

Declaration of war by the United States

A **declaration of war** is a formal declaration issued by a national government indicating that a state of war exists between that nation and another. For the United States, Article One, Section Eight of the Constitution says "Congress shall have power to ... declare War". However, that passage provides no specific format for what form legislation must have in order to be considered a "Declaration of War" nor does the Constitution itself use this term. Many have postulated "Declaration(s) of War" must contain that phrase as or within the title. Others oppose that reasoning. In the courts, the United States First Circuit Court of Appeals in *Doe vs. Bush* said: "[T]he text of the October Resolution itself spells out justifications for a war and frames itself as an 'authorization' of such a war."^[1] in effect saying an authorization suffices for declaration and what some may view as a formal Congressional "Declaration of War" was not required by the Constitution.

This article will use the term "formal Declaration of War" to mean Congressional legislation that uses the phrase "Declaration of War" in the title. Elsewhere, this article will use the terms "authorized by Congress", "funded by Congress" or "undeclared war" to describe other such conflicts.

The United States has formally declared war against foreign nations five separate times, each upon prior request by the President of the United States. Four of those five declarations came after hostilities had begun.^[2] James Madison reported that in the Federal Convention of 1787, the phrase "make war" was changed to "declare war" in order to leave to the Executive the power to repel sudden attacks but not to commence war without the explicit approval of Congress.^[3] Debate continues as to the legal extent of the President's authority in this regard.

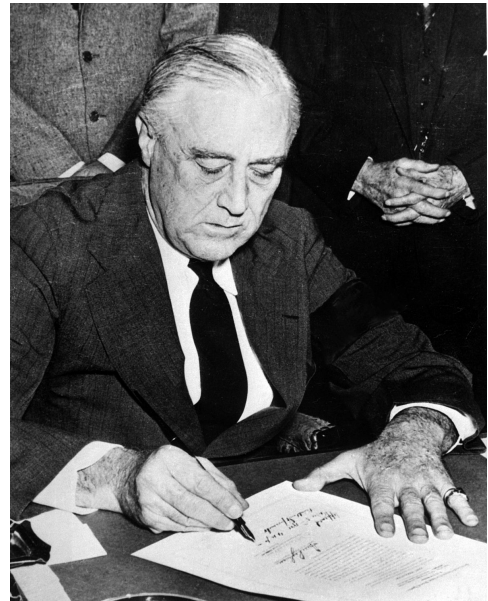
After Congress repealed the Gulf of Tonkin Resolution in January 1971 and President Richard Nixon continued to wage war in Vietnam, Congress passed the War Powers Resolution (Pub.L. 93-148) over the veto of Nixon in an attempt to rein in some of the president's claimed powers. Today, Congress recognizes no claimed power of the president to wage war outside of the War Powers Resolution.

Declarations of war

Formal

The table below lists the five wars in which the United States has formally declared war against eleven foreign nations.^[4] The only country against which the United States has declared war more than once is Germany, against which the United States has declared war twice (though a case could be made for Hungary as a successor state to Austria-Hungary).

In World War II, the Japanese attacked Pearl Harbor on December 7, 1941. Germany and Italy, led respectively by Adolf Hitler and Benito Mussolini, declared war on the United States, and the U.S. Congress responded in kind.^{[5][6]}














Franklin D. Roosevelt signs the declaration of war against Japan on December 8, 1941.

