

**Joint Resolution 321, declaring a formal state of war between the United States and the Government of Rumania.**<sup>(10)</sup>

MR. McCORMACK: Mr. Speaker, I move to suspend the rules and pass the joint resolution ( H.J. Res. 321) declaring that a state of war exists between the Government of Rumania and the Government and the people of the United States, and making provisions to prosecute the same.

The Clerk read as follows:

Whereas the Government of Rumania has formally declared war against the Government and the people of the United States of America: Therefore be it

*Resolved, etc.,* That the state of war between the United States and the Government of Rumania which has thus been thrust upon the United States is hereby formally declared. . . .

MR. McCORMACK: Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

THE SPEAKER:<sup>11</sup> The question is, Will the House suspend the rules and pass the joint resolution?

The question was taken; and there were—yeas 361, nays 0, not voting 69, as follows: . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

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Members for suspension of the rules. See 88 CONG. REC. 4799, 77th Cong. 2d Sess., June 2, 1942.

- 10. See §11.3, *infra*, for the President's request for a declaration of war, and §7.6, *infra*, for Senate approval of this measure.
- 11. Sam Rayburn ( Tex.).

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 7. Senate Action**

***On Japan***

**§ 7.1 The Senate by yea and nay vote unanimously agreed to a Senate joint resolution declaring a state of war between the United States and the Imperial Government of Japan.**

On Dec. 8, 1941,<sup>(12)</sup> the Senate by a vote of yeas 82, nays 0, agreed to Senate Joint Resolution 116, declaring a state of war between the United States and the Imperial Government of Japan.<sup>(13)</sup>

MR. [TOM T.] CONNALLY [of Texas]: Mr. President, I introduce a joint resolution, and ask for its immediate consideration without reference to a committee.

THE VICE PRESIDENT:<sup>(14)</sup> The joint resolution will be read.

The joint resolution (S.J. Res. 116) declaring that a state of war exists between the Imperial Government of

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- 12. 87 CONG. REC. 9505, 9506, 77th Cong. 1st Sess.
  - 13. See 11. 1, *infra*, for the President's request for this declaration, and §6.1, *supra*, for House approval of the joint resolution.
  - 14. John N. Garner (Tex.).

Japan and the Government and the people of the United States and making provision to prosecute the same, was read the first time by its title, and the second time at length, as follows:

Whereas the Imperial Government of Japan has committed unprovoked acts of war against the Government and the people of the United States of America: Therefore be it

*Resolved, etc.,* That the state of war between the United States and the Imperial Government of Japan which has thus been thrust upon the United States is hereby formally declared. . . .

THE VICE PRESIDENT: Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

MR. CONNALLY: Mr. President, on the passage of the resolution I ask for the yeas and nays.

The yeas and nays were ordered. . . .

MR. CONNALLY: . . . I therefore ask for the yeas and nays on the passage of the joint resolution.

THE VICE PRESIDENT: If there be no amendment proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

THE VICE PRESIDENT: The joint resolution having been read three times, the question is, Shall it pass? On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

The result was announced—yeas 82, nays 0, as follows: . . .

So the joint resolution was passed.

### *On Germany*

#### **§ 7.2 The Senate by yea and nay vote unanimously agreed to a Senate joint resolution declaring a state of war between the United States and the Government of Germany.**

On Dec. 11, 1941,<sup>(15)</sup> the Senate by a yea and nay vote of yeas 88, nays 0, agreed to Senate Joint Resolution 119, declaring a state of war between the United States and the Government of Germany.<sup>(16)</sup>

Mr. Connally, from the Committee on Foreign Relations, reported an original joint resolution ( S.J. Res. 119) declaring that a state of war exists between the Government of Germany and the Government and the people of the United States, and making provision to prosecute the same, which was read the first time by its title, and the second time at length, as follows:

Whereas the Government of Germany has formally declared war against the Government and the people of the United States of America: Therefore be it

*Resolved, etc.,* That the state of war between the United States and

15. 87 CONG. REC. 9652, 9653, 77th Cong. 1st Sess.

16. See § 11.2, *infra*, for the President's request for a declaration of war, and § 6.2, *supra*, for House approval.

the Government of Germany, which has thus been thrust upon the United States, is hereby formally declared. . . .

