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Military Tribunals And Presidential Power American Revolution To The War On Terrorism

John Fabian Witt

Military Tribunals And Presidential Power American Revolution To The War On Terrorism:

Military Tribunals and Presidential Power Louis Fisher, 2005 Offers coverage of wartime extra legal courts Focusing on those periods when the Constitution and civil liberties have been most severely tested by threats to national security Fisher critiques tribunals called during the presidencies of Washington Madison Jackson Lincoln Andrew Johnson Wilson Franklin Roosevelt and Truman The War on Terror Encyclopedia Jan Goldman Ph.D., 2014-10-07 This fascinating reference chronicles the individuals operations and events of the War on Terror around the world exploring its causes and consequences through the lens of policy doctrine and tactics of combat The War on Terror is more than a political movement to identify and prosecute terrorists it has become a cornerstone of economic and military importance. This campaign has shaped policy in the Middle East prompted uprisings of Islamic fundamentalists against the West and redefined the ideology of warfare This single volume encyclopedia provides readers with more than 200 engaging entries on the myriad events key individuals and organizations that have played a major role in the War on Terror The A Z entries define the policies and doctrines describe the armies battlefields and weapons employed and profile the figures whose actions and decisions set the course of history The expert contributors decode military jargon for non specialist readers and explain the unconventional tactics used in the War on Terror shedding light on the reason behind the attacks the political maneuvering of the leaders involved and the internal conflicts and external clashes that drove terrorists to settle all over the world The book also includes detailed essays on the impact of the September 11 attacks on U S foreign policy presidential powers and public The Polarized Presidency of George W. Bush George C. Edwards, Desmond King, 2007-05-24 Publisher opinion **Congress** Louis Fisher, 2016-02-19 When asked which branch of government protects citizens rights we tend description to think of the Supreme Court stepping in to defend gay rights for example in the recent same sex marriage case But as constitutional scholar Louis Fisher reveals in his new book this would be a mistake and not just because a decision like the gay marriage ruling can be decided by the opinion of a single justice Rather we tend to judge the executive and judicial branches idealistically while taking a more realistic view of the legislative with its necessarily messier and more transparent workings In Congress Fisher highlights these biases as he measures the record of the three branches in protecting individual rights and finds that Congress far more than the president or the Supreme Court has defended the rights of blacks women children Native Americans and religious liberty After reviewing the constitutional principles that apply to all three branches of government Fisher conducts us through a history of struggles over individual rights showing how the court has frequently failed at many critical junctures where Congress has acted to protect rights He identifies changes in the balance of power over time a post World War II transformation that has undermined the system of checks and balances the Framers designed to protect individuals in their aspiration for self government Without a strong independent Congress this book reminds us our system would operate with two elected officers in the executive branch and none in the judiciary a form of government best

described as elitist and one no one would deem democratic In light of the history that unfolds here and in view of a Congress widely decried as dysfunctional Fisher proposes reforms that would strengthen not only the legislative branch s role in protecting individual rights under the Constitution but also its standing in the democracy it serves The Birth of the New Justice Mark Lewis, 2014-02 A history of the attempts to introduce international criminal courts and new international criminal laws after World War I to repress aggressive war war crimes terrorism and genocide The Presidency and the **Challenge of Democracy** M. Genovese, L. Han, 2006-09-16 The rise of presidential power poses a significant threat to America's democratic values As the presidency apparently eclipses Congress the courts in power and public media attention the balance of powers has tilted In this accessible book leading scholars explore the reasons for and implications of the rising power of the presidency The Presidency and Political Science: Paradigms of Presidential Power from the Founding to the Present: 2014 Raymond Tatalovich, Steven E Schier, 2014-12-18 This history of presidential studies surveys the views of leading thinkers and scholars about the constitutional powers of the highest office in the land from the founding to the **Security V. Liberty** Daniel Farber, 2008-04-24 In the weeks following 9 11 the Bush administration launched the present Patriot Act rejected key provisions of the Geneva Convention and inaugurated a sweeping electronic surveillance program for intelligence purposes all in the name of protecting national security But the current administration is hardly unique in pursuing such measures In Security v Liberty Daniel Farber leads a group of prominent historians and legal experts in exploring the varied ways in which threats to national security have affected civil liberties throughout American history Has the government's response to such threats led to a gradual loss of freedoms once taken for granted or has the nation learned how to restore civil liberties after threats subside and how to put protections in place for the future Security v Liberty focuses on periods of national emergency in the twentieth century from World War I through the Vietnam War to explore how past episodes might bear upon today s dilemma Distinguished historian Alan Brinkley shows that during World War I the government targeted vulnerable groups including socialists anarchists and labor leaders not because of a real threat to the nation but because it was politically expedient to scapegoat unpopular groups Nonetheless within ten years the Supreme Court had rolled back the most egregious of the World War I restrictions on civil liberties Legal scholar John Yoo argues for the legitimacy of the Bush administration's War on Terror policies such as the detainment and trials of suspected al Qaeda members by citing historical precedent in the Roosevelt administration s prosecution of World War II Yoo contends that compared to Roosevelt's sweeping use of executive orders Bush has exercised relative restraint in curtailing civil liberties Law professor Geoffrey Stone describes how I Edgar Hoover used domestic surveillance to harass anti war protestors and civil rights groups throughout the 1960s and early 1970s Congress later enacted legislation to prevent a recurrence of the Hoover era excesses but Stone notes that the Bush administration has argued for the right to circumvent some of these restrictions in its campaign against terrorism Historian Jan Ellen Lewis looks at early U S history to show how an individual s

