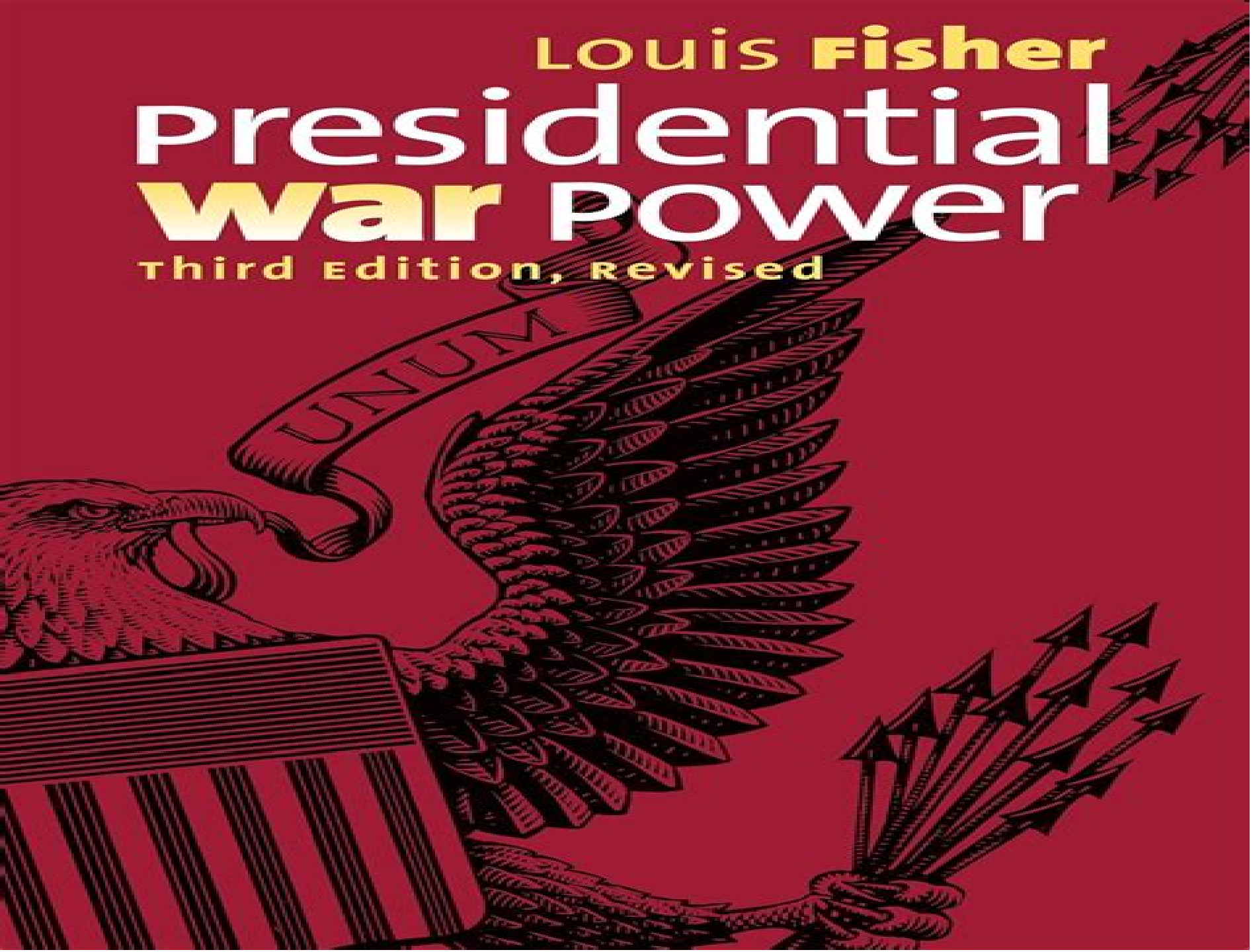


Louis Fisher  
Presidential  
**war** Power

Third Edition, Revised



# Presidential War Power

**Louis Fisher**



## **Presidential War Power:**

*Presidential War Power* Louis Fisher, 1995 Fisher chronicles the expansion of the president's power to make war *The War Power* Louis Fisher, 2008 **While Dangers Gather** William G. Howell, Jon C. Pevehouse, 2007-08-26 Nearly five hundred times in the past century American presidents have deployed the nation's military abroad on missions ranging from embassy evacuations to full scale wars The question of whether Congress has effectively limited the president's power to do so has generally met with a resounding no In *While Dangers Gather* William Howell and Jon Pevehouse reach a very different conclusion The authors one an American politics scholar the other an international relations scholar provide the most comprehensive and compelling evidence to date on Congress's influence on presidential war powers Their findings have profound implications for contemporary debates about war presidential power and Congress's constitutional obligations While devoting special attention to the 2003 invasion of Iraq this book systematically analyzes the last half century of U S military policy Among its conclusions Presidents are systematically less likely to exercise military force when their partisan opponents retain control of Congress The partisan composition of Congress however matters most for proposed deployments that are larger in size and directed at less strategically important locales Moreover congressional influence is often achieved not through bold legislative action but through public posturing engaging the media raising public concerns and stirring domestic and international doubt about the United States resolve to see a fight through to the end *Presidential War Power* Louis Fisher, 2013-08-19 A classic and bestselling work by one of America's top Constitutional scholars *Presidential War Power* garnered the lead review in the New York Times Book Review and raised essential issues that have only become more timely relevant and controversial in our post 9 11 era In this third edition Louis Fisher updates his arguments throughout critiques the presidential actions of George W Bush and Barack Obama and challenges what he views as their dangerous expansion of executive power Spanning the life of the Republic from the Revolutionary Era to the War on Terror the new edition covers for the first time Indefinite detention of civilians and non civilians without trial President Obama's failed effort to close Guantanamo NSA wiretapping and Fourth Amendment violations Presidential decision making relating to the wind down of the wars in Iraq and Afghanistan U S military operations against Libya in 2011 Continued abuse of the state secrets privilege in national security court cases Secret legal memos justifying the use of UAVs or drones for targeted killings overseas Extended comparison of the expansion of executive power under George W Bush and Barack Obama