MR. [TOM T.] CONNALLY [of Texas]: Mr. President, I shall presently ask unanimous consent for the immediate consideration of the joint resolution just read to the Senate. Before the request is submitted, however, I desire to say that, being advised of the declaration of war upon the United States by the Governments of Germany and Italy, and anticipating a message by the President of the United States in relation thereto, and after a conference with the Secretary of State, as chairman of the Committee on Foreign Relations, I called a meeting of the committee this morning and submitted to the committee the course I expected to pursue as chairman and the request which I expected to make.

I am authorized by the Committee on Foreign Relations to say to the Senate that after consideration of the text of the joint resolution which I have reported and after mature consideration of all aspects of this matter, the membership of the Committee on Foreign Relations unanimously approve and agree to the course suggested. One member of the committee was absent, but I have authority to express his views.

Mr. President, I ask unanimous consent for the present consideration of the joint resolution.

THE VICE PRESIDENT:<sup>(17)</sup> Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution (S.J. Res. 119) declaring that a

state of war exists between the Government of Germany and the Government and the people of the United States, and making provision to prosecute the same.

THE VICE PRESIDENT: The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

THE VICE PRESIDENT: The joint resolution having been read the third time, the question is, Shall it pass?

MR. CONNALLY: On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

The result was announced—yeas 88, nays 0, as follows: . . .

So the joint resolution(S.J. Res. 119) was passed.

The preamble was agreed to.

### *On Italy*

#### **§ 7.3 The Senate by yea and nay vote unanimously agreed to a Senate resolution formally declaring a state of war between the United States and the Government of Italy.**

On Dec. 11, 1941,<sup>(18)</sup> the Senate by a vote of yeas 90, nays 0, agreed to Senate Joint Resolution 120, declaring a state of war between the United States and the Government of Italy.<sup>(19)</sup>

**18.** 87 CONG. REC. 9653, 77th Cong. 1st Sess.

**19.** See §11.2, *infra*, for the President's request for a declaration of war, and

**17.** John N. Garner (Tex.).

MR. [TOM T.] CONNALLY [of Texas], from the Committee on Foreign Relations, reported an original joint resolution (S.J. Res. 120) declaring that a state of war exists between the Government of Italy and the Government and the people of the United States and making provision to prosecute the same, which was read the first time by its title and the second time at length, as follows:

Whereas the Government of Italy has formally declared war against the Government and the people of the United States of America: therefore be it

*Resolved, etc.,* That the state of war between the United States and the Government of Italy which has thus been thrust upon the United States is hereby formally declared.

The result [of the vote] was announced—yeas 90, nays 0, as follows:

So the joint resolution (S.J. Res. 120) was passed.

### *On Bulgaria*

**§ 7.4 After receiving a message that the House had approved the measure, the Senate by yea and nay vote unanimously agreed to a House joint resolution formally declaring a state of war between the United States and the Government of Bulgaria.**

On June 4, 1942,<sup>(20)</sup> the Senate by a vote of yeas 73, nays 0,

§ 6.3, *supra*, for House approval of the Senate joint resolution.

20. 88 CONG. REC. 4851-54, 77th Cong. 2d Sess.

agreed to House Joint Resolution 319, declaring a formal state of war between the United States and the Government of Bulgaria. The House had approved the measure the previous day.<sup>(1)</sup>

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate: . . .

H.J. Res. 319. Joint resolution declaring that a state of war exists between the Government of Bulgaria and the Government and the people of the United States and making provisions to prosecute the same: . . .

THE VICE PRESIDENT:<sup>(2)</sup> The joint resolution having been read three times, the question is, Shall it pass?

MR. [TOM T.] CONNALLY [of Texas]: I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll. . . .

The result was announced—yeas 73, nays 0, as follows: . . .

So the joint resolution (H.J. Res. 319) was passed.

The preamble was agreed to.

### *On Hungary*

**§ 7.5 After receiving a message that the House had approved the measure, the Senate**

1. See § 11.3, *infra*, for the President's request for a declaration of war, and § 6.4, *supra*, for House approval of this joint resolution.

