

Sec. 2—Powers, Duties of the President

Cl. 1—Commander-In-Chiefship

the International Emergency Economic Powers Act,¹⁵⁹ which did not alter most of the range of powers delegated to the President but which did change the scope of the power delegated to declare national emergencies.¹⁶⁰ Congress also passed the National Emergencies Act, prescribing procedures for the declaration of national emergencies, for their termination, and for presidential reporting to Congress in connection with national emergencies. To end the practice of declaring national emergencies for an indefinite duration, Congress provided that any emergency not otherwise terminated would expire one year after its declaration unless the President published in the Federal Register and transmitted to Congress a notice that the emergency would continue in effect.¹⁶¹

The Cold War and After: Presidential Power To Use Troops Overseas Without Congressional Authorization

Reaction after World War II did not persist, but soon ran its course, and the necessities, real and perceived, of the United States' role as world power and chief guarantor of the peace operated to expand the powers of the President and to diminish congressional powers in the foreign relations arena. President Truman did not seek congressional authorization before sending troops to Korea, and subsequent Presidents similarly acted on their own in putting troops into many foreign countries, including the Dominican Republic, Lebanon, Grenada, Panama, and the Persian Gulf, and most notably Indochina.¹⁶² Eventually, public opposition precipitated another constitutional debate whether the President had the authority to commit troops to foreign combat without the approval of Congress, a debate that went on inconclusively between Congress and Executive¹⁶³ and one which the courts were content generally to consign to the exclusive consideration of those two bodies. The substance of the debate concerns many facets of the President's powers and responsibilities, including his obligations to protect the lives and property of United States citizens abroad, to execute the treaty obligations of the Nation, to further the national security interests of the Nation, and to deal with aggression and threats of aggression as

¹⁵⁹ 91 Stat. 1626, 50 U.S.C. §§ 1701–1706.

¹⁶⁰ Congress authorized the declaration of a national emergency based only on “any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or the economy of the United States . . .” 50 U.S.C. § 1701.

¹⁶¹ Pub. L. 94–412, 90 Stat. 1255 (1976).

¹⁶² See the discussion in NATIONAL COMMITMENTS RESOLUTION, REPORT OF THE SENATE COMMITTEE ON FOREIGN RELATIONS, S. REP. NO. 91–129, 91st Congress, 1st sess. (1969); *U.S. Commitments to Foreign Powers: Hearings Before the Senate Committee on Foreign Relations*, 90th Congress, 1st sess. (1967) at 16–19 (Professor Bartlett).

¹⁶³ See discussion under Article I, § 8, cls. 11–14.