BOOK REVIEWS

THE WAR POWERS RESOLUTION: ITS IMPLEMENTATION IN THEORY AND PRACTICE. By Robert F. Turner. Philadelphia: Foreign Policy Research Institute, 1983, xviii, 147 pp.

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Conceived in anger, written as a compromise between two irreconcilable congressional proposals, and ignored or violated in practice, the War Powers Resolution[1] remains the most controversial effort to define and limit the President's war-making authority in our nation's history. Since its inception in 1973, no major presidential initiative involving forces abroad — from the evacuation of U.S. citizens from Saigon and Pnom Penh to the ill-fated Iranian rescue attempt to the recent Grenada incursion — has escaped the complaint that the Resolution has been violated in spirit or in practice. Nevertheless, each Chief Executive has made herculean efforts to pacify Congress, thereby avoiding confrontation, while simultaneously taking action to avoid complying with its terms. This seemingly contradictory effort is a facet of modern day executive-congressional relations that should be examined and resolved.

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1. 50 U.S.C. § 1541(c) (1976). The Resolution has ten sections, including a "purpose and policy" provision which purports to define the three constitutional methods by which the President, as Commander-in-Chief, can introduce U.S. forces into hostilities. The most critical sections require consultation before and reporting after forces are committed into actual or imminent hositilities, limit such actions to 90 days without congressional approval, and allow Congress to order removal of committed forces at any time by concurrent resolution, the so-called "legislative veto."

Robert F. Turner, now Principle Deputy Assistant Secretary of State for Legislative and Intergovernmental Affairs,[2] has written a superb book which goes a long way toward setting the stage for a congressional reconsideration of the Resolution. *The War Powers Resolution: Its Implementation in Theory and Practice*[3] should be mandatory reading for all individuals involved in national security, foreign relations, or executive-congressional relations. The book, which begins with a foreword by Senator John G. Tower, is divided into three chapters. The first chapter is a summary of the Resolution, its genesis, and its historical underpinnings. The next chapter, which reads like a summary of the major political events of the last decade, describes the application of the Resolution from Cyprus in 1974 to Lebanon in 1982. The last chapter is a scholarly review of the Resolution from both its legal and foreign policy aspects.

The author is quite candid in his appraisal of the Resolution and does not hold the reader in suspense for long as to his personal views: his preface indicates his belief that the Resolution is "unconstitutional, ineffective and unwise."[4] Yet, throughout the book there is ample evidence of the author's appreciation of the subtleties of the intertwining executive-congressional relationship. He understands that this relationship is unduly complicated by political realities, confused electorates, burgeoning congressional staffs, and suspicious allies. Therefore, tension is expected, perhaps even demanded, as another check in the system; but our domestic tension may well be the step-child of international crisis, and our confusion the causal events in foreign disturbances. If so, the War Powers Resolution cannot be ignored, transcended, or carved around much longer without precipitating a constitutional crisis at the least opportune moment.

From what I have said thus far, it should be clear that I believe Mr. Turner's book deserves a careful and thoughtful review. Let me say at the outset, however, that I am clearly not an impartial observer on this subject.[5] While I may disagree with the path Mr. Turner follows to his conclusions in several instances, I believe his destination inescapable. It is clear that troops in combat cannot be

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2. Mr. Turner wrote this book before entering the State Department.

3. R. Turner, The War Powers Resolution: Its Implementation in Theory and Practice (1983).

4. Id. at xv.

5. See generally Cruden, The War-Making Process, 69 Mil. L. Rev. 35 (1975).

governed by a committee process. Sure, certain and clear instructions are vital. My combat experience has led me to conclude that restrictions on the President once forces have been committed are not only legally suspect, but dangerous as well. On the other hand, I welcome and even solicit whatever acts are necessary to insure that any commitment of combat oriented forces is done with clear goals, broad public support and understanding, and candid recognition of the limitations of military forces.

