

Lawrence Law Journal

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THE LAWRENCE COUNTY BAR ASSOCIATION

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NOTICE TO THE BAR

On a temporary basis, support conferences at Lawrence County Domestic Relations Office may be held by the parties and their counsel participating by phone under the following requirements:

1. All documents must be submitted to the individual Support Conference Officer holding the hearing as well as opposing counsel at least five (5) days prior to the date of the hearing. If not represented by counsel, then they must be submitted to the party individually. In the event those documents are not received, then the counsel and party must attend personally at Domestic Relations.
2. The parties and their counsel may participate by phone as long as the party is personally present in counsel's office so that both the party and their counsel can participate jointly from the same phone speaker.
3. Counsel shall provide the specific conference office with a direct phone number for counsel who will be called promptly at the scheduled time by the conference officer.

Tracy Hromyak, Lawrence County Domestic Relations Office Director

ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims against the estate of the decedent shall make known the same to the person(s) named or to his/her/their attorney and all persons indebted to the decedent shall make payment to the person(s) named without delay.

FIRST PUBLICATION

Chieze, Ernestine Catherine

Late of West Pittsburg, Lawrence County, Pennsylvania

Executrix: Toni L. Chieze, West Pittsburg, PA
Attorney: Edward Leymarie, Jr., Leymarie Clark Long, P.C., 423 Sixth St., Ellwood City, PA 16117

Coyne, Clara Marie

Late of Lawrence County, Pennsylvania
Administrator: Nora Best, 3745 Hollow Rd., New Castle, PA 16101
Attorney: Louis Pomerico, 2910 Wilmington Rd., New Castle, PA 16105, (724) 658-7759

Kradel, James C., Sr. a/k/a Kradel, James Clarence, Sr. a/k/a Kradel, James

Late of New Castle, Lawrence County, Pennsylvania
Executor: James E. Heaney, 846 Arlington Ave., New Castle, PA 16101
Attorney: Joseph J. Kearney, 29 East North St., P.O. Box 51, New Castle, PA 16103-0051

Lowers, Catherine L.

Late of Taylor Township, Lawrence County, Pennsylvania
Executor: Mary E. Braatz
Attorney: Clark & Clark Law, P.C., Robert D. Clark, 201 N. Market St., New Wilmington, PA 16142

Michael, Donald R.

Late of the New Wilmington Borough, Lawrence County, Pennsylvania
Executor: David S. Michael
Attorney: Clark & Clark Law, P.C., Robert D. Clark, Jr., 201 N. Market St., New Wilmington, PA 16142

Price, Victoria N.

Late of the City of New Castle, Lawrence County, Pennsylvania
Executor: Robert N. Price, 318 Hearthstone Dr., New Castle, PA 16105
Attorney: Matthew T. Mangino, 315 N. Mercer St., New Castle, PA 16101, 724-

658-8535

Tremmel, Cheryl Noreen

Late of North Beaver Township, Lawrence County, Pennsylvania
Executor: Jon William Tremmel
Attorney: Adrienne A. Langer, Cusick DeCaro & Langer, P.C., 100 Decker Dr., P.O. Box 5137, New Castle, PA 16105, 724-658-2525

SECOND PUBLICATION

Brown, Aidyn Leonard Vasean

Late of New Castle, Lawrence County, Pennsylvania
Administratrix: Sara Nolan, 723 Arlington Ave., New Castle, PA 16101
Attorney: Laura E. Balzarini, Balzarini & Watson, 310 Grant St., Ste. 3303, Pittsburgh, PA 15219

Horrell, Jon M.

Late of Lawrence County, Pennsylvania
Executrix: Vicki Horrell, 1587 Eastbrook Harlansburg Rd., New Castle, PA 16101
Attorney: Louis Pomerico, 2910 Wilmington Rd., New Castle, PA 16105, (724) 658-7759

Schultz, Patricia A.

