

The background of the entire cover is a close-up, slightly blurred image of the American flag, showing the stars and stripes in shades of blue, white, and red.

JOHN YOO

THE
POWERS
OF WAR
AND
PEACE

THE CONSTITUTION AND
FOREIGN AFFAIRS AFTER 9/11

*"The Powers of War and Peace should be read by anyone
with an interest in constitutional law and foreign policy."*

NATIONAL REVIEW

Powers Of War And Peace The Constitution And Foreign Affairs After 9 11

Brendan G. Carr



Powers Of War And Peace The Constitution And Foreign Affairs After 9 11:

The Powers of War and Peace John Yoo, 2005-10-03 John Yoo examines the constitutional framework for decisions about foreign affairs particularly the powers of war and peace He points out that from Truman and Korea to Clinton s intervention in Kosovo US presidents have had to act decisively on the world stage without a declaration of war **The Politics of**

United States Foreign Policy James M. Scott, Jerel A. Rosati, 2020-01-21 This is a deep and well thought out framework for studying U S foreign policy Its focus on institutions and decision making sets it apart from other texts and its ability to help students think systematically and empirically is a major plus Matthew Zierler Michigan State University What are the factors that shape and determine the foreign policy choices of the United States The Politics of United States Foreign Policy helps students consider the players processes and politics that drive U S decisions and involvement in foreign policy James Scott and Jerel Rosati emphasize that society government and global forces have a role to play in the struggle over competing values when it comes to foreign policymaking The book discusses historical patterns the president s ability to influence both at home and abroad and the tension between democracy and national security Now at CQ Press the Seventh Edition has been updated to cover developments since the end of the Obama administration the transition to the Trump administration the challenges of changing international and domestic contexts and the increasingly partisan political environment The authors provide a comprehensive text that blends substance theory and stimulating analysis *Testing the Limits* Mark J.

Rozell, Gleaves Whitney, 2009-09-16 This collaboration of distinguished presidential scholars offers one of the first book length post presidency analyses of President George W Bush and his policies Mark J Rozell and Gleaves Whitney have assembled a varied list of contributors from both ends of the political spectrum bringing together academics and professionals to provide a glimpse into the politics and policies that defined President George W Bush s presidency *Testing the Limits* discusses all aspects of the Bush policy and administration from staff appointments to foreign and domestic policy to budgetary politics Several contributors focus their energy on the expansion of presidential powers during Bush presidency assessing the increased influence of the Vice President the politicization of federal court appointments and the development of executive privilege and presidential secrecy **The Discretionary President** Benjamin A. Kleinerman, 2009 Examines

both the peril and the promise of presidential power to clarify that what can destroy our Constitution can if the threat is dire also save it An unusually balanced study that argues for a middle path whereby presidents choose consciously to act temporarily outside or even against the laws in serving the nation s best interest **Unchecked And Unbalanced**

Frederick A.O. Schwarz Jr., Aziz Z. Huq, 2011-05-10 Thirty years after the Church Committee unearthed COINTELPRO and other instances of illicit executive behavior on the domestic and international fronts the Bush administration has elevated the flaws identified by the committee into first principles of government Through a constellation of non public laws and opaque unaccountable institutions the current administration has created a secret presidency run by classified presidential decisions

and orders about national security A hyperactive Office of Legal Counsel in the Department of Justice is intent on eliminating checks on presidential power and testing that power's limits Decisions are routinely executed at senior levels within the civilian administration without input from Congress or the federal courts let alone our international allies Secret NSA spying at home is the most recent of these Harsh treatment of detainees extraordinary renditions secret foreign prisons and the newly minted enemy combatant designation have also undermined our values The resulting policies have harmed counterterrorism efforts and produced few tangible results With a partisan Congress predictably reluctant to censure a politically aligned president it is all the more important for citizens themselves to demand disclosure oversight and restraint of sweeping claims of executive power This book is the first step

A Theory of the Executive Branch Margit Cohn, 2021 The executive branch in Western democracies has been granted a virtually impossible task expected to imperially direct the life of the nation through thick and thin it is concurrently required to be subservient to legislation meted out by a sovereign parliament Drawing on a general argument from constitutional theory that prioritizes dispersal of power over concepts of hierarchy this book argues that the tension between dominance and submission in the executive branch is maintained by the adoption of various forms of fuzziness under which a guise of legality masks the absence of substantive limitation of power Under this internal tension vision of constitutionalism the executive branch is simultaneously submissive to law and dominant over it while concepts of substantive legality are compromised Building on legal and political science research this volume classifies and analyses thirteen forms of fuzziness ranging from open ended or semi written constitutions to unapplied legislation The study of this unavoidable yet problematic feature of the public sphere is addressed descriptively and normatively Adding detailed examples from two fields of law emergency law and air pollution law in two systems the UK and the US the book ends with a call for raising the threshold of judicial review grounded in theories of participatory and deliberative democracy This book addresses an area that is surprisingly under researched Despite the increase in executive power across democratic polities and increasing public interest in the executive branch and executive powers this much needed book offers a theoretical foundation that should ground all analysis of arguably the most powerful branch of modern government

