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## War Powers

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## Review Essay

# War Powers

**Russell Crandall**

**Presidents of War: The Epic Story, from 1807 to Modern Times**

Michael Beschloss. New York: Crown, 2018. \$35.00. 752 pp.

The Constitution supposes, what the History of all Gov[ernmen]ts 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[ative].

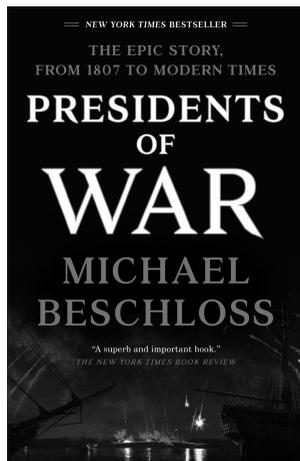
James Madison to Thomas Jefferson, 1798

When James Madison, the fourth president of the United States (1809–17) and one of the nation’s Founding Fathers, addressed Congress on 1 June 1812, he listed numerous ‘injuries and indignities’ that he accused Great Britain of inflicting on Americans, such as using Indian tribes to harass American forces and settlements on the country’s western reaches, and the impressment of Yankee sailors into the Royal Navy. Most loathed, however, were the 1807 Orders in Council which, while hatched as a naval blockade of Napoleonic France, led to the British practice of detaining neutral American ships sailing to or from France.

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For Madison, the orders were nothing less than a ‘war against the lawful commerce of a friend’. As he said to Congress, the US constitution ‘wisely’ gave the legislative branch the duty of determining ‘whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to force in defense of their natural rights, shall commit a just cause into the hands of the Almighty Disposer of Events’. Henry Clay, the speaker of the House of Representatives and one of its so-called ‘War Hawks’, scribbled, ‘Let us give in return for the insolence of British cannon, the peals of American thunder’ (p. 61).



Madison allowed himself to believe that America would prevail in a speedy conflict against an England preoccupied with its protracted fight against Napoleon, winning Canada as a prize of war. On 18 June 1812, he signed the congressional declaration of war. Ironically, the declaration came two days after Great Britain had cancelled the loathed orders. Given the speed of intercontinental communication at that time, Madison did not learn of the British move until almost two months later, the about-turn having been driven in no small part by domestic merchants who, tormented by an economic recession, wished to resume buying and selling with America. Even if Madison had known about London’s rescission of the orders, it may well have made no difference: the once-circumspect president had by then ‘adopted with gusto the identity of a majestic Commander-in-Chief’ (p. 63).

Americans’ confidence in their ability to swiftly defeat their militarily superior former colonial master was seen by some as delusional even at the time. Washington possessed only 16 war-ready vessels – most of them second-rate or small when compared to the Royal Navy’s prodigious flotilla of several hundred ships. By August 1814, British forces were in Washington, the nascent republic’s capital since 1790. Among other indignities, around 150 British troops – ‘the most hellish looking fellows that ever trod God’s earth’, according to one terrified local – burnt the still-uncompleted US Capitol (p. 3). As redcoats ransacked the Senate, House and Supreme Court,

British Rear Admiral George Cockburn asked his men, 'Shall this harbor of Yankee "democracy" be burned? All for it will say, "Aye!"' (p. 3).

Having moved on to the Executive Mansion – which had started to be called the White House over the course of the war – Cockburn's elated men dined on Madison's Virginia meats and 'super-excellent Madeira' (pp. 3–4). Madison himself hastily departed the residence, 'still wearing formal knee breeches and buckled shoes' en route 'first by ferry, then by galloping horse' towards the relative safety of rural Virginia, lest he be hanged by the British (p. 1). Americans were apoplectic at the news that their commander-in-chief had fled the capital, the institutions of which the president had worked tirelessly to construct. Christening the conflict 'Mr. Madison's War', some pamphlets called him a 'coward' who went 'begging' for succour in Virginia, leaving his helpless wife Dolley to 'shift for herself' (p. 4). One citizen even threatened the president with 'dagger or poison' (p. 1).

Luckily for Madison's personal well-being (and historical legacy), Yankee forces won some key battles only a few weeks after his 'tail-between-the-legs return to Washington', first at Lake Champlain, then at the port of Baltimore and, by early January 1815, at New Orleans (p. 86).

### **The rise of 'presidential war'**

As American presidential historian Michael Beschloss writes in his magisterial *Presidents of War*, even the reliably critical *Federal Republican* had to admit that the win at Baltimore's Fort McHenry had restored, 'in some degree, our national character from disgrace' (p. 86). By December 1814, the Treaty of Ghent had ended the war even if the communication time lag meant that Americans did not hear about it until mid-February 1815. Having been the first president to take the nation into an outright war, Madison tried to spin it as a victory despite not having secured Canada or even a formal pledge to honour US prerogatives in the Atlantic. Some of Madison's congressional partisans called it the 'second war for our independence', bragging that it was 'the most glorious war ever waged by any people' (p. 92).