It is impossible to understand presidential war-making powers without first understanding the constitutional bases for executive versus congressional powers. Mr. Turner, therefore, begins as does virtually every other article or book on this subject by reviewing the constitutional language, initial debates of the Framers, presidential practice in ensuing years, and the history of the 1970s just prior to the passage of the Resolution. Determining the proper allocation of war powers under the Constitution is not an easy task. As Justice Jackson wryly observed, the constitutional basis for war-making authority "must be divined from materials almost as enigmatic as the dreams Joseph was called upon to interpret for Pharoh."[6]

Mr. Turner makes two important points in his analysis of the constitutional allocation of power. First, despite the Constitution's grant to Congress of the power to "declare war,"[7] our Founding Fathers were well aware that formal declarations of war were rare and not always required.[8] Second, the authors of the Constitution distinguished between offensive and defensive hostilities, requiring congressional authority only for the initiation of offensive hostilities.[9] Turning to the President's power, Mr. Turner finds ample authority, express and implied, for substantial war powers. After reviewing the leading Supreme Court decisions, he finds Congress unable to restrict by statute the President's war powers, particularly those done in the Commander-in-Chief role.[10]

It is clear that Mr. Turner intended this first chapter to be the necessary precedent to his examination of the events of the last decade. He writes this chapter more as a practioner than as an aca-

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6. Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 634 (1952) (Jackson, J., concurring).

7. U.S. Const. art. 1, § 8.

8. See R. Turner, supra note 3, at 16.

9. Id. at 17.

10. Id. at 24-32.

demician. While many have taken the exact opposite approach, holding and vesting all war powers authority in the legislature,[11] Mr. Turner's analysis favoring the President is more appealing and thoughtful. The debate over the war-making clause in 1787 has received intense scholarly examination. Votes have been counted and recounted, speeches examined in detail, and contemporaneous writing reviewed for even a hint of insight. Despite this scholarly attention, all that can be clearly said is that only the legislature has the power to formally declare war. Once war is declared, however, the President has the sole responsibility to "conduct war" although Congress with its appropriations authority may have a considerable effect on any decision.

It is not in dispute, even among the most ardent critics of presidential power, that history clearly favors the broad use of war-making powers by the President. Those Presidents considered to be "strong" or "active" Chief Executives by current historians — Washington, Jefferson, Jackson, Polk, Lincoln, Wilson, and the two Roosevelts — are those most closely associated with the forceful use of war powers. In his eulogy of James Madison in 1836, John Quincy Adams said that "[h]owever startled we may be at the idea that the Executive Chief Magistrate has the power of involving the nation in war, even without consulting Congress, an experience of fifty years has proved that in numberless cases he has and must have exercised the power."[12] There have been well over 200 hostilities involving U.S. troops abroad, while there have been only five declarations of war. To be sure, Congress was involved and normally supported quite vigorously these military commitments, but the initial decision was always the President's.

Mr. Turner does not recount many of the historical examples of executive action, as they are adequately discussed in many other sources. He does, however, review in detail the often quoted response by President Jefferson to a declaration of war by Tripoli in 1801 that as President he was "[u]nauthorized by the [C]onstitution without the sanction of Congress, to go beyond the line of defense. . . ."[13] Mr. Turner argues that this is an extremely poor example for proponents of congressional preeminence. He

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11. See generally T. Eagleton, War and Presidential Power (1973); J. Javits, Who Makes War (1973); A. Schlesinger, Jr., The Imperial Presidency (1973).

12. Q. Adams, Eulogy of James Madison 47 (1836).

13. 3 Writings of Thomas Jefferson 329 (A. Lipscomb & A. Bergh eds. 1903). See R. Turner, supra note 3, at 19.

notes that Jefferson decided to send a squad of armed fighting ships into an potentially hostile situation near Tripoli without formal congressional authorization. Congress later commended the actions of the U.S. fighting force in Tripoli. Subsequently, Congress authorized Jefferson to respond with even greater force.[14]

The Tripoli incident is only one example, as Mr. Turner points out, that the accusations of presidential belicoseness are a modern phenomena. For instance, in the half-century period between Jefferson and Lincoln, strong legislatures dominated all but Presidents Monroe and Polk. Many historians have found in their analysis of presidential-congressional relations in the past that the legislatures have been far more war-mongering in a variety of circumstances. The pendulum-like swing from strong legislatives to strong Presidents can be predictably charted. Despite this, however, demanding times required demanding Chief Executives, and few would argue that we were not better off with Franklin Roosevelt as a world war leader than his immediate predecessor.