Outside the Law Clement Fatovic, 2009-11-16 The origins of presidential claims to extraconstitutional powers during national crises are contentious points of debate among constitutional and legal scholars The Constitution is silent on the matter yet from Abraham Lincoln's suspension of habeas corpus during the Civil War to George W Bush's creation of the enemy combatants label a number of presidents have invoked emergency executive power in defense of actions not specifically endorsed in the Constitution or granted by Congress Taking up the debate Clement Fatovic digs into the intellectual history of the nation's founding to argue that the originators of liberal constitutional theory explicitly endorsed the use of extraordinary extralegal measures to deal with genuine national emergencies He traces the evolution of thought on the matter through the writings of John Locke David Hume William Blackstone and the founding fathers finding in

them stated support for what Locke termed prerogative tempered by a carefully construed concept of public oriented virtues Fatovic maintains that the founders believed that moral character and republican decency would restrain the president from abusing this grant of enhanced authority and ensure that it remained temporary This engaging carefully considered survey of the conceptions of executive power in constitutional thought explains how liberalism s founders attempted to reconcile the principles of constitutional government with the fact that some circumstances would demand that an executive take normally proscribed actions Scholars of liberalism the American founding and the American presidency will find Fatovic s reasoned arguments against the conventional wisdom enlightening

The Case for Congress Victor M. Hansen, Lawrence Friedman, 2016-12-05 The Case for Congress Separation of Powers and the War on Terror examines the constitutional relationship between Congress and the President in the post September 11 world arguing that Congress should exercise its legitimate authority in guiding United States policy While many commentators have focused on the extent of the President s national security and foreign affairs authority both domestically and abroad this title focuses on the constitutional authority of Congress to serve as a check on executive power As a national consensus has developed around the notion that the Bush administration made grave errors in its policy decisions a reminder of the leading role that Congress can play in those decisions is particularly appropriate Unlike scholarly work devoted either to detailing or criticizing the Bush administration s policy decisions this accessible and balanced book focuses on the policies themselves and on the way in which Congress can influence those policies for the better The authors further offer specific and useful recommendations for legislative measures that may correct existing policy deficiencies and promote sounder decision making in the area of national security and foreign affairs

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

The Development of the American Presidency Richard J. Ellis, 2013-06-17 Our understanding of the politics of the presidency is greatly enhanced by viewing it through a developmental lens analyzing how historical turns have shaped the modern institution The Development of the American Presidency pays great attention to that historical weight but is organized topically and conceptually with the constitutional origins and political development of the presidency its central focus Through comprehensive and in depth

coverage this text looks at how the presidency has evolved in relation to the public to Congress to the Executive branch and to the law showing at every step how different aspects of the presidency have followed distinct trajectories of change All the while Ellis illustrates the institutional relationships and tensions through stories about particular individuals and specific political conflicts Ellis s own classroom pedagogy of promoting active learning and critical thinking is well reflected in these pages Each chapter begins with a narrative account of some illustrative puzzle that brings to life a central concept A wealth of photos figures and tables allow for the visual presentations of concepts A companion website not only acts as a further resources base directing students to primary documents newspapers and data sources but also presents interactive timelines practice quizzes and key terms to help students master the book s lessons [The Iraq War Encyclopedia](#) Thomas R. Mockaitis,2013-08-15 This reference work is an ideal resource for anyone interested in better understanding the controversial Iraq War It treats the war in its entirety covering politics religion and history as well as military issues The Iraq War started in 2003 in a quest to rid the nation of weapons of mass destruction WMDs that were never found It lasted over 8 years during which more than 30 000 U S service members were wounded and almost 4 500 American lives lost Comprised of some 275 entries this comprehensive encyclopedia examines the war from multiple points of view Each article is written by an expert with specialized knowledge of the topic The reference covers every aspect of the Iraq War from the U S invasion Operation IRAQI FREEDOM through the rise of Al Qaeda in Iraq the surge and the U S withdrawal Other significant aspects of the conflict are addressed as well including Abu Ghraib WMDs the controversial use of private military contractors and Britain s role in the war The book also features an overview essay a causes and consequences essay maps photos a chronology and a bibliography [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 **U.S. Conflicts in the 21st Century** Spencer C. Tucker, 2015-12-14 This three volume reference work provides an up to date presentation and analysis of the U S wars of the 21st century addressing their backgrounds causes courses and consequences It serves as an indispensable resource for students seeking to understand the role of the United States in the world today Addressing the U S conflicts in Iraq Afghanistan and the Global War on Terror from the year 2001 to the present this comprehensive three volume encyclopedia covers the significant individuals key events and important places involved in these recent military events Beginning with the rise of Al Qaeda in the 1990s and the attacks on September 11 2001 and covering events through ISIS s dramatic surge in Iraq and Syria the hundreds of detailed entries also examine historical trends nations and ethnicities involved in the conflicts influential figures and organizations economic political diplomatic and cultural influences wars campaigns and battles and important weapons systems The set s A Z organization makes it an easy to use ready reference for high school and college students Perspective essays on several controversial topics such as the use of torture and the effects of the Patriot Act serve to inspire readers to apply critical thinking A detailed chronology is provided to help students place all the important events that have occurred in the Afghanistan War Iraq War and War on Terror Each of the chronologically arranged primary documents is introduced with a brief overview to provide important background information and context **Restoring the Balance** Seth

