on it.¹⁰¹
- The legislation also required the administration to conclude military operations within 60 days. The Senate adopted similar language, but it was soon dropped in a subsequent bill.¹⁰²

The administration announced that it planned to withdraw troops by December 23, and indicated that there was no further need for the legislation. By December 15, all troops had been withdrawn.¹⁰³

Eleven Members of Congress filed a lawsuit in federal district court unsuccessfully challenging the constitutionality of the President’s actions.¹⁰⁴

WPR

The President filed a report “consistent with” the WPR which stated that he deployed American troops to Grenada to protect the lives of American citizens and in response to a request from the Organization of Eastern Caribbean States to assist with forming a collective security force.¹⁰⁵

1986: LIBYA*Summary of conflict*

In response to Libyan involvement in the December 1985 terrorist attacks at the Rome and Vienna Airports, a March 1986 attack against U.S. naval ships in the Gulf of Sidra, and an April 1986 bombing of a discotheque in West Berlin, President Reagan announced that U.S. Air Force planes had bombed Libyan military headquarters, installations, and terrorist camps in April 1986.¹⁰⁶

Congressional action

On April 14, the President invited members of the congressional leadership to the White House to discuss the air strikes that he ordered earlier that day.¹⁰⁷ Congress did not authorize the operation in advance, nor did it approve it following its conclusion.

- In the aftermath of the strikes against Libya, some Members of Congress introduced legislation seeking to amend the WPR, and others offered bills to improve consultation by forming a permanent consultative group.¹⁰⁸

WPR

On March 26, without citing the WPR, Reagan reported to Congress about the Gulf of Sidra incident and initial U.S. response against the Libyan missile sites that launched the attack.¹⁰⁹

- On April 16, Reagan reported to Congress, “consistent with” the WPR, about the administration’s response to the terrorist attacks.¹¹⁰ In an address to the nation, Reagan also cited his responsibility to protect American citizens, and to engage in self-defense under Article 51 of the U.N. Charter.¹¹¹

1987: PERSIAN GULF NAVAL ESCORTS*Summary of conflict*

On May 17, 1987, in the midst of the Iran-Iraq war, an Iraqi aircraft fired a missile at the U.S.S. Stark, killing 37 American sailors.¹¹²

- Soon thereafter, the U.S. began reflagging and providing naval escorts for Kuwaiti oil tankers sailing through the Persian Gulf.¹¹³
- During 1987, the U.S. Navy increased the number of its Persian Gulf ships to 11 warships, 6 mine-

sweepers, and more than 12 small patrol boats.¹¹⁴

- “Imminent danger” pay was announced for U.S. troops in August.¹¹⁵

Congressional action

Congress did not specifically authorize the reflagging or naval escorts in advance, nor did Congress approve the operations following their conclusion. (Congress considered such authorizing legislation, but never enacted it.)¹¹⁶

- During the early phase of the escort operations, the House and Senate passed legislation requiring the Secretary of Defense to submit a report to Congress prior to implementing any U.S.-Kuwaiti shipping protection agreement. The Secretary of Defense submitted his report to Congress in June 1987.¹¹⁷
- Later in the operations, several Members of Congress introduced legislation declaring that hostilities had commenced for the purposes of the WPR. The bills were similar to the “Multinational Force in Lebanon” resolution, but none was enacted.¹¹⁸
- In August 1987, 111 Members of Congress unsuccessfully filed suit asking the court to declare that “hostilities” within the meaning of the War Powers Resolution had commenced.¹¹⁹

WPR

Three days after the attack on the Stark, the administration submitted a report to Congress, but did not cite the WPR.¹²⁰

- Between September 1987 and July 1988, the Reagan administration submitted six reports to Congress “consistent with” the WPR which discussed various military engagements, including Iranian attacks on U.S. ships, U.S. attacks on Iranian oil platforms, and the mistaken U.S. shooting-down of an Iranian civilian airliner.¹²¹
- None of the WPR reports referenced section 4(a)(1) or noted that U.S. troops faced hostilities.¹²²

1989: ANDEAN INITIATIVE

Summary of conflict

In September 1989, President George H.W. Bush deployed approximately 100 military advisers and members of the U.S. special forces to Colombia, Bolivia, and Peru to assist those nations in combating illegal drug traffickers.¹²³

- The initiative was part of a larger package offered by the Bush administration that included a multiyear, counternarcotics effort involving with economic, military and law enforcement components.¹²⁴
- Personnel deployed as part of the effort were not entitled to a campaign or expeditionary medal,¹²⁵ but Columbia and Peru were designated as imminent danger or hostile fire pay areas during the relevant period.¹²⁶

Congressional authorization

Congressional support for the Andean Initiative derived from, in part, the International Narcotics Control Act, signed by President Bush in 1989, and various defense appropriations acts.¹²⁷

- Congress did not authorize the military aspects of the Andean Initiative as a stand-alone conflict.