Although Mr. Turner's historical summary in chapter one is superb, I do take issue with his gloss on Harry G. Summers, Jr.'s highly acclaimed study on the Vietnam War.[15] Summers' book reviews objectively the Vietnam War within the context of Clausewitz's principles of war. Summers is a soldier, and his book is from that viewpoint. Nonetheless, the book is clearly the best analysis to emerge from that historical, political, social, and economic disaster loosely referred to as the Vietnam era. In his section summarizing our commitment to Vietnam, Mr. Turner criticizes the following language by Summers:

> The Constitutional requirement for a congressional declaration of war served a dual purpose. It insured public support at the outset, and through the legal sanctions against dealing with the enemy, it created impediments to public dissent. . . . Legalistic arguments that the form of a declaration of war was out of date may have been technically correct, but they obscured the fact that this form was designed to be an outward manifestation of a critical substance — the support and commitment of the American people. . . . The failure to involve the national will was one of the major strategic failures of the Viet-

14. R. Turner, supra note 3, at 19-24.

15. H. Summers, Jr., On Strategy: A Critical Analysis of the Vietnam War (1982).

nam war.[16]

Mr. Turner contends that Summers fails to appreciate the sweeping scope of the Gulf of Tonkin Resolution. In particular, Mr. Turner argues that the Tonkin Resolution was tantamount to a declaration of war and, in any case, ample evidence of congressional approval. He concludes that it was not the lack of a declaration of war that caused the problems in Vietnam, but the "gradualism and no-win strategy pursued by the Johnson administration."[17]

While Mr. Turner is quite correct in a strictly legal sense, I believe he is wrong from a foreign policy-domestic confrontation analysis. While his conclusion may or may not be true,[18] he misses the point of Summers teaching. Summers is not addressing the question of "who lost Vietnam," but rather he is analyzing the constitutional and effective use of the President's war powers. As an attorney, I find great constitutional and historical support for the virtually unbridled national security powers of the President in war, but as a military officer I am reluctant to see those powers exercised until a national consensus can be identified, acknowledged, or assumed because of the severity and immediacy of the threat. While I am not an advocate of declarations of war, and believe they are indeed outmoded, forgotten, and clumsy instruments, I am acutely aware of the need to account for and assemble national will, if for no other reason than to force policy-makers to explain their policies, goals, and purposes to the individuals who may be taxed, drafted, and killed in furtherance of those decisions. The congressional repeal of the Gulf of Tonkin resolution in 1970 and the subsequent congressional actions that Mr. Turner chronicles are evidence that joint resolutions are uncertain foundations for prolonged hostilities.[19]

Chapter 2 of Mr. Turner's book, "Applying the Resolution," covers roughly half the book and is a major contribution to the history of the Resolution's application. He summarizes fourteen hostile or

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16. Id. at 14, 17, 19. See R. Turner, supra note 3, at 2-3.

17. R. Turner, supra note 3, at 3.

18. I disagree in part with this conclusion and with other portions of the book where Mr. Turner claims Vietnam was lost because "a frustrated Congress terminated funding." Id. at 113. For a more comprehensive view, see H. Summers, supra note 15.

19. R. Turner, supra note 3, at 8-9. Declarations of war should, of course, be limited to the offensive wars discussed in the original constitutional debates. Such declarations would be entirely inappropriate in any of the actions the United States was involved in since Vietnam. Who, in fact, would we declare war against in either Lebanon or Grenada?

potentially hostile commitments of military forces, ranging from the evacuation of U.S. citizens from Cyprus in 1974 to the use of U.S. forces in Lebanon in 1982. His analysis is excellent, particularly his detailed description of the vaguely worded reports submitted to Congress by Presidents Ford, Carter, and Reagan "taking note of" or "in light of" the War Powers Resolution, but never actually accepting the Resolution's requirements or restrictions.

