

AMENDMENT 28
PROPOSED
UNITED STATES CONSTITUTION

Dr.Larry Johnson's Proposed 28th Amendment to the United States Constitution.

Preamble

Whereas Amendment IX to the United States Constitution provides: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people; And whereas Article I of the United States Constitution provides to the Congress the sole 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; And whereas, the Congress of the United States passed the 1973 War Powers Act over Presidential veto for the purposes of preserving its Constitutional power to declare war; And whereas successive Presidents, since the passage of that Act and prior thereto, have engaged in the following undeclared wars: Korea, Vietnam, Grenada, and intervention into Russia in 1918; And whereas, the Invasion of Iraq in 2003 and potential invasion of Syria in 2014 were perpetrated on the expressed doctrine of Preemptive War; And whereas, the Mexican-American War of 1846-1848 and the American-Philipino War of 1898-1903 were engaged in by Presidential Initiation without prior authorization or declaration of War by the United States Congress; And whereas in 1794 the first American Congress and its First President passed into the law the Neutrality Act, which act is still in force but in need of further strengthening and elevation to Constitutional Amendment status to establish the will of the American people in foreign affairs; And whereas, we the people have determined that Congress cannot restrain, and has failed to restrain, the Presidential War Making Power; We the people of the United States, do now and forever more restrain the Presidential power to make war and establish American Neutrality, declaring the following to wit:

Section 1: *The Congress of the United States of America shall have, and we the people do reaffirm shall always and forever have, the sole power to declare or initiate war.*

Section 2: *All measures declaring war or initiating war, whatsoever, shall originate in the House of Representatives, and shall be passed by 2/3 of the House of Representatives from all existing states.*

Section 3: *All measures declaring war or initiating war, whatsoever, shall then proceed to the United States Senate after passage by the House of Representatives, and shall be passed by 2/3 of the full Senate members from all existing states.*

Section 4: *The President of the United States, as Commander-in-Chief, shall then duly execute the declaration of war or order to initiate war; The President of the United States, shall not have*

the power to declare or initiate war without the consent of the people, through its representatives pursuant to Section 1 & 2 of this Amendment.

Section 5: *We, the People of the United States of America, do hereby incorporate by reference, the 1973 War Powers Act passed into law by the Representatives of the People; except, those portions of the War Powers Act, which by implication or explicitly, grants the President power to declare or initiate war; The President has no power to declare or initiate war. And preemptive war is by definition a declaration of war, or initiation of war, and we the people forbid or repudiate it as a doctrine unfit to a democratic republic. This provision shall not be interpreted to mean the President is prohibited from engaging in emergency National Defense in immediate response to attack as prescribed in the 1973 War Powers Act.*

Section 6: The President of the United States, and the Congress of the United States, shall maintain the neutrality in foreign affairs of the American People. (2) All prior treaties which violate this provision are hereby repealed. (3) The 1794 Neutrality Act and its progeny, are hereby incorporated; If any person shall within the territory or jurisdiction of the United States begin or set on foot or provide or prepare the means for any military expedition or enterprise against the territory or dominions of any foreign prince or state or people with whom the United States is at peace, that person shall be guilty of a felony and shall be fined under this section or imprisoned not more than five years, or both.

Section 7: *The Congress shall have power to enforce by appropriate legislation the provisions of this article.*

Section 8: *Failure to execute this Amendment or legislation pursuant to this Amendment shall be a High Crime and Misdemeanor, and shall be punishable by appropriate impeachment proceedings.*

Section 9: *The Supreme Court of the United States shall have the sole power to interpret the provisions of this article. Any presidential signing statements attached to legislation from the Congress enforcing this article, shall be interpreted solely by the United States Supreme Court., sui sponte, not more than 60 days following such signing statement as to its Constitutionality; except that the Supreme Court of the United States may neither interpret This Amendment to abrogate the plain meaning of the body of this Amendment nor dissolve the intent of the People in this Amendment's Preamble.*