WPR

The President did not report to Congress pursuant to or consistent with the WPR.¹²⁸

1989: PANAMA*Summary of conflict*

On December 20, 1989, President Bush ordered 14,000 military personnel to Panama (supplementing 13,000 already present) to protect American citizens and to apprehend General Manuel Noriega.¹²⁹

- Noriega surrendered to U.S. forces on January 3, 1990, and by February 13, 1990, all combat forces deployed for the invasion had been withdrawn.¹³⁰
- Approximately 23 members of the American forces were killed, and 300 were injured.¹³¹

Congressional authorization

Congress was in recess at the time the invasion was launched. The administration did not consult with Members of Congress prior to the invasion, but did notify them several hours before the invasion was to take place.¹³² Congress did not authorize the operation in advance, nor did it approve it following its conclusion.

- Prior to departing for recess, Congress did pass a resolution calling for the President to intensify efforts to remove Noriega from power, and the Senate passed a resolution supporting a wide range of options (including use of the military) to “restore constitutional government to Panama.”¹³³
- As the troops were being withdrawn, the House passed a resolution in which it praised the President for acting “decisively and appropriately in ordering United States forces to intervene in Panama.” The Senate failed to act further on the legislation.¹³⁴

WPR

On December 21, 1989, the President reported “consistent with” the WPR that he deployed troops to Panama.¹³⁵

1991: GULF WAR

Summary of conflict

On August 2, 1990, Iraq invaded Kuwait, seized its oil fields, and moved toward Saudi Arabia.¹³⁶ By October, the U.S. had deployed 200,000 land, naval, and air force personnel to the Persian Gulf region. On November 8, 1990, President Bush deployed an additional 150,000 troops.¹³⁷

- The President directed U.S. forces to begin combat operations on January 16, 1991.¹³⁸ On March 19, the President announced that Kuwait had been liberated and that combat operations had been suspended on February 28.¹³⁹ 150 Americans were killed in combat, and 450 were injured.¹⁴⁰

U.N. action

On August 2, the Senate voted 97-0 urging the President to act to remove Iraqi forces from Kuwait through “unilateral and multilateral measures,” and also noting that “additional multilateral actions” under U.N. Article 42 involving military forces, could be necessary.¹⁴¹ The House passed similar legislation seeking an economic embargo against Iraq.¹⁴²

Congressional action

In October 1996, the Senate passed a resolution not mentioning the WPR, but supporting “continued action by the President in accordance with the decisions of the United Nations Security Council and in accordance with United States constitutional and statutory processes....” Throughout the fall, Congress appropriated funds for preparatory deployments in the region. Both houses passed legislation supporting the buildup, but these measures were not enacted by the full Congress.¹⁴³

- On November 29, 1996, the U.N. Security Council passed Resolution 678 authorizing member states to use “all necessary means” to enforce its resolutions and restore peace to the area unless Iraq complied with the Security Council by January 15, 1991.¹⁴⁴ The President did not consult with the congressional leadership prior to the initial deployment, but both houses expressed support for ending the Iraqi occupation of Kuwait. On October 23, 1990, House Speaker Foley and Senator Mitchell designated a bipartisan congressional consultative group, but President Bush did not inform the group that he was deploying the additional 150,000 troops he ordered to the region in November.¹⁴⁵
- On January 12, 1992, the Senate and House passed the “Authorization for the Use of Military Force Against Iraq Resolution.” In signing the legislation, President Bush noted that the law did not “constitute any change in the long-standing positions of the executive branch” with respect to the President’s authority as commander in chief or the constitutionality of the WPR.¹⁴⁶ (45 Democratic members of the House unsuccessfully sought a court order to prohibit the President from offensive military action in the absence of congressional authorization.)¹⁴⁷

WPR

On August 9, 1990, President Bush reported to Congress, “consistent” with the WPR, but without

citing section 4(a)(1), that he was deploying troops to the region who were prepared to take multilateral action to counter Iraqi aggression. In November, the President reported the continued buildup of forces. On January 18, he reported to Congress that military operations commenced on January 16. In March, he reported that Kuwait had been liberated.¹⁴⁸

1991: AIRLIFT OF BELGIAN TROOPS AND EQUIPMENT TO ZAIRE

Summary of conflict

From September 25 to 27, 1991, after widespread looting and rioting broke out in Kinshasa, Zaire, U.S. Air Force C-141 transport planes ferried 100 Belgian troops and equipment into the capital city. U.S. planes also carried 300 French troops into the Central African Republic and retrieved American citizens and third country nationals from locations outside Zaire.¹⁴⁹ The operation was known as “Operation Quicklift.”¹⁵⁰

- Personnel deployed in support of the airlift were not entitled to a campaign or expeditionary medal,¹⁵¹ and Zaire was not designated an imminent danger or hostile pay area until after the airlift, in 1996.¹⁵²

Congressional action

Congress did not authorize the operation in advance, or approve it following its completion.

