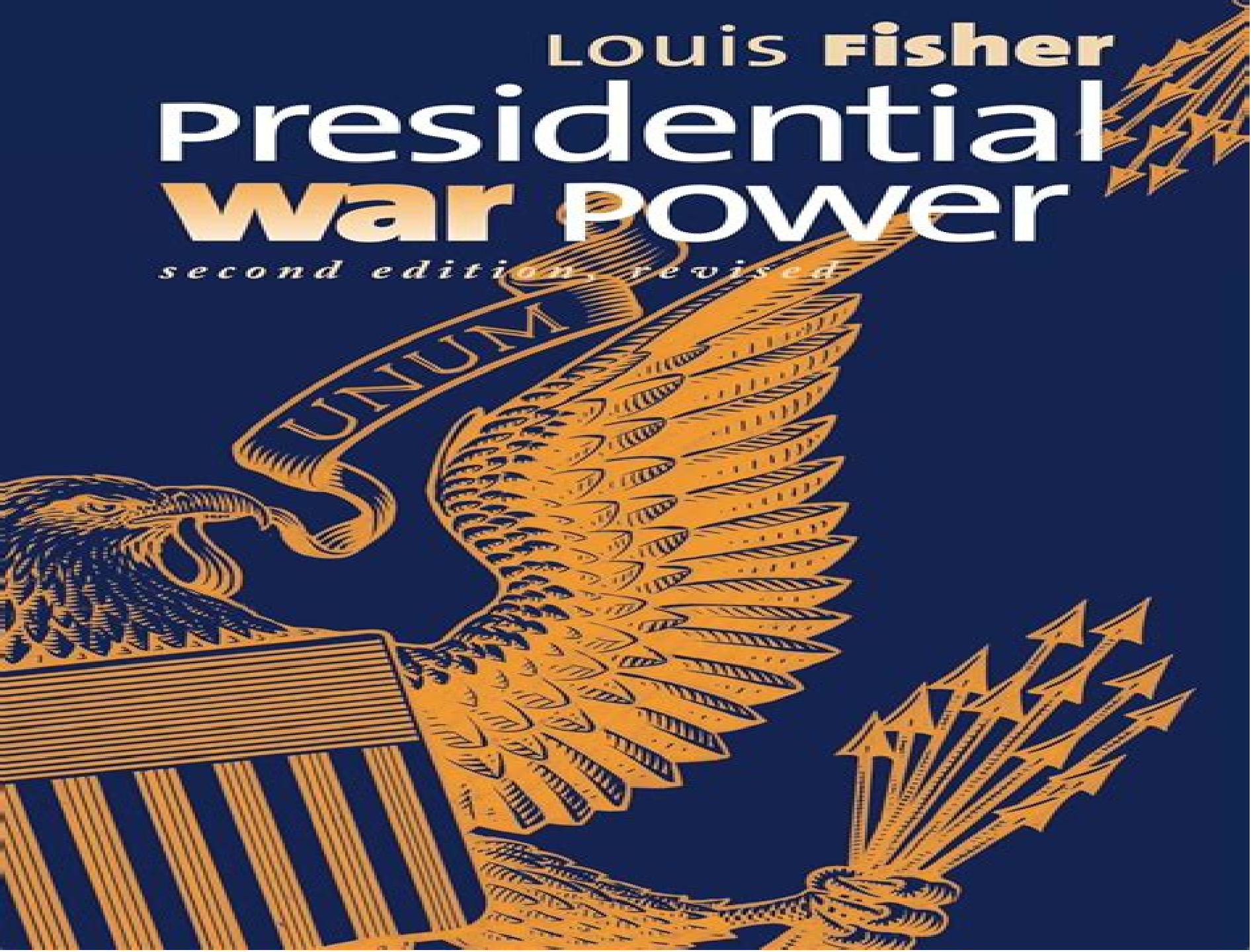


Louis Fisher
Presidential
war Power

second edition, revised



Presidential War Power

Shasha Hu



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.