Late of Enon Valley, Lawrence County, Pennsylvania
Administratrix: Janie L. Santiago-Abraham, Enon Valley, Pennsylvania
Attorney: Edward Leymarie, Jr., Leymarie Clark Long, P.C., 423 Sixth St., Ellwood City, PA 16117

Strizzi, Ennio

Late of New Castle, Lawrence County, Pennsylvania
Executrix: Lori A. Muchlada, 1537 Orchardview Drive, Pittsburg, PA 15220
Attorney: John P. Donovan, 434 Allegheny River Blvd., Suite 200, Oakmont, PA 15139

THIRD PUBLICATION

Clobus, Patricia Ann

Late of Union Township, Lawrence County, Pennsylvania
Co-Administrators: David A. DeSimone, 11501 Kennedy Place, Cedar Lake, IN 46303 and Michael J. DeSimone, Unit #43, 1805 E. Western Reserve Rd., Poland, OH 44514
Attorney: Anthony Piatek, 414 N. Jefferson St., New Castle, PA 16101

Greco, Vincie D.

Late of Edinburg, Lawrence County, Pennsylvania
Executor: Dominic L. Greco, Edinburg, PA

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Attorney: Edward Leymarie, Jr., Leymarie Clark Long, P.C., 423 Sixth St., Ellwood City, PA 16117

Hahn, Louis Walter

Late of Slippery Rock Township, Lawrence County, Pennsylvania
Co-Executrix: Holly Walton, 1000 Brooktree Rd. Suite 209, Wexford, PA 15090 and Jennifer Hahn, 1000 Brooketree Rd. Suite 209, Wexford, PA 15090
Attorney: Claire Johnson Saenz, 1000 Brooktree Rd. Suite 209, Wexford, PA 15090

Hiles, Jessie M.

Late of New Castle, Lawrence County, Pennsylvania
Executrix: Patricia Fischer, New Castle, PA
Attorney: Reed D. Hennon, 2910 Wilmington Rd., New Castle, PA 16105

Rogan, Jean

Late of City of New Castle, Lawrence County, Pennsylvania
Administrator: John E. Rogan II, 405 Laurel Blvd., New Castle, PA 16101
Attorney: none

Rubida, Randall Thomas

Late of New Castle, Lawrence County, Pennsylvania
Administratrix: Lauren M. Fulkerson, 661 Maple Lane, Pulaski, PA 16143
Attorney: Reed D. Hennon, 2910 Wilmington Rd., New Castle, PA 16105

Scully, Mary I.

Late of the City of New Castle, Lawrence County, Pennsylvania
Executor: Robert Caparoula, 411 Martin St., Apt. 1, New Castle, PA 16101
Attorney: Anthony Piatek, 414 N. Jefferson St., New Castle, PA 16101

Sovesky, Mary Therese

Late of Lawrence County, Pennsylvania
Executor: Gary T. Sovesky, 10165 Dublin Court, Concord, NC 28027
Attorney: Brian F. Levine, 22 East Grant St., New Castle, PA 16101

CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Notice is hereby given that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania on June 26, 2020 for a Limited Liability Company formed under the Limited Liability

Company Law of 1994. The name of the Company is **AEC Holdings, LLC**, and its registered office is at 116 Fountain Ave., Ellwood City, PA 16117.

Montgomery, Crissman, Kubit, L.L.P.
Joseph E. Kubit, Esquire
518 North Main St.
Butler, PA 16001
(724) 285-4776

L.C.L.J. - July 20, 2020

IN THE COURT OF COMMON PLEAS OF LAWRENCE COUNTY, PENNSYLVANIA No. 70056 of 2020, M.D.

IN RE: CHANGE OF NAME OF Kira Jade Donohoe, a Minor.