WPR

The President did not report to Congress pursuant to or “consistent with” the WPR.¹⁵³

1992–1993: SOMALIA

Summary of conflict

On December 4, 1992, President Bush ordered U.S. forces to Somalia as part of a U.N. humanitarian operation to protect relief from local armed factions, and deployed 25,000 U.S. personnel by mid-January.¹⁵⁴ By February 1993, U.S. forces were being reduced by the Clinton administration, and by May, U.S. forces numbered 4,000 as the operation was transferred to U.N. control.¹⁵⁵ 29 Americans died during the conflict, and about 150 were wounded. In June, 23 Pakistani peacekeepers were killed by forces believed to be loyal to Somali General Aidid.¹⁵⁶

U.N. action

In late November, the U.S. offered to use the military to protect U.N. humanitarian relief. On December 3, the U.N. Security Council passed Resolution 794 authorizing member nations to cooperate with the U.S. offer to “use all necessary means” to provide a secure environment for the relief

operations. In March, the Security Council adopted Resolution 814 to transition the U.S.-led force to a U.N.-led force (“UNOSOM II”).¹⁵⁷ Following the killing of the Pakistani peacekeepers, the Security Council authorized UNOSOM II to take action against those who perpetrated the attacks.¹⁵⁸

Congressional action

Congress did not authorize the Somalia operation in advance, nor did it approve it following its conclusion.

- On February 4, 1993, the Senate authorized the President to use armed forces pursuant to U.N. Resolution 794. In May, the House amended the legislation to authorize U.S. forces for one year. The measure was never enacted. In September, the House and Senate attached amendments to an appropriations bill asking for reports and expressing their nonbinding “sense” that the President by November 1993 should seek authorization for continued deployment.¹⁵⁹ In October 1993, the House adopted a non-binding measure directing the President to withdraw the armed forces from Somalia pursuant to Section 5(c) of the WPR. The Senate did not act on the legislation.¹⁶⁰
- The FY1994 Defense Appropriations Act cut off funding for U.S. military operations by March 1994 absent further congressional authority. Congress also approved the use of the military for protection of American personnel and bases, and to maintain the flow of relief aid.¹⁶¹ The FY1995 Defense Appropriations Act prohibited the use of funds for the continued presence of U.S. forces in Somalia, except for the protection of U.S. personnel.¹⁶²

WPR

On December 4, President Bush met with congressional leadership to brief them on the mission.¹⁶³ On December 10, President Bush reported to Congress “consistent with” the WPR that he dispatched U.S. troops into Somalia on December 8. The report did not cite Section 4(a)(1), but took note of congressional legislation expressing an urgent need for action.¹⁶⁴

- In June, President Clinton reported that U.S. forces responded to attacks on U.N. forces. In March 1995, President Clinton reported that U.S. forces were assisting with the withdrawal of U.N. forces.¹⁶⁵

1992–1999: BOSNIA

Summary of conflict

Throughout 1993, U.S. forces facilitated airlifts into the city of Sarajevo, monitored economic sanctions, and enforced a no-fly zone.¹⁶⁶ In February 1993, the U.S. provided relief supplies to civilian Muslims surrounded by the fighting in Bosnia.¹⁶⁷ In April 1993, U.S. and NATO planes began patrols over Bosnia and Herzegovina.¹⁶⁸

- In February 1994, the Clinton administration offered 60 U.S. aircraft for use in authorized NATO missions.¹⁶⁹ From March to September 1994 and in August and September 1995, U.S. planes

engaged in several attacks against Serbian military targets.¹⁷⁰

- In December 1995, the Clinton administration announced that it was beginning to deploy several thousand U.S. military personnel to join a 60,000-member NATO force to implement the Dayton Peace Accords.¹⁷¹ Other troops would be stationed in neighboring countries to assist the force.¹⁷²
- In December 1996, Clinton agreed to provide 8,500 troops to participate in a NATO stabilization force.¹⁷³

U.N. and NATO action

On August 13, 1992, U.N. Security Council Resolution 770 asked member nations to take “all measures necessary” to secure humanitarian assistance to Sarajevo.¹⁷⁴ In March 1993, the Council authorized member states to enforce the no-fly zones by all necessary means.¹⁷⁵

- The U.N. established a peacekeeping force in Macedonia to prevent the war in Bosnia from spreading, and the U.S. contributed 300 U.S. troops in June 1993.¹⁷⁶

Congressional action

Congress did not authorize the Balkans operations in advance, nor did it approve them following their conclusion.

- On August 11, 1992 (two days prior to Council Resolution 770), the Senate passed a resolution urging a U.N. resolution to facilitate humanitarian assistance.¹⁷⁷ It further provided that no U.S. personnel could be introduced absent defined objectives.¹⁷⁸ Around the same time, the House adopted a broader measure which authorized the use of force.¹⁷⁹
- The FY1994 Defense Department Appropriations Act stated that it was the non-binding sense of the Congress that funds should not be used for U.S. forces to participate in new missions in Bosnia unless authorized by Congress.¹⁸⁰
- In May 1994, Congress debated, but did not pass, measures (1) authorizing and approving the President’s decision to carry out NATO decisions, (2) lifting the arms embargo against Bosnia, and (3) authorizing attacks against Serbia if certain safe areas were attacked.¹⁸¹
- The FY1995 Defense authorization and appropriations act expressed the sense of Congress that the President should work to end the arms embargo, and that U.S. troops should not be deployed to implement a peace settlement absent prior congressional authorization.¹⁸²
- In the fall of 1995, Congress debated and passed several measures expressing the sense of the Congress that U.S. armed forces should not be used to enforce a peace agreement absent congressional approval.¹⁸³
- Prior to the signing of the Dayton Peace Accords in December 1995, the House debated, but did not pass, measures to prohibit the use of federal funds for the deployment of U.S. troops to enforce a peace agreement.¹⁸⁴ The House passed a non-binding measure expressing “serious concerns and opposition” to the deployment of ground troops.¹⁸⁵ The Senate passed a measure expressing support for U.S. troops.¹⁸⁶
- Ultimately, the Senate and the House did not reach a consensus on any legislation with respect to

the troop deployment to enforce the peace accords.¹⁸⁷

- In 1998, the House defeated a resolution, 193-225, to remove American troops from Bosnia.¹⁸⁸