In his recount of the aborted Iran rescue attempt, Mr. Turner concludes that President Carter violated both the spirit and the letter of the War Powers Resolution.[20] If anything, the author is too gentle in his analysis. President Carter formally notified Congress of the mission to rescue the hostages only after it had been launched, had failed, and had been aborted. While I believe it would have been absolutely defensible to state simply that the War Powers Resolution could not be constitutionally applied to that rescue,[21] it required an incredible slight of hand for President Carter to say that he could have achieved any form of meaningful consultation with Congress *after* he had inserted the rescue force but before they had mounted their attack on the embassy.[22]

Mr. Turner's description of President Reagan's decision not to apply the War Powers Resolution to the use of U.S. advisors in El Salvador is the best I have read on this still controversial subject. Although there have been other events in which the President has not applied the Resolution, and Congress has objected, the use of U.S. forces in El Salvador and the continuing political controversy

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20. Id. at 71.

21. A serious and probably unconstitutional omission in the War Powers Resolution is that it does not give the President authority to evacuate or protect American citizens abroad. See Cruden, supra note 5, at 78-79. It is interesting to note that the "War Powers Act of 1983," introduced by Senators Cranston, Eagleton, and Stennis, generously adds to the President's constitutional powers the power "under proper circumstances, to rescue endangered citizens of the United States in foreign countries." S. 1906, 98th Cong., 1st Sess., 129 Cong. Rec. 13,245-46 (1983). This proposed legislation curiously defines four "recognized powers of the President," then limits those same powers and purports to grant them to the President as emergency authority. It eliminates the current consultation provisions, but retains the reporting requirements. It eliminates the legislative veto, narrows the reporting requirements, and reduces the maximum time from 90 to 30 days for armed forces committed into hostilities without congressional approval. Finally, it requires that no funds be expended for any use of force not provided for by the Act. After 10 years of thought, this is an almost embarrassing attempt to correct the sins of the 1973 War Powers Resolution. It maintains the worst and eliminates some of the better provisions of the 1973 Resolution. Under its terms, President Kennedy would have been prohibited from using U.S. forces in the Cuban Missile Crisis.

22. See R. Turner, supra note 3, at 70.

that decision precipitated is by far the most important. It is the Administration's strongly held position that the War Powers Resolution does not apply to the assignment of approximately fifty advisors to train Salvadoran forces. As Mr. Turner succinctly states, "[i]n an environment where an automatic rifle is the standard weapon no rational soldier armed only with a handgun [as the advisors are] would consider himself 'equipped for combat' within the meaning of that term."[23] Thus, Mr. Turner concludes, the Administration is correct in not apply the Resolution. I agree. One of the most frequent criticisms of the War Powers Resolution is that it places the emphasis on procedural issues, such as whether an advisor is "equipped for combat," thereby obscuring the substantive issue. El Salvador is such an example; Mr. Turner recalls the scandal that erupted when three U.S. soldiers were seen carrying M-16 rifles in violation of their orders to have only personal sidearms.[24] For Congress to scrutinize such detail, or for the President to have to take such actions to avoid the Resolution's restrictions, should be unacceptable to everyone concerned. On this critical point, Mr. Turner and I are in agreement.

Mr. Turner makes another very incisive comment about the El Salvador debate: he observes that the existence of the War Powers Resolution may have actually impeded executive-legislative discussion on the question of introducing advisors into El Salvador.[25] The Administration may, he postulates, have foregone extensive consultation with Congress, lest such actions be used as indication that the War Powers Resolution should be applied.

From Mr. Turner's excellent analysis and summary of events in chapter 2, one central theme comes across loud and clear: at no time during the period 1973-1982 did any President, despite enormous pressures, actually agree to be bound by any of the limits of the War Powers Resolution, specifically report in accordance with its terms, or expressly admit its constitutional validity. It is as if the Resolution cast a shadow of limited dimensions, which each President has taken great pains to narrow, without ever acknowledging the source of the shadow.

