

HOUSE JOINT RESOLUTION 689

By Reedy

A RESOLUTION to urge the United States Congress to keep the power to declare war and for the National Guard to be protected from executive power.

WHEREAS, the General Assembly finds that Article I, Section 8 of the United States Constitution vests in the United States Congress the exclusive power of war; and

WHEREAS, despite the clear language of the United States Constitution vesting power over war exclusively in the United States Congress, the United States executive branch has unconstitutionally assumed this power while the United States Congress has abdicated its constitutional duty; and

WHEREAS, although the United States Congress has not declared war in over seventy years, the nation has since gone to war repeatedly at the whim of the executive branch; and

WHEREAS, when unconstitutional actions are taken by the federal government, it is the proper role of the states themselves to take action to remedy these situations as outlined in the Kentucky and Virginia Resolutions of 1798; and

WHEREAS, a founder of this country, George Washington, once wrote, "The Constitution vests the power of declaring War with Congress, therefore, no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject, and authorized such a measure"; and

WHEREAS, the father of the United States Constitution, James Madison, once wrote, "The constitution supposes, what the History of Governments demonstrates, that the Ex[ecutive] is the branch of power most interested in war, & most prone to it. It has accordingly with studied care, vested the question of war in the Legis[lature]"; and

WHEREAS, the author of the Declaration of Independence, Thomas Jefferson, once wrote, "We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body"; and

WHEREAS, Thomas Jefferson also wrote, "[C]onsidering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided"; and

WHEREAS, another constitutional framer, Alexander Hamilton, once wrote, "The Congress shall have the power to declare war; the plain meaning of which is that, it is the peculiar and exclusive province of Congress, when the nation is at peace, to change that state into a state of war[.]"; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we hereby urge the United States Congress to keep the power to declare war and for the National Guard to be protected from executive power.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of the Tennessee Congressional delegation.