Weinberger, 2009-08-10 Since 9 11 one of the most dominant issues in American politics has been what exactly is a war on terror and who is in charge of it Previous books on this topic have fallen off the horse on either side on the right making military actions under the Bush administration equal to previous declared wars and ceding too much war making power to the presidency or on the left requiring congressional approval for any national security steps at all contradicting much of American historical precedent Weinberger presents a novel understanding of the Declare War clause of the Constitution Article 1 Section 8 filtering it through the AUMFs passed by Congress since 9 11 and concluding that the Presidency has wide latitude and autonomy in the overseas theaters but not on the domestic front *Vindicating the Commercial Republic*

Anthony A. Peacock, 2018-04-24 Contrary to most academic commentary on The Federalist this book contends that the most significant teachings of the work did not have to do with the institutions of government so much as with the non institutional features of American constitutionalism specifically its advocacy for greater union the development of an unparalleled culture of enterprise and provision for war Key to understanding why these features were so critical to The Federalist is the work s rejection of classical liberalism s orthodoxy that commercial republics were moderate or pacific in nature rather than spirited enterprising and warlike Using the ancient historian Thucydides account of the daring innovation and restlessness of ancient commercial Athens as an interpretive guide for the commercial republican theory that The Federalist embraces this book provides a sweeping reinterpretation of American constitutionalism At the heart of The Federalist s teaching Peacock contends is the intention to create an innovative and spirited culture of enterprise that will not only inform America s civic

character post 1787 but its military character as well No scholarship has considered the significance of Thucydides to the The Federalist This book does in a comprehensive reconstruction of the work that concludes that The Federalist anticipates as well as any text on American constitutionalism what many consider to be the most definitive features of American character today its spirit of enterprise and its qualified willingness to engage in war for both reasons of national interest and republican principle

Constitutional Dysfunction on Trial Jasmine Farrier, 2019-12-15 In an original assessment of all three branches Jasmine Farrier reveals a new way in which the American federal system is broken Turning away from the partisan narratives of everyday politics Constitutional Dysfunction on Trial diagnoses the deeper and bipartisan nature of imbalance of power that undermines public deliberation and accountability especially on war powers By focusing on the lawsuits brought by Congressional members that challenge presidential unilateralism Farrier provides a new diagnostic lens on the permanent institutional problems that have undermined the separation of powers system in the last five decades across a diverse array of partisan and policy landscapes As each chapter demonstrates member lawsuits are an outlet for frustrated members of both parties who cannot get their House and Senate colleagues to confront overweening presidential action through normal legislative processes But these lawsuits often backfire leaving Congress as an institution even more disadvantaged Jasmine Farrier argues these suits are more symptoms of constitutional dysfunction than the cure Constitutional Dysfunction on Trial shows federal judges will not and cannot restore the separation of powers system alone Fifty years of congressional atrophy cannot be reversed in court

Guide to the Presidency and the Executive Branch Michael Nelson, 2012-08-13 This comprehensive two volume guide is the definitive source for researchers seeking an understanding of those who have occupied the White House and on the institution of the U S presidency Readers turn Guide to the Presidency and the Executive Branch for its wealth of facts and analytical chapters that explain the structure powers and operations of the office and the president's relationship with Congress and the Supreme Court The fifth edition of this acclaimed reference completes coverage of the George W Bush presidency the 2008 election and the first 3 years of the presidency of Barack Obama This includes coverage of their handling of the economic crisis wars abroad and Obama's healthcare initiatives The work is divided into eight distinct subject areas covering every aspect of the U S presidency and all chapters in each subject area have been revised and updated Origins and Development of the Presidency including constitutional beginnings history of the presidency and vice presidency and presidential ratings Selection and Removal of the President including the electoral process a chronology of presidential elections removal of the president and vice president and succession Powers of the Presidency including the unilateral powers of the presidency and those as chief of state chief administrator legislative leader commander in chief and chief economist The President the Public and the Parties including presidential appearances the president and political parties the president and the news media the presidency and pop culture public support and opinion and the president and interest groups The Presidency and the Executive Branch including the