Chapter 3 of the book explores the constitutionality, wisdom, and effectiveness of the War Powers Resolution in theory and in

23. Id. at 77.
24. Id. at 134 n.14.
25. Id. at 77.

practice. Mr. Turner raises a number of serious constitutional problems with the statute, including the three fold limitations on when the President can use U.S. forces, the sixty-ninety day limitation on any unapproved commitment of forces into hostilities, and the existence of a legislative veto.[26]

Regarding the wisdom of the War Powers Resolution, Mr. Turner points out a number of reasons why the Resolution could be dangerous in practice. The time limitations on the President, he states, might encourage a President to escalate conflict so as to gain a quick victory and void the time limitations. Alternatively, the enemy may become more steadfast, hoping to last beyond the ninety day deadline.[27]

Finally, Mr. Turner evaluates the Resolution, noting, as many others have, that it would not have prevented Vietnam, and may actually encourage executive-congressional confrontations.[28] While acknowledging this, Mr. Turner makes a strong argument for better executive-congressional cooperation. The power of the purse is the most cited and in fact the most potent weapon in the congressional arsenal to deter or even stop unwanted action. To accomplish better executive-congressional cooperation, Mr. Turner advocates more formal and informal contacts between the White House and Congress. There is little question, to my mind, that private discussions can accomplish far more than formal hearings, where posturing for the press and future elections may obscure the issues and prevent consensus. Given the fishbowl atmosphere of much of our executive-congressional relationship, it is unrealistic to expect open, candid discussions of mutual problems in a public forum.

The book clearly advocates a working executive-congressional relationship characterized by mutual respect and a high degree of specialized, current knowledge. In support of this position, Mr. Turner cites favorably Alexander Hamilton's famous statement that "no doubtful authority ought to be exercised by the President"[29] while simultaneously pointing to the late Senator Arthur H. Vandenberg as one who espoused the classic bipartisanship in foreign relations.[30] This, of course, is the ideal; the reality is not quite so clear or attainable. While Mr. Turner advocates a "full

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26. Id. at 107-08.
27. Id. at 110-11.
28. Id. at 114.
29. Letter from Alexander Hamilton to James McHenry (May 17, 1798).
30. R. Turner, supra note 3, at 117.

partnership" between a fully informed and responsible legislature and a prudent executive, he recognizes that this is a distant goal. It is the congressional forte to act as a deliberative, not decisive body. Congressional actions are built upon consensus, which results in agreement on the lowest common denominator, thereby diffusing responsibility in the broadest possible way. Mr. Turner recognizes this and chastises Congress in his closing pages for taking actions inimical to our foreign policy interests in Vietnam, Korea, El Salvador, and elsewhere. He concludes that the War Powers Resolution should be repealed.[31]

Because Mr. Turner's book was written in January 1983, he did not have the benefit of reviewing the critical events of 1983, the most important year in the checkered history of the War Powers Resolution. First, the U.S. Supreme Court's decision in *Immigration and Naturalization Service v. Chadha*[32] clearly rendered at least a portion of the Resolution unconstitutional, and raised questions about the continuing propriety of the entire statute. Second, Mr. Turner's analysis of U.S. involvement in Lebanon was completed before the dramatically increased hostilities, the great September 1983 debates, and the legislative compromise that resulted.[33] Finally, in November 1983 the President's use of force in Grenada stimulated renewed debate on the unilateral war-making authority of the President and the restraints, if any, presented by the War Powers Resolution. It is particularly useful to briefly examine these events in light of Mr. Turner's book.