NOTICE

Notice is hereby given that on July 2, 2020, the petition of Angela Gibbons, was filed in the above-named Court, praying for a decree to change the name of **Kira Jade Donohoe**, a minor child, to **Kira Jade Gibbons**. The Court has fixed the 8th day of September, 2020 at 3:00 p.m. in Courtroom No. 4 of the Lawrence County Government Center as the time and place for hearing of said petition, when and where all parties interested may appear and show cause, if any they have, why the prayer of the said petition should not be granted.

Deborah A. Shaw, Esquire
1906 Wilmington Rd.
New Castle, PA 16105
724-856-9894
dshaw@dshawlaw.com

L.C.L.J. - July 20, 2020

NOTICE OF SUSPENSION

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 8, 2020, **Erika Roxanne Groves** (#206668) whose former office was in New Castle, PA, is transferred to administrative status, to be effective August 7, 2020.

Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the Supreme Court of Pennsylvania

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Lawrence County Bar Association Annual Essay Contest

The Lawrence County Bar Association has awarded scholarships to three local high school students.

Michael Maas from New Castle High School and Kaylee Vastano from Wilmington High School both received \$2,000.00 scholarships while Paige Hill from Laurel High School received a \$1,000.00 scholarship.

The winning students had submitted essays answering the question: "Whether or not the President of the United States has the authority to take military action against a foreign country without the approval of Congress."

The scholarship winners, their involvements, personal history and future endeavors are:

Michael Maas - son of John D. Maas Jr. and Brenda Maas. He plans to attend Robert Morris University in the fall, majoring in Digital Cinema and Television. At New Castle High School, he was a member of the National Honor Society and was a member of the robotics program, attending numerous competitions. He also volunteered at the New Castle Library. Michael is the recipient of the Liberty Scholarship from Robert Morris University.

Kaylee Vastano - daughter of Samuel and Amy Vastano. She plans to attend Slippery Rock University in the fall, majoring in Healthcare Administration and Management with the intention of completing the 3+3 Physical Therapy Program. At Wilmington High School, she was Senior Class Officer (Historian), President of the Conservation Club, Treasurer of Peer Leadership Club, and National Honor Society Treasurer. She also was on the Tennis Team and was captain her senior year. Kaylee also was a member of the high school band as well as FFA and involved at Westfield Presbyterian Church.

Paige Hill - daughter of Todd and Andrea Hill. She plans to attend Indiana University of Pennsylvania in the fall majoring in Nursing. At Laurel High School, she was President of the Ski Club, Secretary of National Honor Society, a member of the Future Business Leaders of America, and the Laurel High School News Team. She has also been involved with the Laurel Middle School Big Brother/Big Sister Program and was statistician for the Laurel Volleyball Team.

The Lawrence County Bar Association has given out a total of \$96,500.00 to local students in the past 36 years with their Annual Scholarship Program. The Scholarship Committee members this year were attorneys Anthony Piatek, Chairman, Joshua Lamancusa, Jean Krkuc Perkins, Ryan C. Long, Deborah A. Shaw, and Luanne Parkonen.

In these unprecedented times, having cancelled the annual Law Day program in May, we have chosen to publish each student's winning essay in the Lawrence Law Journal. The essays are published in the following pages.

Michael Maas's Essay; Winner of a \$2,000.00 Scholarship:

The question of whether or not the President of the United States holds the power to take military action against foreign countries without the approval of Congress has been asked many times throughout the history of the United States. Due to slight variations on the question, the answer may seem to be unclear as seemingly synonymous questions produce radically different results. To answer the specific question of whether or not the President of the United States holds the power to take military action against foreign countries without the approval of Congress, one must first look to the powers granted to Congress and the President found in the Constitution.

As outlined in Article I, Section 8 of the Constitution, the powers Congress holds in regards to military action include,

"The Congress shall have Power...To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress..." (U.S. Const. Article I).

In essence, Congress holds many of the powers relating to declaring and maintaining war, but lacks the power to actually wage the war. As outlined in Article II Section 2 of the Constitution, that power is withheld for the President, "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..." (U.S. Const. Article II). From this information alone it may seem that the President is unable to take any military action against a foreign country without the approval of Congress, however it is important to note that military action against another country is not the same as declaring war, a concept that would take shape in later resolutions.