civil liberties often depended on the extent to which he or she fit the definition of American as the country's borders expanded Legal experts Paul Schwartz and Ronald Lee examine the national security implications of rapid advances in information technology which is increasingly driven by a highly globalized private sector rather than by the U S government Security v Liberty shows that civil liberties are a not an immutable right but the historically shifting result of a continuous struggle that has extended over two centuries This important new volume provides a penetrating historical and legal analysis of the trade offs between security and liberty that have shaped our national history trade offs that we confront with renewed urgency in a post 9 11 world The U.S. Army and Irregular Warfare, 1775-2007 Richard G. Davis, 2008 From U.S. Government Bookstore Website Presents fifteen papers from the 2007 Conference of Army Historians Examines irregular warfare in a wide and diverse range of circumstances and eras U.S. Army and Irregular Warfare 1775-2007: Selected Papers From the 2007 Conference of Army Historians Richard G. Davis, 2010-11-29 PRINT FORMAT ONLY NOTE NO FURTHER DISCOUNT FOR THIS PRINT PRODUCT OVERSTOCK SALE Significantly reduced list price while supplies last Presents fifteen papers from the 2007 Conference of Army Historians Examines irregular warfare in a wide and diverse range of circumstances and eras The papers selected for this publication are not only the best of those presented but they also examine irregular warfare in a wide and diverse range of circumstances and eras Together they demonstrate how extremism was intimately connected to this type of warfare and how Americans have at different times in their history found themselves acting as insurgents counterinsurgents or both The titles of the papers themselves reflect how often the U S Army has engaged in such irregular operations despite a formal focus on conventional warfare Using imperial British and Italian examples several presentations also underline how the ease of conquering lands is often no indication of the level of effort required to pacify them and integrate them into a larger whole Historians especially military historians strategic military analysts and students pursuing introduction to defense history or military science classes may be interested in this volume

Commander in Chief Casey B. K. Dominguez,2024-05-24 The constitutional balance of war powers has shifted from Congress to the president over time Today presidents broadly define their constitutional authority as commander in chief In the nineteenth century however Congress was the institution that claimed and defended expansive war power authority This discrepancy raises important questions How specifically did Congress define the boundaries between presidential and congressional war powers in the early republic Did that definition change and if so when how and why did it do so Based on an original comprehensive dataset of every congressional reference to the commander in chief clause from the Founding through 1917 Casey Dominguez s Commander in Chief systematically analyzes the authority that members of Congress ascribe to the president as commander in chief and the boundaries they put around that authority Dominguez shows that for more than a century members of Congress defined the commander in chief s authority narrowly similar to that of any high ranking military officer But in a wave of nationalism during the Spanish American War members of Congress began to argue