**Presidential War Powers** Matt Scott Formisano, 2013 Even before the framing of the Constitution the Framers feared an executive power that would grow too strong This fear was reflected throughout debates held before during and after the American Revolution Even today debate still continues as to what the executive power entails when it comes to acts of war and treaties The United States Constitution was framed with the purpose of dividing power between the branches of government in order to avoid abuse and tyranny 0 The Constitution bestows enormous power and responsibility on the

President to protect the nation's security and safeguard the people's liberty. Throughout the history of the United States the President has had to find the delicate and important balance between liberty and security. That balance is most fully manifested through the President's interpretation and carrying out of the executive power during national security crises. This thesis will examine in depth the Framers' giving the President the power of prerogative during national security crises as outlined in Article I Section 8 and Article II Section II of the Constitution. It will focus on the works of Locke, Montesquieu, and Blackstone as well as on the British system of government and the Framers' decision to give prerogative to the President of the United States. The British model had a tremendous influence on the framing of the 18th century Anglo American Constitution and what the Framers understood as the powers of the Commander in Chief. Locke, Montesquieu, and Blackstone argued in favor of separation of powers, a federative power, and the executive having absolute power on issues of war. These three men in particular would have a tremendous influence on the Framers and their view on executive war powers. My thesis will also examine the important change in the Constitution's Declare War Clause, specifically the change in the wording from "make" to "declare war." I contend that although Congress was given the power in Article I section 8 11 to declare war by changing the language from "make" to "declare" in that provision, the Framers of the Constitution intended to give the President the power to engage the country in war without the consent of Congress. I will provide evidence for this argument by reviewing three significant episodes in the exercise of national security power by the President: President George Washington's Neutrality Proclamation as discussed in the Pacificus Helvidius debates, Abraham Lincoln's suspension of the writ of habeas corpus and use of military tribunals during the Civil War, and President George W. Bush's invasion of Iraq with the approval of Congress through the Authorized Use of Military Force as well as surveillance and detainee programs. These three case studies are important examples of the President using his executive power to protect the nation from threats both at home and abroad. They were crucial moments in American history which have been criticized by many as an abuse of Presidential power. However, when examined, these critical events demonstrate the Framers' intent to give the President the power of prerogative and the Presidents' correct use of that power. I will argue that from The Federalist Papers to the actions of President Bush, there has been support for giving the President the power of prerogative to go to war without Congress's consent.