War	Declaration	Opponent(s)	Date of declaration	Votes		President	Conclusion
				Senate	House		
War of 1812	Declaration of War upon the UK	 United Kingdom	June 18, 1812	19–13	79–49	Madison	Treaty of Ghent (December 24, 1814)
Mexican-American War	"An Act providing for the Prosecution of the existing War between the United States and the Republic of Mexico." ^[7]	 Mexico	May 13, 1846	40–2	173–14	Polk	Treaty of Guadalupe Hidalgo (February 2, 1848)
Spanish-American War	Declaration of War upon Spain	 Spain	April 25, 1898	42–35	310–6	McKinley	Treaty of Paris (December 10, 1898)
World War I	Declaration of War upon Germany (1917)	 Germany	April 6, 1917	82–6	373–50	Wilson	Treaty of Berlin (August 25, 1921)
	Declaration of War upon Austria-Hungary [8]	 Austria-Hungary	December 7, 1917	74–0	365–1		Treaty of Trianon (in part)
World War II	Declaration of War upon Japan	 Japan	December 8, 1941	82–0	388–1	Roosevelt, Truman	V-J Day, Japanese Instrument of Surrender (September 2, 1945), Treaty of San Francisco (September 8, 1951)
	Declaration of War upon Germany (1941)	 Germany	December 11, 1941	88–0	393–0		V-E Day, Unconditional German Surrender, (May 8, 1945), Treaty on the Final Settlement with Respect to Germany (September 12, 1990), Treaty of Vienna with Austria (May 15, 1955)
	Declaration of War upon Italy	 Italy		90–0	399–0		Paris Peace Treaty (February 10, 1947)
	Declaration of War upon Bulgaria	 Bulgaria		June 5, 1942	73–0		
	Declaration of War upon Hungary [8]	 Hungary	360–0				
	Declaration of War upon Romania [8]	 Romania	361–0				





Military engagements authorized by Congress

In other instances, the United States has engaged in extended military combat that were authorized by Congress.

War or conflict	Opponent(s)	Initial authorization	Votes		President	Conclusion
			Senate	House		
Quasi-War	 France	Act Further to Protect the Commerce of the United States July 9, 1798			Adams	Convention of 1800 (Treaty of Mortefontaine)
First Barbary War	Tripoli	February 6, 1802 ^[9]			Jefferson	1805
Second Barbary War	Algiers	May 10, 1815 ^[10]			Madison	1816
enforcing 1808 slave trade ban; naval squadron sent to African waters to apprehend illegal slave traders	slave traders (pirates)	"Act in addition to the acts prohibiting the Slave Trade" 1819			Monroe	1822 first African-American settlement founded in Liberia, 1823 US Navy stops anti-trafficking patrols
Redress for attack on U.S. Navy vessel	 Paraguay	1859. ^[11]			Buchanan	
United States occupation of Veracruz	 Mexico	H.J.R. 251, 38 Stat. 770 April 22, 1914		337-37	Wilson	Force withdrew after six months. However, the Joint Resolution was likely used to authorize the Punitive Expedition against Pancho Villa.
Intervention during the Russian Civil War	 Russia	1918 ^[12]			Wilson	
Lebanon crisis of 1958	 Lebanese Rebels	1958			Eisenhower	
Vietnam War	 Viet Cong  North Vietnam	Gulf of Tonkin Resolution, August 7, 1964	88-2	416-0	Kennedy Johnson Nixon	American Force withdrew in January 1973.
Multinational Force in Lebanon	Shia and Druze militias; Syria	S.J.R. 159 September 29, 1983	54-46	253-156	Reagan	Force withdrew in 1984
Gulf War, also known as Operation Desert Storm	 Iraq	H.R.J. Res. 77 January 12, 1991.	52-47	250-183	GHW Bush	The United Nations Security Council drew up terms for the cease-fire, April 3, 1991
2001 war in Afghanistan, also known as Operation Enduring Freedom	 Afghanistan  al-Qaeda	S.J. Res. 23 September 14, 2001	98-0	420-1	GW Bush Obama	Ongoing
Iraq War, also known as Operation Iraqi Freedom, currently known as "Operation New Dawn." ^[13]	 Iraq	H.J. Res. 114, March 3, 2003	77-23	296-133		Combat operations ended August 31, 2010. Officially ended December 15, 2011. ^[14]

Military engagements authorized by United Nations Security Council Resolutions and funded by Congress

In many instances, the United States has engaged in extended military engagements that were authorized by United Nations Security Council Resolutions and funded by appropriations from Congress.

