

## **Article I, Section 8, Clause 11**

### **To Grant Letters of Marque & Reprisal**

Foreign relations is but one pertinent subject of constitutional inquiry from which today's officials could well learn from past. George Washington wrote a great deal about foreign entanglements in his Farewell Address after serving his terms as the President of the United States. He warned to "*steer clear of permanent alliances with any portion of the foreign world*" and "*to have with them as little political connexion as possible.*" Rather, he felt America's role was to serve as a Beacon of Liberty by giving mankind "*the magnanimous and too novel example of a people always guided by an exalted justice and benevolence.*" Lastly, he instructed "*Observe good faith and justice towards all Nations; cultivate peace and harmony with all.*"

Washington proposed using America's geographic isolation from the countries of Europe and Asia to our advantage. This doesn't mean complete political, economic, or philosophical isolation, but was meant to distance us from their internal disputes which have waged there for a millennium.

America following such a course of action would likely incur many beneficial consequences. Economically, we wouldn't be wasting large amounts of money sending our young men into needless wars, being able to concentrate on family and business. Morally, we wouldn't be sending our young men to die in needless wars or attempt to be the world's policeman. Religiously and philosophically, we would be setting the example of a people of "exalted justice and benevolence." Politically, we would encourage friendships while creating few enemies.

Just as one needn't look for trouble by staying out until the early morning hours in the wrong part of town without sufficient reason even though within one's right, neither does America often have sufficient reasons for being various places it has little interest. Placing oneself intentionally into no-win situations is something to be avoided.

The actual history of American foreign policy differed greatly from Washington's vision. Whether a country was friend or foe was not even a question of ideological agreement, but often only of political expediency. Under the twisted logic of "the enemy of our enemy is our friend", the United States befriended and militarily trained many monsters such as bin Laden, Hussein, Pinochet, Marcos, and Batista.

A look at even many of our closest governmental allies today reveals many prior enemies of war. Whether many a country was either friend or foe was often only a question of timing. It was from these types of incidents that Washington meant to distance us.

The United States often entered into many alliances which proved to be, at best, temporary. At worst, we funded and trained our future enemies. In the interim, oppressive taxes by the billions have been taken from hard-working Americans and given to countries which have little concept of the principles upon which America was founded. This effort does not make America's Beacon of Liberty shine brighter so it may be seen from the darkest reaches of the world, nor does it give incentive to foreign countries to create a stable platform of government based upon law.

That America has suffered a devastating attack by terrorists is acknowledged by all. That America respond to such violence is generally agreed to by all, but not the specific responses being proposed.

America has returned fire and is waging an air attack on Afghanistan. It has been reported by newspapers across America that America will rebuild what it blows up once we have removed the terrorist groups, likely mainly at America's expense.

Since it is not whole countries America is desiring to bring to justice, only certain individuals, the Constitution does grant to Congress powers other than the outright power to declare war. The Constitution provides Congress with the authority to declare war on the individual terrorists of today just as it did ages ago with the individual terrorists of the past—Pirates.

The power to grant Letters of Marque and Reprisal is listed in **Article I, Section 8, Clause 11**, stating that:

“Congress shall have power...To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.”

Letters of Marque & Reprisal are licenses issued by Congress to the holders to pass beyond the our borders for the purpose of capturing prizes. *Reprisal* is the capturing of prizes (person and property) for satisfaction of an injury inflicted by another. Reprisal allows the confiscation of the assets belonging to those causing harm to act as financial incentives which *Privateers* seek to capture for their profit.

Military commando units and privateers are allowed a share of the *booty* and prizes caught, be it reward or confiscated assets of those sought. This mechanism is quite proficient when those being sought have large amounts of capital, be it drug or terrorist-related, as it creates a business incentive for capturing those causing us harm.

Prize-courts keep the division of confiscated assets in proper legal fashion, with the people captured handed over for criminal trial and punishment. Hundreds of private ships in America’s history have been outfitted and given Letters of Marque and Reprisal, not only to fight pirates, but also foreign enemies in war.

These Letters are an equivalent of a bounty-hunter’s license which foreign nations honor, which keeps that “Privateer” from being held as a criminal in a foreign country or as a pirate on the high seas. If any foreign country denies such immunity of action and capture such men, they are held as prisoners-of-war with the full protection of the United States in such matters, rather than as individual criminals where the United States has little voice.

Letters of Marque and Reprisal provide Congress with the ability to fight such modern-day pirates, being on land or water, without resorting to behavior not unlike the enemy scoundrels, without causing great civilian loss, without great collateral damage to buildings, and, not to be ignored, not only all at our expense. The privateers have only two objectives—to capture, dead or alive, those persons sought and their assets.

Numerous news reports have reported the vast financial empire of the terrorist organizations. Much of this fortune stems from the very oil empires we Americans have created in our purchases of oil from the Middle East. To use our enemies’ assets, rather than more of our own, is not only prudent, but effective.

Letters of Marque and Reprisal allow the United States the ability to effectively fight small bands of roving thugs of foreign countries who do us harm without the necessity of resorting to underhanded tactics which are beneath our stature.