**The Reagan Wars** David Locke Hall, 2019-07-11 Ronald Reagan's term in office was punctuated by four significant employments of military force: the deployment of Marines to Lebanon, the intervention in Grenada, the air strikes against Libya, and the deployment of naval forces to the Persian Gulf. In the aftermath of each of these military operations, critics questioned the constitutional basis for such unilateral presidential war making, arguing that Congress alone is empowered to declare war. Debates over whether the President failed to comply with the statutory requirements of the War Powers Resolution further complicated these constitutional disagreements. In *The Reagan Wars*, David Hall seeks to overcome a key source of confusion in these heated

debates the failure to distinguish between the wisdom of Reagan's actions and their legality. He demonstrates that the circumstances under which the Constitution permits unilateral presidential war making were present when President Reagan waged war between 1980 and 1988. Hall first considers the thinking of the Constitution's Framers on the question of war powers and the subsequent two hundred years of judicial interpretation regarding the proper balance between congressional and presidential authority to make war. In light of this historical background, he then closely examines the facts and the legal circumstances of each of the four Reagan wars. Hall's thought-provoking conclusions deserve the attention of anyone interested in the role of the Constitution in U.S. foreign policy making.

**The War Power in an Age of Terrorism** Michael A. Genovese, David Gray Adler, 2016-12-22. This book features a lively debate between two prominent scholars, Michael A. Genovese and David Gray Adler, on the critical issue of whether the Constitution, written in the 18th Century, remains adequate to the national security challenges of our time. The question of the scope of the president's constitutional authority, if any, to initiate war on behalf of the American people, long the subject of heated debate in the corridors of power and the groves of academe, has become an issue of surpassing importance for a nation confronted by existential threats in an Age of Terrorism. This question should be thoroughly reviewed and debated by members of Congress and considered by all Americans before they are asked to go to war. If the constitutional allocation of powers on matters of war and peace is outdated, what changes should be made? Is there a need to increase presidential power? What role should Congress play in the war on terror?

War Powers of the President Talbot Odell, 1942

**Presidential War Power in the Deliberative Moment** Chi-Ting Tsai, 2010. This dissertation examines how congressional deliberation over the constitutionality of a use of force affects the war power relationship between the president and Congress. In particular, it presents empirical data on whether and how Congress exerts its attempts to control presidential war power through deliberation on the limits of congressional ability to regulate a war on historical patterns of the presidential unilateral use of force and on the institutional conditions for good congressional deliberation. My main argument is that congressional deliberation over the constitutionality of a use of force is a primary influence on Congress's ability to exert its will through the passage of legislation to check the president's use of force. I focus on congressional floor debates recorded in the Congressional Record, 1989-2009, over different use of force events occurring from 1989 to 2003. These incidents are collected from the Correlates of War Project Dataset. I cluster 229 congressional deliberations on the constitutionality of the use of force and bills thereof into 14 military events according to the war timeline depicted by the Correlates of War Project Dataset. In response to the main research question, I present three empirical models. The first empirical model demonstrates that a higher level of congressional deliberation over a use of force influences Congress to impose a higher level of control over presidential war power. The second model demonstrates that as long as Congress imposes control over a military deployment, the president systematically resists that control. Although the second model demonstrates that congressional attempts to check presidential war power

cannot prevent the president from taking unilateral military action I argue that this result suggests that it is even more important for Congress to have better deliberation and to try to impose a check on the president which can create an unequivocal legal and political accountability for the president Therefore I present the third empirical model to demonstrate that congressional rule setting including referral of a bill to committee an adoption of open rule floor debate and deliberation over a non annual budget bill is the primary factor determining the quality of congressional deliberation Abstract      **War Powers Resolution** ,2007

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