The two most important resolutions to examine when determining the legality of unauthorized military action are the War Powers Resolution and the Authorization for use of Military Force resolution. Passed in 1973, this joint resolution required the President of the United States to notify Congress within 48 hours of when troops are sent into harm's way. The resolution also requires the president to end any foreign military action after sixty days unless Congress declares war or passes an authorization for the use of military force (Joint Resolution Concerning the war powers of Congress and the President). Due to the sixty day withdrawal window and 48 hour notification period, the President is authorized to take military action without the approval of Congress despite the relatively short time period. This authorization however is much more a technicality of the bill attempting to restrict the Presidential powers than it is an actual authorization. Barring this technicality, the President would eventually gain the legal right to unapproved military action nearly thirty years later with the passing of the Authorization for use of Military Force resolution.

First introduced in 2001 as a result of the September 11th attack on the World Trade Center, the Authorization for use of Military Force resolution gave the President legal authorization to use military force against foreign countries without the approval of Congress under specific guidelines. As stated in the resolution,

"Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad; and Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence; and Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and

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foreign policy of the United States; and Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States: Now, therefore, be it" (Joint Resolution To authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.).

In short, under the specific restriction that military deployment must be either in response to a terroristic threat or attack, the President holds full authority to take military action without the approval of congress.

Due to the specific nature of law, the powers granted to the President have been called into question by numerous parties throughout history. While the usage of military action against a foreign country without the approval of Congress had been left with an unclear answer in the past, as of the passing of the Authorization for use of Military Force resolution it can be said without a shadow of a doubt that the President of the United States has the authority to take military action against a foreign country without the approval of Congress under specific circumstances.

Bibliography

United States. Cong. *Joint Resolution Concerning the war powers of Congress and the President*. 93rd Cong. H.J.Res. 542 Stat. 87 (1973).

United States. Cong. *Joint Resolution To authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States*. 107th Cong. S.J.Res 23. 115 Stat. 224 (2001).

U.S. Constitution. Art I, Sec. 8.

U.S. Constitution. Art II, Sec. 2.

Kaylee Vastano's Winning Essay; Winner of a \$2,000.00 Scholarship:

The great Greek physician, Hippocrates said, "desperate times call for desperate measures." Throughout history such instances have occurred where the president must take military action very quickly. In these instances it is very likely the president would not have time to get the approval of Congress to take military action. The United States Congress may be able to restrict the military power of the president slightly, but the framework of the US Constitution, past actions of other presidents, and the language of the War Powers Resolution all prove that the President is able to take certain military action without the approval of Congress.

To begin, the delicate language that the founding fathers incorporated into the Constitution leaves areas of the document up for interpretation by the people. Craig S. Byrnes, author for Digital Journal, writes it this way: "Article II, Sec. 2 names the president Commander-in-Chief giving him the power to repel attacks and lead the army created and supported by Congress." Although he also says, "Article I, Sec. 7 gives Congress the power to declare war, as well as, raise and support the armed forces." The Constitution grants Congress the power to declare war against other countries and to support the United States military in any way they can such as monetarily. Also under the Constitution, the title of "Commander-in-Chief" is given to the president, meaning the president is able to make key decisions for the military. The president is permitted to make any decision that would need to be decided in an expedient manner. In the event that something drastic were to take place such as, an attack on the United States or an act of terrorism, the president has the power, granted by the Constitution, to send troops to an area to defend the country. The president may also command the troops to take certain precautions without first getting the approval of Congress. Sometimes getting the approval of such a large group of people may take time, which is not always available when there is a true emergency. If the president is trying to do something in the best interest of the public, getting the approval of Congress may be an afterthought especially if the situation is time sensitive.¹ The Constitution may not grant all military powers to the president, but the president is able to take some military action without the approval of the United States Congress.

