

POWERS OF THE PRESIDENT OF THE UNITED STATES
OVER THE ARMY AND NAVY.

PREAMBLE AND RESOLUTIONS

DECLARING THE POWERS OF

THE PRESIDENT OF THE UNITED STATES

OVER

The army and navy, and as to the province of the House of Representatives to control the same.

DECEMBER 3, 1861.—Ordered to be printed, and the further consideration postponed to Tuesday, the 10th December, at 1 o'clock p. m.

Whereas the Constitution has wisely withdrawn from Congress the command of the armies of the United States, and, after they have been called forth, organized, and disciplined under the rules which it is competent for Congress to make, and which it has made for the government of the land and naval forces, has placed that supreme command exclusively in the President of the United States: Therefore—

Resolved, That it is neither within the province of this House, nor would it be wise to lay down any rules whatever regulating or attempting to control any part of that chief command of our armies in the field, either in the matter as to what "military necessities" do or do not exist as to the treatment or use of slaves within any of the States, nor in any other matter whatever affecting the supreme command of the President.

Resolved, That whilst this House refrains from all attempts to assume any of the functions of the commander-in-chief of the army, and hereby expresses its confidence in the wisdom, prudence, and patriotism of the President, as indicated in the discharge of the most responsible and arduous duties of the present executive term, and its willingness to continue to him the untrammelled exercise of his powers as the commander-in-chief of the army and navy, yet the House deems it appropriate to express its earnest sense and conviction that in the prosecution of this war no resort, on the one hand, should be had to a plea of "military necessity" as a cover for any violation of any constitutional right of any citizen of the United

States, either in slaves or any other right of the citizen; nor, on the other hand, should any privileges or protections whatever be extended by our armies either to the title in slaves or in any property whatever, which is incompatible with the safety of the government itself or with the success of our arms in suppressing the rebellion; but all individual rights of property, when necessary, should, in the prosecution of the war, be made to yield to the paramount right of the government to re-establish the authority of the Constitution over all the people and States of the Union.