WPR

In July 1993, the President reported to Congress about the use of ground forces in Macedonia “consistent with” Section 4 of the WPR.¹⁸⁹ In February 1994, the President reported that U.S. aircraft were available for authorized NATO missions.¹⁹⁰ In March, April, and August, he further reported that U.S. aircraft had attacked Serbian targets.¹⁹¹

- In May 1995, the President reported that U.S. aircraft continued to enforce the no-fly zone.¹⁹² In December 1995, the President reported the deployment of approximately 1,500 U.S. military personnel to assist in implementing the peace treaty.¹⁹³
- Since then, both the Clinton and present Bush administration have filed regular reports updating Congress on the status of the Bosnia deployments.¹⁹⁴

1993: MISSILE STRIKES ON IRAQ

Summary of conflict

On June 26, 1993, President Clinton ordered missile strikes on Iraq after having received intelligence of “compelling evidence” that the Iraqi Intelligence Service (IIS) was involved in a plot to assassinate former President George H. W. Bush.¹⁹⁵

- Clinton launched 23 Tomahawk missiles against an IIS command and control facility in Baghdad.¹⁹⁶

Executive action

In an address to the nation, the President stated that he ordered the attack in self defense pursuant to Article 51 of the U.N. Charter and to his “constitutional authority with respect to the conduct of foreign relations and as Commander in Chief.”¹⁹⁷

Congressional action

The President did not consult with Members of Congress prior to the attack.¹⁹⁸

WPR

The President reported his actions “consistent with the” WPR to Congress two days following the strikes.¹⁹⁹

1999: KOSOVO

Summary of conflict

In March 1999, President Clinton deployed U.S. forces to participate in a NATO-led mission in Kosovo in response to the Yugoslav government's military campaigns against ethnic Albanians in Kosovo.²⁰⁰ On June 10, 1999, Yugoslavia agreed to a cease fire and to withdraw its forces from Kosovo, after which the U.S. contributed about 7,000 troops to a 50,000-member NATO peacekeeping force.²⁰¹

Congressional action

On March 23, 1999, the day before U.S.-NATO airstrikes, the Senate passed a resolution expressing the non-binding sense of the Congress that the President was authorized to conduct strikes against Yugoslavia.²⁰² In April, the House defeated the Senate measure, 213-213.²⁰³ On April 28, the House passed legislation prohibiting the use of U.S. ground force unless congressionally authorized.²⁰⁴

- In May, the Senate defeated a measure authorizing the President to “use all necessary force” to accomplish U.S. and NATO objectives in Yugoslavia, and defeated legislation that would have restricted the use of force in Yugoslavia.²⁰⁵ The House defeated legislation that would have prohibited the use of funds for ground forces to invade Yugoslavia.²⁰⁶
- In the meantime, Congress passed an emergency supplemental appropriations bill for FY1999 to fund the Kosovo operation.²⁰⁷
- In May 1999, 60 days after the President notified Congress of his actions in Kosovo, Representative Tom Campbell and 30 other Members of Congress unsuccessfully sought to have President Clinton declared in violation of the WPR and the Constitution for committing troops to combat absent congressional authorization. The U.S. Court of Appeals for the D.C. Circuit dismissed the case on the basis of standing.²⁰⁸
- In June 1999, following the Yugoslav cease-fire, Congress debated and defeated measures that would have prohibited the use of funds for combat, military, or peacekeeping operations in Yugoslavia.²⁰⁹

WPR

President Clinton reported to Congress, “consistent with” the WPR, about the use of force in March 1999.²¹⁰ In June, he reported that U.S. forces were being contributed to the NATO KFOR peacekeeping force.²¹¹

- Since then, the Clinton and Bush administrations have reported periodically about the status of U.S. forces in Kosovo.²¹²

1993–1996: HAITI

Summary of conflict

In July 1993, General Raoul Cedras and President Jean-Bertrand Aristide signed an agreement which provided for the return of Aristide to the Haitian presidency in October of that year.²¹³ As the deadline approached, Cedras refused to uphold the agreement, and the U.N. re-imposed sanctions on the country.²¹⁴

- The U.S. enforced the embargo during the remainder of 1993 and 1994, and dispatched aircraft carriers to the region in September 1994. Following a Security Council resolution authorizing “all necessary means” to remove the military leadership. As many as 21,000 U.S. troops were stationed in Haiti.²¹⁵
- In September 1994, a U.S. team of Jimmy Carter, Colin Powell, and Sam Nunn ultimately negotiated the removal of the military leadership.²¹⁶

U.N. action

When it became clear that Cedras would not uphold the agreement, the U.N. Security Council voted to restore sanctions, which the U.S. enforced throughout 1993 and 1994.²¹⁷ On July 31, 1994, Clinton sought and received a July 31 Security Council resolution authorizing a multinational force to use “all necessary means” to remove the military junta.²¹⁸

Congressional action

Congress did not authorize the Haitian intervention in advance, nor approve it following its conclusion.

