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The Announcement Reasserts That Only Congress May Initiate War, While the President's Military Authority is Strictly Limited to Defensive Action.

[Philadelphia, PA] — The United States Constitution draws a deliberate line between the powers of Congress and the powers of the President in matters of war. Article I assigns Congress the authority to declare war, issue letters of marque and reprisal, raise and support armies, provide and maintain a navy, and regulate captures on land and water. Article II designates the President as Commander in Chief of the armed forces once they are lawfully employed.

This division was intentional. The Founders sought to prevent unilateral wars while preserving the ability of the executive to respond swiftly when the nation is under attack.

The Supreme Court has repeatedly affirmed this structure.

In *The Prize Cases* of 1863, the Court held that the President may act militarily without a formal declaration of war when the United States is already under attack or facing an insurrection that has risen to the level of a war in fact. President Lincoln's blockade of Confederate ports was upheld because hostilities had already begun with the attack on Fort Sumter. The Court emphasized that a state of war can exist without a declaration, but only when force has already been initiated against the United States.

This authority is defensive in nature. It allows the President to repel force, suppress insurrection, and protect the nation when delay would be dangerous. It does not grant the power to initiate war.

That limit was made clear much earlier in *Little v. Barreme* in 1804. In that case, the Supreme Court ruled that the President must follow the specific rules Congress sets for military and naval operations. Even during a period of conflict, the executive may not exceed or alter the scope of authority that Congress has provided. When Congress defines how and when hostilities may occur, the President is bound by those terms.

Taken together, these cases establish a consistent constitutional principle. The President may respond to existing hostilities and enforce defensive measures when the nation is already under threat. The President may not commence war or expand hostilities beyond what Congress has authorized.

Applied to modern conflicts, this framework requires careful distinction between defensive enforcement actions and acts that amount to initiating war. Measures such as interdiction or blockade may fall within executive authority if they are tied to enforcement of existing law or response to ongoing threats. Direct military strikes inside a foreign sovereign nation, absent an armed attack on the United States or explicit authorization from Congress, raise serious constitutional concerns.

The Constitution does not vest war-making power in a single office. It requires deliberation, accountability, and shared responsibility. This structure protects both national security and the liberty of the people by ensuring that decisions of war reflect the consent of the governed through their elected representatives.



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