White House Office the Office of the Vice President supporting organizations the cabinet and executive departments presidential commissions and executive branch housing pay and perquisites Chief Executive and Federal Government including the president and Congress the president and the Supreme Court and the president and the bureaucracy Presidents their Families and Life in the White House and Beyond including the daily life of the president the first lady the first family friends of presidents and life after the presidency Biographies of the Presidents Vice Presidents First Ladies This new volume also features more than 200 textboxes tables and figures Major revisions cover the supporting White House organizations and the president's role as chief economist Additional reference materials include explanatory headnotes as well as hundreds of photographs with detailed captions *The President, the State and the Cold War* James Bilisland, 2015-02-11 US foreign policy during the Cold War has been analysed from a number of perspectives generating large bodies of literature attempting to explain its origins its development and its conclusion However there are still many questions left only partially explained In large part this is because these accounts restrict themselves to a single level of analysis either the international system or the structure of the state and society The first level of analysis focusing on the role of individuals has largely been excluded This book argues that structural theories and any approach that limits itself to one level of analysis are inadequate to explain the development of US foreign policy Instead it is necessary to incorporate the first level of analysis in order to bring human agency back and provide a more detailed explanation of US foreign policy Bilisland proposes an analytical framework which incorporates presidential agency into a multi level analysis of US foreign policy during the Cold War constructing a multi level case study comparison of the foreign policies of Presidents Truman and Reagan He argues that the worldview of the president is central to agenda setting in US foreign policy making and that the management style of the president influences both decision making and the implementation of US foreign policy Evidence to support this is drawn from detailed empirical analysis of Truman's foreign policy of containment in Korea and Reagan's foreign policy of rollback in Nicaragua This work will be of interest to students and scholars of US Foreign Policy US History and International Relations **States of War** David William Bates, 2011-11-01 We fear that the growing threat of violent attack has upset the balance between existential concepts of political power which emphasize security and traditional notions of constitutional limits meant to protect civil liberties We worry that constitutional states cannot during a time of war terror and extreme crisis maintain legality and preserve civil rights and freedoms David Williams Bates allays these concerns by revisiting the theoretical origins of the modern constitutional state which he argues recognized and made room for tensions among law war and the social order We traditionally associate the Enlightenment with the taming of absolutist sovereign power through the establishment of a legal state based on the rights of individuals In his critical rereading Bates shows instead that Enlightenment thinkers conceived of political autonomy in a systematic theoretical way Focusing on the nature of foundational violence war and existential crises eighteenth century thinkers understood law and constitutional order not

as constraints on political power but as the logical implication of that primordial force. Returning to the origin stories that informed the beginnings of political community, Bates reclaims the idea of law, warfare, and the social order as intertwining elements subject to complex historical development. Following an analysis of seminal works by seventeenth-century natural law theorists, Bates reviews the major canonical thinkers of constitutional theory: Locke, Montesquieu, and Rousseau from the perspective of existential security and sovereign power. Countering Carl Schmitt's influential notion of the autonomy of the political, Bates demonstrates that Enlightenment thinkers understood the autonomous political sphere as a space of law protecting individuals according to their political status, not as mere members of a historically contingent social order.

Freedom and the Rule of Law Anthony A. Peacock, 2009-12-30. *Freedom and the Rule of Law* takes a critical look at the historical beginnings of law in the United States and how that history has influenced current trends regarding law and freedom. Anthony Peacock has compiled articles that examine the relationship between freedom and the rule of law in America. Although this is a theme that has been a perennial one since America's founding, it is also one of particular importance today, and this book explains how history makes this apparent. The rule of law is fundamental to all liberal constitutional regimes whose political orders recognize the equal natural rights of all and whose purpose is to protect those natural rights in addition to the general welfare. The rule of law was essential to achieving both of these ends and to reconciling them where necessary. But just how free is America today? It was certainly within the contemplation of the Founders that the federal judiciary would have a significant role in interpreting the Constitution, federal laws, and treaties, but it would be difficult to argue that those who framed and ratified the Constitution contemplated a role for the courts, particularly for the United States Supreme Court, of the magnitude they have today. The writers take the reader far back into history to the very roots of American Law by examining the English common law roots that provided the foundation for the rule of law in America. This book explores these phenomena and other recent developments in American freedom through history.

Whispering the Secrets of Language: An Mental Journey through **Powers Of War And Peace The Constitution And Foreign Affairs After 9 11**

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