- An amendment to a Defense Department appropriations act in 1993 stated that it was the sense of the Congress that funds should not be spent for military operations in Haiti absent advance congressional authorization or if necessary to protect American citizens.²¹⁹
- During the spring and summer of 1994, the House and Senate debated and rejected measures prohibiting the President from using U.S. military forces to depose the Haitian military dictatorship absent congressional authorization.²²⁰
- Following the Security Council resolution, the Senate passed, 100-0, an amendment expressing its sense that the U.N. Resolution did not constitute authorization for the deployment of U.S. forces in Haiti. The legislation was rejected in conference.²²¹
- Following the Carter-Powell-Nunn negotiations, the House and Senate passed legislation which expressed the sense of Congress that the President should have sought congressional approval before deploying troops to Haiti. The President signed the legislation in October 1994.²²²

WPR

The President filed 6 reports “consistent” with the WPR relating to the intervention in Haiti.²²³

2001–PRESENT: AFGHANISTAN & WAR ON TERROR

Summary of conflict

In the aftermath of the terrorist attacks of September 11, 2001, the U.S. deployed troops to Afghanistan to capture and kill members of al Qaeda and the Taliban.²²⁴ At any one time, the U.S. has deployed approximately 23,000 troops in the region.²²⁵

- Troops also conducted operations elsewhere. In November 2002, the U.S. killed six suspected al Qaeda members by launching a hellfire missile at their car traveling in Yemen.²²⁶

Congressional action

The House (420-1) and the Senate (98-0) voted to enact the “Authorization for Use of Military Force.” It was signed into law on September 18, and authorized the President “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.”²²⁷

- The President’s signing statement “maintain[ed] the longstanding position of the executive branch regarding the President’s constitutional authority to use force . . . and regarding the constitutionality of” the WPR.²²⁸
- The legislation did not invoke the WPR itself, but noted that it constituted “specific statutory authorization within the meaning of Section 5(b)” of the WPR.²²⁹
- The President consulted with the congressional leadership in the immediate aftermath of the attacks, during which the two branches fashioned a joint resolution permitting the President to use military force against those responsible for the attacks.²³⁰
- The President noted that he had the “benefit of meaningful consultations with members of Congress” since the 9/11 attacks, and would “continue to consult closely with them...”²³¹

WPR

On October 9, 2001, the President reported to Congress “consistent with” the WPR that U.S. forces were engaged in combat against al Qaeda and the Taliban.²³²

- Since then, the President has continued to file broadly-worded, regular reports on the status of U.S. military action in Afghanistan and the global war on terrorism.²³³

2003–PRESENT: IRAQ

Summary of conflict

Military operations in Iraq commenced on March 19, 2003 with an air strike on Saddam Hussein’s assumed location. The ground invasion followed the next day with U.S. troops entering Baghdad on April 5. President Bush declared the official end of combat operations on May 1, 2003. However, due in part to persistent insurgent activity, U.S. forces continue to be engaged in stability and support operations.

- Nearly 4,000 U.S. servicemen and women have died during the conflict, and 29,000 have been injured.²³⁴ Throughout the course of the conflict, approximately 130,000 U.S. troops have been deployed at any one time.²³⁵

Congressional action

On September 4, 2002, the President met with bipartisan congressional leadership to discuss the Iraqi government’s failure to comply with U.N. Security Council resolutions regarding weapons of mass destruction.²³⁶

- In late September and early October 2002, the Senate and House debated a joint resolution entitled the “Authorization for Use of Military Force against Iraq Resolution of 2002.” The measure passed the Senate 77 to 23 and the House 296 to 133, and was signed into law on October 16.²³⁷
- The legislation authorized the President to use force to “(1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.”²³⁸
- The resolution also required the President, prior to the use of force, to communicate to Congress his conclusion that peaceful means would not “adequately protect the United States” or “lead to enforcement of all relevant” U.N. Security Council Resolutions.²³⁹
- (The “all relevant Resolutions” language contrasts with the authority granted in Gulf War I, which permitted the use of force to implement prior U.N. resolutions pursuant to Resolution 678.)²⁴⁰

WPR

In signing the legislation, the President thanked Congress for its “resolution of support,” but noted that it did not change the “longstanding positions of the executive branch” regarding the President’s constitutional authority to use force or regarding the constitutionality of” the WPR.²⁴¹

