



**Consider the following question in regards to the powers defined within the Constitution.**

*According to the Constitution, how does the nation determine when to go to war?*

## **Powers of the Legislative Branch**

### **Article I Section 8**

10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

13: To provide and maintain a Navy;

14: To make Rules for the Government and Regulation of the land and naval Forces;

## **Powers of the Executive Branch**

### **Article II Section 2**

1: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

2: He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

*Thomas Jefferson 1<sup>st</sup> State of the Union Address to Congress in 1801*

*Context: This document was submitted to Congress on December 8, 1801 as Thomas Jefferson's first state of the union address. The following excerpt describes the actions that Jefferson has taken against the Barbary States in his role as commander in chief. Jefferson had been inaugurated on March 4, 1801. The 7<sup>th</sup> United States Congress was active on March 4<sup>th</sup> and 5<sup>th</sup> for the inauguration and the opening of the session, but then members immediately returned back home to their congressional districts until December 7<sup>th</sup> 1801 when Congress reconvened. The following is Jefferson's report to Congress on how he has acted as commander in chief while they have been away from the Capitol for nine months.*

...I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The Bey had already declared war. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril.

The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner Enterprise, commanded by Lieutenant Sterret, which had gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single 1 on our part. The bravery exhibited by our citizens on that element will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew.

The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively their judgment may form itself on a knowledge and consideration of every circumstances of weight.

I wish I could say that our situation with all the other Barbary States was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands or as guarding from the exercise of force our vessels within their power, and to consider how far it will be safe and expedient to leave our affairs with them in their present posture...

**THOMAS JEFFERSON**  
*III President of the United States: 1801-1809*

First Annual Message  
December 8, 1801

Complete the graphic organizer with information from the primary source document:

<b>FACT METHOD</b>	
<b>F – Find the Facts</b>	List and explain the key people, places, and terms.
<b>A – Add the History</b>	What is happening before, during, and after this time period?
<b>C – Connections</b>	Make at least three connections to other periods in history.
<b>T – Tell the Significance</b>	How does this document relate to the war powers granted by the U.S. Constitution?