2. John N. Garner (Tex.).

**unanimously agreed to a House joint resolution formally declaring a state of war between the United States and the Government of Hungary.**

On June 4, 1942,<sup>(3)</sup> the Senate by a vote of yeas 73, nays 0, agreed to House Joint Resolution 320, declaring a formal state of war between the United States and the Government of Hungary. The House had approved the measure the previous day.<sup>(4)</sup>

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate: . . .

H.J. Res. 320. Joint resolution declaring that a state of war exists between the Government of Hungary and the Government and the people of the United States and making provisions to prosecute the same. . . .

MR. [TOM T.] CONNALLY [of Texas]: Mr. President, with reference to House Joint Resolution 320, declaring the fact that a state of war exists between the Government of Hungary and that of the United States, I am authorized by the Committee on Foreign Relations to report the resolution to the Senate with a recommendation that it pass. Consent has already been given for the

3. 88 CONG. REC. 4851, 4852, 4854, 4855, 77TH CONG. 2D SESS.
4. See §11.3, *infra*, for the President's request for a declaration of war, and §6.5, *supra*, for House approval of the joint resolution.

immediate consideration of the joint resolution.

THE VICE PRESIDENT:<sup>(5)</sup> Consent has been given for the immediate consideration of the joint resolution.

The Senate proceeded to consider the joint resolution (H.J. Res. 320) declaring that a state of war exists between the Government of Hungary and the Government and people of the United States and making provisions to prosecute the same, which was read, as follows:

Whereas the Government of Hungary has formally declared war against the Government and the people of the United States of America: Therefore be it. . . .

THE VICE PRESIDENT: The joint resolution having been read three times, the question is, Shall it pass?

MR. CONNALLY: I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll. . . .

The result was announced—yeas 73, nays 0, as follows: . . .

So the joint resolution (H.J. Res. 320) was passed.

The preamble was agreed to.

***On Rumania***

**§ 7.6 After receiving a message that the House had approved the measure, the Senate unanimously agreed to a House joint resolution formally declaring a state of war between the United**

5. John N. Garner (Tex.).

### States and the Government of Rumania.

On June 4, 1942,<sup>(6)</sup> the Senate by a vote of yeas 73 to nays 0, agreed to House Joint Resolution 321, declaring a formal state of war between the United States and the Government of Rumania. The House had approved the measure the previous day.<sup>(7)</sup>

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate: . . .

H.J. Res. 321. Joint resolution declaring that a state of war exists between the Government of Rumania and the Government and the people of the United States and making provisions to prosecute the same. . . .

THE VICE PRESIDENT:<sup>(8)</sup> The joint resolution having been read three times, the question is, Shall it pass?

MR. [TOM T.] CONNALLY [of Texas]: I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll. . . .

The result was announced—yeas 73, nays 0, as follows: . . .

So the resolution (H.J. Res. 321) was passed.

The preamble was agreed to.

6. 88 CONG. REC. 4851, 4852, 4855, 4856, 77th Cong. 2d Sess.
7. See §11.3, *infra*, for the President's request for a declaration of war, and §6.6, *supra*, for House approval of this joint resolution.
8. John N. Garner (Tex.).

### § 8. Legislation Authorizing Military Action Prior to War Powers Act

In several instances prior to the War Powers Act, Congress, usually in response to Presidential requests,<sup>(9)</sup> granted the Chief Executive express statutory authority to use force he deemed necessary in specific areas. These so-called "area resolutions" were short of formal declarations of war, but constituted either prior or subsequent acquiescence to Presidential use of force.

A question arose in such situations as to whether, if Congress could authorize the President to use force by approving a statute short of a declaration of war, it could divest the President of that authority merely by repealing the statute. The answer to that question depended on other congressional actions. Only one area resolution, the Gulf of Tonkin Resolution,<sup>(10)</sup> was repealed. Following repeal, the President continued to direct military operations and send troops to Vietnam, and Con-

9. The exception is the Cuba resolution which was not requested by the President. See §§8.7, 8.8, *infra*, for discussion of this resolution.
10. See §§8.1, 8.2, *infra*, for a discussion of approval and repeal of this resolution.