In one of its most far reaching opinions, the Supreme Court in *Chadha* not only found unconstitutional the one-house veto of the Immigration and Nationality Act, but also sounded "the death knell for nearly 200 other statutory provisions in which Congress has reserved a 'legislative veto.' "[34] While the legislative veto portion of the War Powers Resolution has not been tested in the courts, it is clear that the provision is now unconstitutional. In fact, there is some speculation that the legislative veto provision in the War Powers Resolution is so inexorably intertwined with the statute that it is not severable, thereby making the entire statute unconstitutional.[35] The Administration's position, however, is more

31. Id. at 133.
32. 103 S. Ct. 2764 (1983).
33. Multinational Force in Lebanon Resolution, Pub. L. No. 98-119, 97 Stat. 805 (1983).
34. 103 S. Ct. at 2792 (White, J., dissenting).
35. See U.S. Supreme Court Decision Concerning the Legislative Veto: Hearings Before

narrow. In congressional testimony, the Deputy Attorney General said that the *Chadha* decision "does not affect any of the procedural mechanisms contained in the War Powers Resolution other than the procedure specified in § 5(c) [the legislative veto]."[36] Nevertheless, the Resolution was rendered a severe, if not mortal, wound when coupled with its other provisions that many already find uncontitutional.

While *Chadha* brought the War Powers Resolution into the judicial arena, and reduced its legal effect, events in Lebanon placed the Resolution in the political arena and increased its importance. Mr. Turner ended his second chapter by discussing U.S. involvement in Lebanon. Mr. Turner thoroughly reviews what I call Lebanon I, the limited introduction of 800 U.S. Marines in August 1982 as part of a four-nation peace-keeping force designed to supervise the peaceful departure of PLO forces from Lebanon.[37] Although the President reported this commitment of forces "consistent with the War Powers Resolution," he made it clear that hostilities were not expected, thereby avoiding the Resolution's time limitations and consultation requirements. Since the Marines were withdrawn seventeen days later without casualties, the report was accurate at that time. However, Lebanon II, the second commitment of U.S. forces to Lebanon following the massacre at the Palestinian refugee camps and assassination of President-elect Bashir Gemayel, had only started when Mr. Turner completed his book and deserves separate consideration.[38]

On September 29, 1982, at the request of the Lebanon govern-

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the Comm. on Foreign Affairs, 98th Cong., 1st Sess. 16-17 (1983) (statement of Stanley M. Brand, General Counsel to the Clerk of the House of Representatives).

There is also a growing body of opinion that would extend the *Chadha* rational to other parts of the Resolution. For instance, Professor John Norton Moore has commented that:

> The thrust of *Chadha* raises serious questions as to the termination provision, central to the resolution, that would require termination of involvement in hostilities, or even imminent involvement in hostilities, after 60 days, unless authorized by the Congress. If it is unconstitutional for Congress to seek to act by simple majority vote of both Houses, does this not raise, at least, serious questions about a procedure that purports to terminate the commitment of forces abroad by congressional silence.

Wall St. J., Oct. 27, 1983, at 30, col. 3.

36. U.S. Supreme Court Decision Concerning the Legislative Veto: Hearings Before the Comm. on Foreign Affairs, 98th Cong., 1st Sess. 63 (1983) (statement of Edward C. Schmults, Deputy Attorney General).

37. R. Turner, supra note 3, at 81-90.

38. Mr. Turner does a commendable job reviewing Lebanon activities in 1982. See id. at 82-91.

ment, over 1,200 U.S. Marines arrived in Beirut and took positions at the airport. The President again submitted a war powers report to Congress, similar to the Lebanon I report, emphasizing that "there is no intention or expectation that U.S. Armed Forces will become involved in hostilities."[39] Although there was considerable congressional displeasure with the lack of consultation, the commitment of forces, and the report rendered, criticism did not crystalize until a year later, well after Mr. Turner's book was completed. Events in Lebanon rapidly moved from a temporary calm to crisis as the Syrian-backed P.L.O. remnants and Druze forces, bolstered by the Soviet bloc and radical Arab support, initiated new hostilities. By September 1983, U.S. forces, assisted by air and naval power, were having to defend themselves vigorously and were suffering mounting casualties in the process. On September 12, 1983, Senator Mathais introduced a resolution to trigger the procedures of the War Powers Resolution.[40] In a widely publicized compromise between President Reagan and House Speaker Thomas P. O'Neill, Jr., Congress granted the President eighteen months additional time, while the President agreed to limit the committed forces and implicitly conceded that the War Powers Resolution's restrictive provisions applied beginning August 29, 1983, when the first two Marines were killed by hostile fire.[41] This compromise, while sidestepping an inopportune constitutional confrontation, was enormously significant: it marked the first time that Congress affirmatively acted to invoke the War Powers Resolution and limit the President in any fashion. It was not, however, the last time Congress so acted; less than a month later the Grenada operation precipitated another congressional war powers debate.