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 *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 and Congress W. Taylor Reveley, 1981 Discussing what war powers involve and which branch of government should control them Reverly grapples with the full historical political and legal complexities of this matter He identifies the issues that must be considered given the division of power between the President and Congress and analyzes the four main factors that shape this division the text of the Constitution the purposes of its framers and ratifiers evolving beliefs about what the Constitution requires and the various divisions of power that have existed between the President and Congress over the past two centuries Also makes recommendations to achieve a coherent consistent and workable war powers policy without endangering national security or violating the Constitution

Documents Relating to the War Power of Congress, the President's Authority as Commander-in-chief and the War in Indochina United States. Congress. Senate. Committee on Foreign Relations, 1970 Provides primary sources on whether the President exceeded his Constitutional authority in declaring war in Vietnam and Cambodia and committing forces to combat and ordering the attack on the Cambodian sanctuaries War Powers Resolution, 2007 **Congress, the President, and the War Powers** United States. Congress. House. Committee on Foreign Affairs. Subcommittee on National Security Policy and Scientific Developments, 1970 *Congress, the President and the War Powers* United States. Congress. House. Foreign Affairs, 1970 **Congress, the President, and the War Powers** William Pierce Rogers, 1971 The Evolution of Presidential War Powers Elizabeth L. Cheney, 1988 **War Powers Resolution** Richard F. Grimmer, 2010-11 Two separate but closely related issues confront Congress each time the Pres introduces armed forces into a situation abroad that could lead to their involvement in hostilities One issue concerns the division of war powers between the Pres and Congress whether the use of armed forces falls within the purview of the congressional power to declare war and the War Powers Resolution WPR The other issue is whether or not Congress concurs in the action This report deals with congressional authorization for military action and the application and effectiveness of the WPR Contents of this report Recent Developments Background and Analysis U N Actions Former Yugoslavia Bosnia Kosovo Iraq Post 1991 Haiti and Somalia **Presidential Powers** Harold J Krent, 2005-02-01 Framed in Article II of the Constitution presidential powers are dictated today by judicial as well as historical precedent To understand the ways the president wields power as well as how this power is kept in check by other branches of government Harold J Krent presents three overlapping determinants of the president's role under the Constitution the need for presidential initiative in administering the law and providing foreign policy leadership the

importance of maintaining congressional control over policymaking and the imperative to ensure that the president be accountable to the public Krent's examination is sweeping ranging from the president's ability to appoint and remove executive branch officials to the president's role in proposing and implementing treaties and the power to conduct war to the extent the president can refuse to turn over information in response to congressional and judicial requests Finally Krent addresses the history and purposes of presidential pardons By drawing on historic and contemporary presidential actions to illustrate his points Krent reminds us that the president is both an exalted leader with the regalia of power and an American who is and should be accountable to fellow citizens important considerations as we elect and assess our presidents

Presidential Power in Action D. Wheeler, 2016-04-30 This book examines how Supreme Court detainee cases have been implemented with emphasis on the role of the president concluding that an active executive branch has the ability to shape the manner in which judicial decisions are implemented and exploring why presidents have more influence than Congress and the courts

War Powers Mariah Zeisberg, 2015-09-01 Armed interventions in Libya Haiti Iraq Vietnam and Korea challenged the US president and Congress with a core question of constitutional interpretation does the president or Congress have constitutional authority to take the country to war War Powers argues that the Constitution doesn't offer a single legal answer to that question But its structure and values indicate a vision of a well functioning constitutional politics one that enables the branches of government themselves to generate good answers to this question for the circumstances of their own times Mariah Zeisberg shows that what matters is not that the branches enact the same constitutional settlement for all conditions but instead how well they bring their distinctive governing capacities to bear on their interpretive work in context Because the branches legitimately approach constitutional questions in different ways interpretive conflicts between them can sometimes indicate a successful rather than deficient interpretive politics Zeisberg argues for a set of distinctive constitutional standards for evaluating the branches and their relationship to one another and she demonstrates how observers and officials can use those standards to evaluate the branches constitutional politics With cases ranging from the Mexican War and World War II to the Cold War Cuban Missile Crisis and Iran Contra scandal War Powers reinterprets central controversies of war powers scholarship and advances a new way of evaluating the constitutional behavior of officials outside of the judiciary

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dying. 4. The hill was covered with wildflowers; it was a beautiful sight. 5. As ... Commas in Compound sentences Flashcards Study with Quizlet and memorize flashcards containing terms like coordinating conjunctions, clause, phrase and more. Struggling with commas in compound sentences ... I noticed I'm having a ton of trouble with commas in very similar types of sentences. Here are some examples:. Commas in Compound Sentences Learn more about commas in compound sentences. Our lessons offer detailed explanations along with exercises to test your knowledge.