FOOTNOTES

- 1 See generally Louis Fisher, *Presidential War Power* 97 (2004).
- 2 *Id.* at 97.
- 3 Richard F. Grimmett, *Instances of Use of U.S. Armed Forces Abroad, 1798-2007*, CRS Report For Congress: RI 32170, January 14, 2008 at 16.
- 4 *The Oxford Companion to Military History* 372 (John Whiteclay Chambers II, ed.) (1999).
- 5 *Id.* at 370.
- 6 *Id.* at 370-371.
- 7 *Id.* at 371-372.
- 8 U.S. Department of State, *Background Note: North Korea*, Feb. 2008, available at www.state.gov/r/pa/ei/bgn/2792.htm#relations.
- 9 *Id.*
- 10 *Id.*
- 11 Fisher, *supra* note 1, at 99.
- 12 *Id.*
- 13 *Id.* at 101.
- 14 See, e.g., *id.* at 99.
- 15 *Id.*
- 16 See generally Fisher, *supra* note 1, at 128 - 134 (2004); *Oxford Companion*, *supra* note 4, at 759 - 767.
- 17 See, e.g., *Oxford Companion*, *supra* note 4, at 759.
- 18 *Id.*
- 19 Southeast Asia Collective Defense Treaty (Manila Pact), Sept. 8, 1954, 6 U.S.T. 81 - 86.
- 20 See, e.g., John Hart Ely, *War And Responsibility: Constitutional Lessons of Vietnam and Its Aftermath* 14 (1993) (citations omitted).
- 21 *Id.* at 16.
- 22 *Id.*
- 23 Fisher, *supra* note 1, at 130 - 131.
- 24 Ely, *supra* note 20, at 27.
- 25 Ely, *supra* note 20, at 28.
- 26 *Id.* (citations omitted).
- 27 *Id.* at 32.
- 28 Ely, *supra* note 20, at 33.
- 29 *Id.* at 42.
- 30 Central Intelligence Agency, *The 2008 World Factbook, Cyprus*, May 15, 2008, available at www.cia.gov/library/publications/the-world-factbook/geos/cy.html.
- 31 Richard F. Grimmett, *The War Powers Resolution: After Thirty Years*, CRS Report for Congress: RL32267, March 11, 2004 at 79. See also Grimmett, *Instances of Use of U.S. Armed Forces Abroad*, *supra* note 3, at 18.
- 32 U.S. Department of State, *Background Note: Cyprus*, March 2008, available at www.state.gov/r/pa/ei/bgn/5376.htm.
- 33 Grimmett, *The War Powers Resolution*, *supra* note 31, at 76.
- 34 *Id.* at 11.
- 35 *Id.* at 56.
- 36 *Id.*
- 37 *Id.*
- 38 *Id.* at 56-57.
- 39 *Id.* at 56.
- 40 U.S. House of Representatives, Committee on Foreign Affairs, Subcommittee on International Security, International Organizations and Human Rights, *The War Powers Resolution: Relevant Documents, Reports, Correspondence, Committee Print*, 103rd Congress, May 1994, at 47-49.
- 41 *Id.* at 49 -51.
- 42 Grimmett, *The War Powers Resolution*, *supra* note 31, at 79.
- 43 *Id.*
- 44 Fisher, *supra* note 1, at 157.
- 45 *Id.*
- 46 *Id.*
- 47 Fisher, *supra* note 1, at 157.
- 48 See, e.g., *War Powers: A Test of Compliance Relative to the Danang Sealift, the Evacuation of Phnom Penh, the Evacuation of Saigon and the Mayaguez Incident: Hearings Before the Subcomm. on Int'l Security and Scientific Affairs of the House Comm. on Int'l Relations*, 94th Cong. (1975).
- 49 Grimmett, *The War Powers Resolution*, *supra* note 31, at 57.
- 50 Public Papers of the Presidents, Gerald R. Ford: 1975: containing the public messages, speeches, and statements of the president, Book 1, pp. 669-70 (1977). Scholars note that the *Mayaguez* report is the only instance in which a president cites section 4(a)(1), possibly triggering the 60-day clock in section 5(b). See, e.g., Fisher, *supra* note 1, at 150, 156; Grimmett, *The War Powers Resolution*, *supra* note 31, at 11. However, the question was left moot because the action was over by the time President Ford submitted the report. Grimmett, *The War Powers Resolution*, *supra* note 31, at 11. The issue of citation to section 4(a)(1) is further complicated by the fact that a key source compiling the war powers reports published by the House Committee on Foreign Affairs characterizes ten reports as being “consistent with section 4(a)(1)” in their preambles despite there being no such language in the report itself. U.S. House of Representatives, Committee on Foreign Affairs, Subcommittee on International Security,