Military Engagement	Opponent(s)	Initial Authorization	President	Conclusion
Korean War	 North Korea  People's Republic of China	UNSCR 84, 1950	Harry S. Truman	Armistice ^[15] 1953
Multinational Force in Lebanon	Shia militia, Druze militia, Syria	UNSCR 425, 1978 UNSCR 426, 1978	Jimmy Carter Ronald Reagan	US forces withdrew in 1984
Gulf War, also known as Operation Desert Storm	 Iraq	UNSCR 678, 1990	George H. W. Bush	UNSCR 689, 1991
Bosnian War also known as UNPROFOR	Republika Srpska	UNSCR 770, 1992 UNSCR 776, 1992 UNSCR 836, 1993	Bill Clinton	Reflagged as IFOR in 1995, Reflagged as SFOR in 1996, Completed in 2004
Second Liberian Civil War	Peacekeeping	UNSCR 1497, 2003	George W. Bush	US Forces withdraw in 2003 after UNMIL is established
2004 Haitian coup d'état, also known as MINUSTAH		UNSCR 1529, 2004 UNSCR 1542, 2004		2004
2011 Military Intervention in Libya also known as Operation Odyssey Dawn	 Libya	UNSCR 1973, 2011	Barack Obama	Debellation of the Libyan Arab Jamahiriya, October 31, 2011

Other undeclared wars

On at least 125 occasions, the President has acted without prior express military authorization from Congress.^[16] These include instances in which the United States fought in Korea in 1950, the Philippine-American War from 1898–1903, in Nicaragua in 1927, as well as the NATO bombing campaign of Yugoslavia in 1999.

The United States' longest war was fought between approximately 1840 and 1886 against the Apache Nation. During that entire 46-year period, there was never more than 90 days of peace.

The Indian Wars comprise of at least 28 conflicts and engagements. These localized conflicts, with Native Americans, began with European colonists coming to North America, long before the establishment of the United States. For the purpose of this discussion, the Indian Wars are defined as conflicts with the United States of America. They begin as one front in the American Revolutionary War in 1775 and had concluded by 1918. The United States Army still maintains a campaign streamer for Pine Ridge 1890–1891 despite opposition from certain Native American groups.^[17]

The American Civil War was not an international conflict under the laws of war, because the Confederate States of America was not a government that had been granted full diplomatic recognition as a sovereign nation by other sovereign states.^{[18][19]} The CSA was recognized as a belligerent power, a different status of recognition that authorized Confederate warships to visit non-U.S. ports. This recognition of the CSA's status as a belligerent power did not impose any duty upon the United States to recognize the sovereignty of the Confederacy, and the United States never did so.

The War Powers Resolution

In 1973, following the withdrawal of most American troops from the Vietnam War, a debate emerged about the extent of presidential power in deploying troops without a declaration of war. A compromise in the debate was reached with the War Powers Resolution. This act clearly defined how many soldiers could be deployed by the President of the United States and for how long. It also required formal reports by the President to Congress regarding the status of such deployments, and limited the total amount of time that American forces could be deployed without a formal declaration of war.

Although the constitutionality of the act has never been tested, it is usually followed, most notably during the Grenada Conflict, the Panamanian Conflict, the Somalia Conflict, the Gulf War, and the Iraq War. The only exception was President Clinton's use of U.S. troops in the 78-day NATO air campaign against Yugoslavia during the Kosovo War. In all other cases, the President asserted the constitutional authority to commit troops without the necessity of Congressional approval, but in each case the President received Congressional authorization that satisfied the provisions of the War Powers Act.

On March 21, 2011, a number of lawmakers expressed concern that the decision of President Barack Obama to order the U.S. military to join in attacks of Libyan air defenses and government forces exceeded his constitutional authority because the decision was made to authorize the attack without Congressional permission.^[20]

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