As Beschloss tells it, Mr Madison's War was the first test of the US constitution's mechanisms for war fighting. During the Constitutional Convention in Philadelphia leading up to the successful 1788 ratification, Madison was

anguished by the possibility that US presidents would, without popular support or consultation, cynically plunge the country into war in the way of the very European monarchs the American revolutionaries despised. Yet during his own presidency, ‘however reluctantly, [he] succumbed to exactly that temptation’, despite the ‘absence of an immediate overwhelming danger, uneven support from Congress and the American people, and an overreaching mission that included a grab for Canada’ (p. 585). We have lived with this legacy ever since, says Beschloss, as presidential control over war making has only increased over the years: ‘By leading his country into a major war that had no absolute necessity or overwhelming support from Congress and the public, Madison, of all people, had opened the door for later Presidents to seek involvement in future conflicts that suffered from such shortcomings’ (p. 5).

Beschloss reckons that US presidents have taken their nation to war ‘roughly once in a generation’ (p. vii). He offers riveting, exquisitely crafted case studies of eight presidents who went to war – Madison in 1812; James Polk in Mexico; Abraham Lincoln in the Civil War; William McKinley in Cuba; Woodrow Wilson in the First World War; Franklin Roosevelt in the Second World War; Harry Truman in Korea; and Lyndon Johnson in Vietnam – and one who did not: Thomas Jefferson during the *Chesapeake-Leopard* naval encounter with Britain in 1807.

Beschloss reminds us that the Founders intentionally designated Congress to be the ‘sole power to declare war, and divided the responsibility to wage war between the executive and legislative branches’ (p. viii). In 1848, Lincoln, then a member of Congress, wrote to his friend William Herndon that the framers had concluded that ‘no one man should hold the power’ to plunge the country into war (p. viii, emphasis in original). Yet a mere half a century after the Constitutional Convention, storied New England politician Daniel Webster found it necessary to blast sitting president Polk’s gratuitous ‘presidential war’ with Mexico (pp. 584–5). Beschloss is equally scathing, writing that ‘James Polk lied and connived, creating a pretext for war that, despite his public claims, he designed to allow the United States to seize vast territory from Mexico’ (p. 585). In February 1889, then-president McKinley ‘showed how an outrageous offense that took American lives’ –

in this case, the sinking of the USS *Maine* in Havana Harbor – ‘could be employed to almost instantly unite the country for war’ (p. 585). Roosevelt did the same following the surprise attack on Pearl Harbor in 1941. During the Cold War and after, presidents relied upon ‘more modest forms of authorization’, rarely bothering to have Congress ‘fulfill its constitutional mandate to declare war’. Conflicts such as the Korean and Vietnam wars ‘proved that the Constitution’s demand for congressional war declarations could be ignored without serious penalty’ (pp. 584–5).

### Character and the constitution

Beschloss convincingly argues that the framers ‘probably would have been thunderstruck’ to learn that American commanders-in-chief now have the power to launch, on their sole authority, an attack that within a matter of minutes would incinerate millions of humans. The author also expresses concern at the prospect that a modern-day terrorist strike, much like the *Maine* sinking, ‘could galvanize the country behind a President’s demand for a war that it might otherwise shun’ (p. 586). If Beschloss’s presidential survey is any indication, this sort of cynical manipulation would likely generate even more acquiescence and a further transfer of power to the executive.

The most riveting part of the book deals with Johnson’s idealistic, ambivalent venture into the Vietnam vortex, in which the author ably demonstrates how domestic political considerations and the doctrine of containment drew the United States into the war. (The quality of this discussion is not surprising, given that Beschloss has previously written on Johnson.) Yet, while the author does well in evaluating Johnson’s wartime leadership, one quibble with the book might be that we do not get a profile of Richard Nixon (and, by extension, his foreign-policy guru Henry Kissinger), who also took the helm of this Southeast Asian conflagration. As a work of history, *Presidents of War* can be forgiven for not including the more recent case studies of George H.W. Bush in the Gulf War or his son (and later Barack Obama) in Afghanistan and Iraq.

In what is surely a thinly veiled jab at current US President Donald Trump, the author writes that the American Founders firmly believed that the office of the president would always be held by a person of ‘sagacity, self-restraint,

honesty, experience, character, and profound respect for democratic ideals' (p. 586). A bitter irony of the Trump presidency is that, whatever his sense of his wartime prerogatives vis-à-vis Congress, it is unlikely that he has read the US constitution or knows who William McKinley or James Polk were. Certainly, it has been widely reported that Trump does not read his daily intelligence briefings – a practice seen as near-sacred by the eight men immediately preceding him. Trump counters that he relies on an 'oral briefing' by aides, a format that fits his learning style. Beschloss is on solid ground when he concludes that the framers had no intention of giving war-making powers to the executive. One can only imagine the despair these wise patriots would have felt upon seeing an uncouth real-estate mogul and television celebrity take office without a hint of historical curiosity or professional duty.