- International Organizations and Human Rights, *The War Powers Resolution: Relevant Documents, Reports, Correspondence*, Committee Print, 103rd Congress, May 1994. These preambles do not appear in the Public Papers of the Presidents, and the *Mayaguez* report is the only report citing 4(a)(1) in the body of the report itself.
- 51 See, e.g., Fisher, *supra* note 1, at 158.
52 *Id.* at 159.
53 *Id.*
54 U.s. Joint Chiefs Of Staff, “The Holloway Report” 10 (Aug. 23, 1980) available at www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB63/doc8.pdf.
55 *Id.*
56 *Id.*
57 *Id.*
58 *Hostage Rescue Mission: Hearings before the House Comm. on Approps.* 96th Cong. (1980).
59 *Id.*
60 Grimmett, *The War Powers Resolution*, *supra* note 31, at 57.
61 *Id.*
62 Grimmett, *The War Powers Resolution*, *supra* note 31, at 12.
63 *Id.*
64 *Id.* at 13-14.
65 Major General Alfred A. Valenzuela and Colonel Victor M. Rosello, *Expanding Roles and Missions in the War on Drugs and Terrorism: El Salvador and Columbia*, *Military Review*, March - April 2004, at 29.
66 *Id.* at 28.
67 *Id.*
68 *Id.* at 30.
69 Grimmett, *The War Powers Resolution*, *supra* note 31, at 12 - 14.
70 *Crockett v. Reagan*, 558 F. Supp. 893 (D.D.C. 1982).
71 Grimmett, *The War Powers Resolution*, *supra* note 31, at 13.
72 *Id.* at 12.
73 *Id.*
74 *Id.*
75 *Id.*
76 *Id.* at 14.
77 *Id.*
78 Dept. of Defense Financial Management Regulation 7000.14-R, Volume 7A, Chapter 10, Figure 10-1, available at www.defenselink.mil/comptroller/fmr/07a/07a_10.pdf.
79 U.S. Office of Personnel Management, VetGuide, Appendix A, available at www.opm.gov/Veterans/html/vgmedal2.asp.
80 Grimmett, *The War Powers Resolution*, *supra* note 31, at 14.
81 *Id.*
82 *Id.* at 15.
83 *Id.*
84 *Id.*
85 Fisher, *supra* note 1, at 160.
86 *Oxford Companion*, *supra* note 4, at 387; Grimmett, *The War Powers Resolution*, *supra* note 31, at 58.
87 Fisher, *supra* note 1, at 160.
88 Fisher, *supra* note 1, at 160; *Oxford Companion*, *supra* note 4, at 387.
89 *Oxford Companion*, *supra* note 4, at 387.
90 Grimmett, *The War Powers Resolution*, *supra* note 31, at 15.
91 *Id.*
92 Fisher, *supra* note 1, at 161.
93 Grimmett, *The War Powers Resolution*, *supra* note 31, at 15-16, 57-58.
94 *Id.*
95 *Id.*
96 Fisher, *supra* note 1, at 161; Grimmett, *The War Powers Resolution*, *supra* note 31, at 17.
97 Fisher, *supra* note 1, at 161-162, Grimmett, *The War Powers Resolution*, *supra* note 31, at 58.
98 *Oxford Companion*, *supra* note 4, at 303.
99 Fisher, *supra* note 1, at 162; *Oxford Companion*, *supra* note 4, at 303; Grimmett, *The War Powers Resolution*, *supra* note 31, at 17.
100 *Oxford Companion*, *supra* note 4, at 303.
101 Fisher, *supra* note 1, at 163; Grimmett, *The War Powers Resolution*, *supra* note 31, at 17.
102 Grimmett, *The War Powers Resolution*, *supra* note 31, at 17.
103 Fisher, *supra* note 1, at 163, Grimmett, *The War Powers Resolution*, *supra* note 31, at 18.
104 See, e.g., *Conyers v. Reagan*, 578 F. Supp. 324 (D.D.C. 1984).
105 Grimmett, *The War Powers Resolution*, *supra* note 31, at 58.
106 Grimmett, *The War Powers Resolution*, *supra* note 31, at 18, Fisher, *supra* note 1, at 163-164.
107 Fisher, *supra* note 1, at 164.
108 Grimmett, *The War Powers Resolution*, *supra* note 31, at 18-19.
109 Grimmett, *The War Powers Resolution*, *supra* note 31, at 18.
110 *Id.* at 58-59.
111 Fisher, *supra* note 1, at 164.
112 Grimmett, *The War Powers Resolution*, *supra* note 31, at 19.