In addition, past presidents have pushed the boundaries of their powers in many ways. Starting shortly after the War Powers Resolution went into effect, President Ford sent and commanded troops to retake a vessel from Cambodian officials. President Reagan, cited the War Powers Resolution, when sending military troops to El Salvador to prevent a myriad of threats and when sending troops to Lebanon in an effort to keep peace. President George H.W. Bush commissioned troops into Operation Desert Storm. Some of these events were more dangerous than others but none of them needed the initial approval from Congress, until they reached the sixty day limit mandated by the War Powers Act. Between 1993 and 1999, President Clinton used troops to execute air strikes and for peace keeping missions in Eastern Europe. The court case, *Campbell v. Clinton*, was proposed to the Supreme Court, but they refused to hear it, letting President Clinton's military actions stand. Since the Supreme Court did not hear this case, it can be interpreted that the Supreme Court at that time believed that President Clinton had the authority to send armed forces to Bosnia and Kosovo.² No president has been checked because they sent troops somewhere or took military action without receiving the consent of Congress first. The President has the power to take military action, such as sending troops or executing airstrikes as long as they are not declaring war.³ The Supreme Court also agrees that the president has the authority to take military action without the consent of Congress.

Furthermore, the language used in the War Powers Resolution, passed by the United States Congress in 1973, allows the president to send troops abroad for up to sixty days before needing the approval of Congress. The goal of this document was to avoid the United States' involvement in another lengthy conflict like the Vietnam War. The commander in chief is to, "notify Congress within 48 hours whenever military forces are introduced 'into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.'" The War Powers Resolution never indicates that the president cannot take military action, but the president must follow restrictive guidelines. Any commander in chief

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should have guidelines and directions to follow.⁴ The president is responsible for the lives of the men and women who serve in the United States military thus the president deserves to have regulations that must be followed. When the President is taking military action to keep peace, the president still does not need the approval of Congress unless the operation continues for more than sixty days.

Although it can be argued that the War Powers Act was meant to be interpreted that the president should always get the approval of the United States Congress, it truly only restricts a president so that the United States does not become involved in a long conflict such as the Vietnam War. Some people may believe that the president needs to get the approval of Congress in order to keep peace in the United States government. Seeking the approval of Congress may decrease the number of conflicts in the government, but the Constitution never states that it is mandatory for all military actions commanded by the president to have the approval of Congress before they are initiated. Ultimately, the president who is the commander in chief, has the power to take military action.

There may be regulations of the president's power, but presidents have a lot of authority which the United States cannot risk them misusing. The unique language in the War Powers Resolution, the past actions of many famous presidents, and the Constitution all grant the president the power to take military action without the consent of Congress. The president has many powers, including that of commander in chief. The president has the power to take military action. Under the War Powers Resolution, the president only needs the approval of Congress if the operation takes longer than the allotted sixty days. Hippocrates' ancient words can still be applied to presidential powers today; when times are tough desperate action by the president may be necessary.

¹ Byrnes, Craig S. "Presidential War Powers and the United States Supreme Court." Digital Journal: A Global Digital Media Network, 13 June 2008, www.digitaljournal.com/article/256072.

² "War Powers." War Powers | Law Library of Congress, Library of Congress, 15 Oct. 2019, www.loc.gov/law/help/usconlaw/war-powers.php.

³ Byrnes, Craig S. "Presidential War Powers and the United States Supreme Court." Digital Journal: A Global Digital Media Network, 13 June 2008, www.digitaljournal.com/article/256072.

⁴ History.com Editors. "War Powers Act." History.com, A&E Television Networks, 30 Nov. 2017, www.history.com/topics/vietnam-war/war-powers-act.

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"War Powers." War Powers | Law Library of Congress, Library of Congress, 15 Oct. 2019, www.loc.gov/law/help.usconlaw/war-powers.php.