In October 1983, President Reagan acted swiftly to protect endangered U.S. citizens living and attending school in Grenada. The murder of Prime Mininister Maurice Bishop and the ensuing domestic turmoil endangered American medical students stranded on the island. On October 25, 1983, U.S. military forces were introduced to rescue the U.S. citizens and established order. While a subsequent bipartisan congressional delegation largely supported

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39. N.Y. Times, Sept. 30, 1983, at A12, col. 1. See R. Turner, supra note 3, at 84.

40. Multinational Force in Lebanon Resolution, S.J. Res. 159, 98th Cong., 1st Sess., 129 Cong. Rec. S11,989 (daily ed. Sept. 12, 1983) (statement of Sen. Mathias).

41. See supra note 33. In signing the Resolution, President Reagan expressed strong reservations with portions of the text, but praised the bipartisan approach that led to its passage. N.Y. Times, Oct. 13, 1983, at A7, col. 1.

the President's decision, the House voted overwhelmingly to apply the War Powers Resolution to the hostilities.[42] Later, however, the Republican Senate leadership deflated the move and the bill was defeated.[43] In any event, the President withdrew all combat troops by December 23, 1983, thereby avoiding any question of time limitations on his authority.

As Mr. Turner acknowledged during his last pages, the final chapter has not been written. While presumptous of me to posit what Mr. Turner's thoughts would be on these recent events, I am convinced that he would have grave reservations about the use of the War Powers Resolution in both Lebanon and Grenada. First, the November 1983 compromise which purports to give the President eighteen months of free time in Lebanon before he must either withdraw troops or seek congressional authority is unprecedented. Not only does it place military hostilities, always a dangerous, volatile, and unpredictable activity, on some accountant-like timetable, but it limits the committed forces and publishes those limitations for all the world to see. The tragedy of the 241 marines killed in their barracks, while unrelated to this controversy, is a clear indication of the danger of setting artifical limits on force commitments overseas and our inability to foresee in advance the vagaries of combat. Congress, on the other hand, cannot seriously be faulted for attempting to invoke the War Powers Resolution in Grenada. At least one of the President's two-fold justification for the invasion — rescuing American citizens and restoring lawful control over the island — falls within the Resolution's prohibitions and limitations.[44] Unfortunately, Congress has never taken any action to clarify the War Powers Resolution's offensive portions, to resolve its conflicting language, or to withdraw its unconstitutional portions. Accordingly, the mere act of attempting to apply the Resolution is probably horatory, and is avoided entirely if the President withdraws forces in any reasonable period of time. I believe Mr. Turner would agree. His book certainly raises the is-

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42. H.J. Res. 402, 98th Cong., 1st Sess., 129 Cong. Rec. H8933 (daily ed. Nov. 1, 1983). A similar provision was successfully added to a pending bill in the Senate. Amendment No. 2462, 98th Cong., 1st Sess., 129 Cong. Rec. S14,877 (daily ed. Oct. 28, 1983). This bill, however, was defeated in the Senate. H.J. Res. 308, 98th Cong., 1st Sess., 129 Cong. Rec. S15,076 (daily ed. Oct. 31, 1983).

43. See supra note 42.

44. For a brief, but illuminating, debate of this issue between Professor John Norton Moore and Frederick S. Tipson, see At Issue: The War Powers Resolution, A.B.A. J., Mar. 1984, at 10.

sues necessary to resolve these problems.

In summary, this book could not have been written at a more propitious moment. Although the book predates many of the important events of 1983 — including *Chadha*, Lebanon, and Grenada — it accurately forecasts the exact problems we are facing today. This book should be a catalyst for debate and change, a springboard for decision. War-making is too awesome a responsibility for one person alone to decide, too complex for a committee to run, too dangerous for a single statute to govern, and too appalling to be subjected to partisan politics.