- 113 Grimmett, *The War Powers Resolution*, *supra* note 31, at, Fisher, *supra* note 1, at 165.
- 114 Grimmett, *The War Powers Resolution*, *supra* note 31, at 19.
- 115 *Id.* at 19.
- 116 *Id.* at 20.
- 117 *Id.*
- 118 *Id.*
- 119 *Lowry v. Reagan*, 676 F. Supp. 333 (D.D.C. 1987).
- 120 Grimmett, *The War Powers Resolution*, *supra* note 31, at 59.
- 121 *Id.*
- 122 *Id.*
- 123 Grimmett, *The War Powers Resolution*, *supra* note 31, at 76; Michael Isikoff, *Up to 100 Military Advisers To Be Sent to Colombia; DEA Agents to Resume Attacks in Peru*, *The Washington Post*, September 1, 1989, p. A1.
- 124 See Congressional Budget Office, *The Andean Initiative: Objectives and Support*. (1994), available at www.cbo.gov/ftpdoc.cfm?index=4885&type=0 (last visited, March 17, 2008).
- 125 VetGuide, *supra* note 87.
- 126 DoD Regulation 7000.14-R, *supra* note 86.
- 127 See, e.g., Raphael F. Perl, *United States International Drug Policy: Recent Developments and Issues*, 32 *Journal of Interamerican Studies and World Affairs*, 123-135 (1990).
- 128 Grimmett, *The War Powers Resolution*, *supra* note 31, at 76.
- 129 *Id.* at 21.
- 130 *Id.*
- 131 Hannah Fischer, et al., *American War and Military Operations Casualties*. CRS Report for Congress RL32492 at 23.
- 132 Grimmett, *The War Powers Resolution*, *supra* note 31, at 21.
- 133 *Id.* at 21.
- 134 *Id.* at 22; Fisher, *supra* note 1, at 166-167.
- 135 Grimmett, *The War Powers Resolution*, *supra* note 31, at 60.
- 136 *Id.* at 24.
- 137 *Id.* at 25.
- 138 *Id.* at 27.
- 139 *Id.* at 28, 29.
- 140 Fischer, et al., *American War and Military Operations Casualties*, *supra* note 131, at 5, 9.
- 141 Grimmett, *The War Powers Resolution*, *supra* note 31, at 24.
- 142 *Id.*
- 143 *Id.* at 25.
- 144 *Id.* at 26.
- 145 *Id.* at 25.
- 146 *Id.* at 27.
- 147 *Dellums v. Bush*, 752 F. Supp. 1141 (D.D.C. 1990).
- 148 Grimmett, *The War Powers Resolution*, *supra* note 31, at 60-61.
- 149 Grimmett, *The War Powers Resolution*, *supra* note 31, at 24.
- 150 Center for Defense Information, *U.S. Military Deployments/Engagements, 1975-2001*, available at www.cdi.org/issues/USForces/deployments.html (last visited, March 17, 2008).
- 151 VetGuide, *supra* note 87.
- 152 DoD Regulation 7000.14-R, *supra* note 86.
- 153 Grimmett, *The War Powers Resolution*, *supra* note 31, at 76.
- 154 *Id.* at 30-31.
- 155 *Id.* at 31.
- 156 *Id.*
- 157 *Id.* at 30.
- 158 *Id.* at 31.
- 159 *Id.* at 31.
- 160 *Id.* at 32.
- 161 *Id.*
- 162 *Id.*
- 163 *Id.* at 33.
- 164 *Id.* at 61.
- 165 *Id.* at 31, 61, and 63.
- 166 *Id.* at 33.
- 167 *Id.* at 33.
- 168 *Id.* at 34.
- 169 *Id.* at 35.
- 170 *Id.* at 35, 36.
- 171 *Id.* at 36.
- 172 *Id.* at 37.
- 173 *Id.* at 39.
- 174 *Id.* at 33.
- 175 *Id.* at 33, 34.
- 176 *Id.* at 34.

- 177 *Id.* at 33.
178 *Id.*
179 *Id.*
180 *Id.* at 34.
181 *Id.* at 35
182 *Id.*
183 *Id.* at 36, 37
184 *Id.* at 37.
185 *Id.*
186 *Id.* at 38.
187 *Id.*
188 *Id.* at 39.
189 *Id.* at 34, 61.
190 *Id.* at 34-35, 62.
191 *Id.* at 35, 62.
192 *Id.* at 35, 63.
193 *Id.* at 37, 64.
194 See, e.g., *id.* at 68-75.
195 Fisher, *supra* note 1, at 176.
196 *Id.*
197 *Id.*
198 *Id.*
199 Grimmer, *The War Powers Resolution*, *supra* note 31, at 61.
200 *Id.* at 39.
201 *Id.* at 41.
202 *Id.* at 39.
203 *Id.* at 40.
204 *Id.* at 39.
205 *Id.* at 40.
206 *Id.*
207 *Id.*
208 *Id.* at 41; *Campbell v. Clinton*, 203 F. 3d 19 (D.C. Cir. 2000).
209 Grimmer, *The War Powers Resolution*, *supra* note 31, at 41.
210 *Id.* at 39.
211 *Id.* at 41.
212 *Id.* at 70-75.
213 *Id.* at 42.
214 *Id.* at 42.
215 *Id.* at 43-44.
216 *Id.* at 44.
217 *Id.* at 42-43.
218 *Id.* at 43.
219 *Id.* at 42; Fisher, *supra* note 1, at 180-181.
220 Grimmer, *The War Powers Resolution*, *supra* note 31, at 43.
221 *Id.*
222 *Id.* at 44.
223 *Id.* at 62-64.
224 *Id.* at 45.
225 *Afghanistan Now Most Dangerous for U.S. Troops*. abcnews.com, <http://abcnews.go.com/International/story?id=3937323&page=1> (last visited March 17, 2008).
226 *U.S. Kills al Qaeda Suspects in Yemen*. *USA Today*. November 5, 2002. http://www.usatoday.com/news/world/2002-11-04-yemen-explosion_x.htm (last visited March 17, 2008).
227 Grimmer, *The War Powers Resolution*, *supra* note 31, at 46.
228 *Id.*
229 *Id.*
230 *Id.* at 45.
231 *Id.* at 46.
232 *Id.* at 47.
233 See, e.g., *Id.* at 74.
234 Fischer, et al., *American War and Military Operations Casualties*, *supra* note 131, at 18.
235 *U.S. Ground Forces End Strength*, www.globalsecurity.org/military/ops/iraq_orbat_es.htm (last visited, March 17, 2008).
236 *Id.*
237 *Id.* at 48-49.
238 *Id.* at 49.
239 *Id.*
240 *Id.* at 27.
241 *Id.* at 49.