Paige Hill's Winning Essay; Winner of \$1,000.00 Scholarship:

As the President of the United States and Commander in Chief, the President has the authority to take military action against a foreign country without Congressional approval. The War Powers Act can be enacted which allows the President more autonomy in decision making. According to the Constitution of the United States, the President has the power to respond to any person, organization, or State suspected of involvement in terrorist attacks on the United States or are suspected of supporting these organizations¹. Under the War Powers Act, the president can, in fact, take military action without congressional approval, not to include declaration of war.. As stated in Article I, Section 8 of the United States Constitution, Congress has the sole power to declare war². This means that the president is not required to request approval to give commands to the military as long as he is not trying to declare war. This idea demonstrates the checks and balances that have been put in place while also allowing the president to take action that he sees fit in order to keep our country, military, citizens, and rights safe and protected.

Allowing the President of the United States to take military action against a foreign country without Congressional approval demonstrates the separation of power and checks and balances that have been put in place. Congress has the sole power to declare war, but the President, as Commander in Chief, has the power to direct the military as necessary³. This system checks both Presidential and Congressional power. If it were up to only one branch to utilize and direct the military, there would be an imbalance of power with one body of government wielding an unchecked majority of control. With the President having the authority to direct the military without Congressional approval, more action can be taken in those foreign countries where our troops are risking their lives every day to protect our country, our freedoms, and our rights. This bypasses any chance for debate between Congress and the President and would result in quicker military action. However, if the President wanted to wage war against a foreign State, he would have to get approval from Congress as war is a very serious situation with many ramifications that need to be approved on all ends. Using the military for non-war actions is legal for the President to do. The President is permitted to use military force in response to a direct threat or with approval from Congress⁴.

Continuing, allowing the President to take military action without Congressional approval helps to streamline the process of utilizing the military in necessary situations. If every situation in which military action was needed had to go through the approval process in Congress, it would take valuable and necessary time away from the military. The War Powers Act allows Congress to have the sole power to declare war and the President to have control of the military and direct non-war actions involving the military. In order to ensure the safety of the country, immediate action is often necessary and waiting for approval could jeopardize the surprise factor of covert operations and allow the other side to prepare for an attack. Also, in critical decision making times, waiting for Congressional approval would leave room for unnecessary debate due to lack of bipartisanship. Throughout history, many Presidents have used the military without waiting for approval. Most recently, President Trump ordered a drone strike to kill Qassem Soleimani without congressional approval. Before President Trump, former President Obama had initiated airstrikes on Libya without approval. These actions by our two most recent presidents demonstrate how military action has been used without congressional approval in order to ensure the safety of the United States and to protect national security. The War Powers Resolution requires that the President "submit a written report to Congress within 48 hours of deploying U.S. forces into hostilities or a foreign nation. Within 60 days the president is required to withdraw forces unless Congress declares war, extends the 60 days, or is unable to meet the 60-day withdrawal because of an armed attack on the United States."⁵ This allows the military to take immediate action.

Allowing the President of the United States to have the authority to take military action without the approval of Congress is vital to the interest of national security and protecting our country, freedoms, and rights. There are checks and balances put into place in order to keep the President or Congress from having too much power, but still allow the President

to make crucial decisions to protect our great country.

¹"The President's Constitutional Authority to Conduct ... - FAS.org." <https://fas.org/irp/agency/doj/olc092501.html>.

²"War Powers | Wex | US Law | LII / Legal Information Institute." https://www.law.cornell.edu/wex/war_powers.

³"War Powers | Wex | US Law | LII / Legal Information Institute." https://www.law.cornell.edu/wex/war_powers.

⁴"When can a president use military force? The answer is ... - PBS." 17 Apr. 2018, <https://www.pbs.org/newshour/nation/when-can-a-president-use-military-force-the-answer-is-complicated>.

⁵"Here Are The Rules On When Presidents Can Use Military" 4 May. 2017, <https://thefederalist.com/2017/05/04/rules-presidents-can-use-military-force-without-asking-congress/>.

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