Defining Presidential wars not declared by Congress under article I, section 8, clause 11 (Declare War Clause) as impeachable “high crimes and misdemeanors” within the meaning of article II, section 4 of the Constitution and defining the meanings of war and cobelligerency for purposes of the Declare War Clause and Impeachment provisions.

Whereas Presidential wars not declared by Congress under article I, section 8, clause 11 are the most flagrant and dangerous of Presidential usurpations;

Whereas President George Washington, who had presided over the Constitutional Convention and supported the Declare War Clause, elaborated during his service in of-
office: "The Constitution vests the power of declaring war with Congress; therefore, no offensive expedition of importance can be undertaken until after they have deliberated on the subject and authorized such a measure.");

Whereas Presidential wars saddle the people with multitrillion dollar indebtedness, diverts national genius from production to destruction, cripples liberty, silences the law, awakens enemies, and provokes blowback in the United States;

Whereas the absence of impeachment standards creates an appearance that impeachment is a partisan exercise, which undermines its legitimacy and deters its use;

Whereas the absence of definitions of war and cobelligerency for purposes of the Declare War Clause undermines its enforcement through the impeachment process or otherwise;

Whereas the law should warn before it strikes;

Whereas article I, section 2, clause 5 provides that, "The House of Representatives . . . shall have the sole Power of Impeachment";

Whereas the impeachment power of the House of Representatives is a cornerstone safeguard against Presidential tyranny;

Whereas the past neglect of the House of Representatives to use the impeachment power against Presidential usurpations and lawlessness has concentrated alarming power in the executive branch, crippled liberty, undermined transparency, and encouraged Presidents to further aggrandizements;

Whereas article II, section 4 of the Constitution provides that, "The President, Vice President and all civil Officers
of the United States, shall be removed from Office on
Impeachment for, and Conviction of, Treason, Bribery, or
other high Crimes and Misdemeanors”;

Whereas the Constitutional Convention rejected “neglect of
duty” or “maladministration” as impeachment standards
in favor of “high crimes and misdemeanors” because the
former terms were too broad;

Whereas impeachable “high crimes and misdemeanors” has
an objective meaning based on the intent of the Constitu-
tion’s Framers and British impeachment precedents;

Whereas Alexander Hamilton in Federalist 65 explained that
impeachable offenses “proceed from the misconduct of
public men, or, in other words, from the abuse or viola-
tion of some public trust. They are of a nature which
may with peculiar propriety be denominated POLIT-
ICAL, as they relate chiefly to injuries done immediately
to the society itself”;

Whereas the House of Representatives has voted Articles of
Impeachment against two Presidents, one Cabinet officer,
one Senator, one Supreme Court Justice, and 14 Federal
judges without providing a general standard for defining
an impeachable offense; and

Whereas every participant in the drafting, debating, and rati-
fying of the Constitution understood that the Declare
War Clause prohibited Presidential wars and entrusted
exclusively to Congress the solemn responsibility for de-
ciding whether the Nation should cross the Rubicon from
a state of peace to a state of war: Now, therefore, be it

Resolved,
SECTION 1. DEFINING PRESIDENTIAL WARS AS IMPEACHABLE OFFENSES.

That the House of Representatives declares the following Presidential actions shall constitute impeachable "high crimes and misdemeanors" within the meaning of article II, section 4, which will cause the House to vote an Article or Articles of Impeachment to send to the Senate for trial: "Initiating wars against state or nonstate actors without prior congressional declarations under article I, section 8, clause 11 (Declare War Clause) by which Congress itself decides to take the United States from a condition of peace to a condition of war against an identified enemy."

SEC. 2. DEFINING PRESIDENTIAL WARS.

Nothing in this resolution shall be interpreted to prohibit the President from responding with proportionate military force in the exercise of national self-defense to actual or imminent aggression or a declaration of war against the United States.

SEC. 3. COBELLIGERNCY.

This resolution shall be interpreted to prohibit the President from making the United States a cobelligerent in an ongoing war without a congressional declaration under the Declare War Clause. For purposes of this section, the United States becomes a cobelligerent if it systematically or substantially supplies war materials, mili-
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Tary troops, trainers, or advisers, military intelligence, fi-
nancial support or their equivalent in association, coopera-
tion, assistance, or common cause with another bellig-
erent.

SEC. 4. NONEXCLUSIVITY.

This resolution shall not be interpreted to preclude
the House of Representatives from concluding that other
 Presidential actions constitute impeachable “high crimes
 and misdemeanors” within the meaning of article II, sec-
tion 4, either by supplemental resolutions or by ad hoc
determinations.

SEC. 5. EFFECTIVE DATE.

This resolution shall take effect upon passage by the
 House of Representatives.