that Congress owed deference to the commander in chief They also tended to argue that a president of their own party should have broad war powers while the powers of a president in the other party should be defined narrowly Together these two dynamics suggest that the conditions for presidentially dominated modern constitutional war powers were set at the turn of the twentieth century far earlier than is often acknowledged **Defending Congress and the Constitution** Louis Fisher, 2011-09-07 The culmination of four decades of research and service on behalf of Congress Louis Fisher's latest work is a fitting capstone to a remarkable career as scholar and writer and presents his most articulate passionate and persuasive defense yet of Congress as an institution Our nation's leading authority on the separation of powers Fisher offers a lucid primer on our nation's government and its executive legislative and judicial branches while vigorously advocating a robust reassertion of Congress s rightful role within that system Drawing on a wide range of legislation Supreme Court rulings and presidential decisions Fisher illuminates the contentious contest among the three major branches for power and control of government presents a panorama of American history and touches on issues as wide ranging as federalism religious freedom and national security policy Fisher is especially critical of the stereotypical view of the Supreme Court's decisions as possessing a kind of effectiveness and absolute finality that transcends the efforts and powers of Congress Indeed he argues that Congress as much or more than the judiciary has had a major positive impact on protecting individual rights in this country while the judiciary has fallen short in such areas as child labor regulation and compulsory flag salute or has attempted to settle a constitutional issue only to have it fester for years breeding anger and resentment until the political process forces the courts rethink their views He highlights legislative accomplishments in many areas often in the face of judicial opposition and obstruction but also chides Congress for not protecting its key prerogatives over the power of the purse and going to war In yielding to other branches Fishers warns lawmakers fail to represent their constituents and cripple the very system of checks and balances the Framers counted on to limit the destructive capacity of government His book offers a wealth of forceful insights and provides an important reminder of and guide to how our government should really **U.S. Conflicts in the 21st Century** Spencer C. Tucker, 2015-12-14 This three volume reference work provides an work 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 American National Security Amos A. Jordan, William J. Taylor, Jr., Michael J. Meese.Suzanne C. Nielsen, 2009-02-20 The sixth edition of American National Security has been extensively rewritten to take into account the significant changes in national security policy in the past decade Thorough revisions reflect a new strategic context and the challenges and opportunities faced by the United States in the early twenty first century Highlights include An examination of the current international environment and new factors affecting U S national security policy making A discussion of the Department of Homeland Security and changes in the intelligence community A survey of intelligence and national security with special focus on security needs post 9 11 A review of economic security diplomacy terrorism conventional warfare counterinsurgency military intervention and nuclear deterrence in the changed international setting An update of security issues in East Asia South and Southeast Asia the Middle East Sub Saharan Africa Russia and Central Asia and Latin America and the Caribbean New material on globalization transnational actors and human security Previous editions have been widely used in undergraduate and graduate courses James Schlesinger former Secretary of Defense from American Constitutional Law 8E, 2-VOL SET Ralph A. Rossum, 2021-11-19 American Constitutional Law the foreword provides a comprehensive account of the nation s defining document Based on the premise that the study of the Constitution and constitutional law is of fundamental importance to understanding the principles prospects and problems of America the volumes in this set put current events in terms of what those who initially drafted and ratified the Constitution sought to accomplish The authors examine the constitutional thought of the founders as well as interpretations of the Constitution by the Supreme Court Congress the President lower federal courts and state judiciaries Volume I focuses on federal rights and powers and volume II focuses on individuals rights and responsibilities Available individually or as a two volume set they are perfect for a one or two semester course on constitutional law and civil liberties Law and the Long War Benjamin Wittes, 2008-06-19 An authoritative assessment of the new laws of war and a sensible and sophisticated roadmap for the future of liberty in the Age of Terror America is losing a crucial front in the ongoing war on terror It is losing not to Al Qaeda but to its own failure to construct a set of laws that will protect the American people during this global conflict As debate continues to rage over the legality and ethics of war Benjamin Wittes enters the fray with a sober minded exploration of law in wartime that is definitive accessible and nonpartisan Outlining how this country came to its current impasse over human rights and counterterrorism Law and the Long War paves the way toward fairer more accountable rules for a conflict without end Lincoln's Code John Fabian Witt, 2013-07-02 By one of the nation's foremost legal historians a groundbreaking

history of the pioneering American role in establishing the modern laws of war In the fateful closing days of 1862 just three weeks before Emancipation Abraham Lincoln's top military advisors commissioned a code of rules to govern the armies of the United States in a newly intensified war effort The code Lincoln issued the next spring helped shape the remaining two years of Civil War Its rules on torture prisoners of war assassination and more quickly became foundations of the modern laws of war and today's Geneva Conventions Yet the hidden story of Lincoln's code and of the decades of controversy that lay behind it has never been told In this masterful and strikingly original history John Witt charts the alternately troubled and triumphant course of the laws of war in America from the Founding Founders to the dawn of the modern era revealing the history of a code that reshaped the laws of war the world over Ranging from the Revolution to the War of 1812 from war with Mexico to the Civil War from Indian wars to the brutal counterinsurgency campaign in the Philippines Witt tells a story that features presidents as well as men in the throes of battle one that spans war makers and pacifists Indians and slaves In a time of heated controversy about the nation s conduct in the war on terror Lincoln s Code is a compelling story of ideals under pressure and a landmark contribution to our understanding of the American experience **Emergency Presidential** Power Chris Edelson, 2013-12-19 Can a U S president decide to hold suspected terrorists indefinitely without charges or secretly monitor telephone conversations and e mails without a warrant in the interest of national security Was the George W Bush administration justified in authorizing waterboarding Was President Obama justified in ordering the killing without trial or hearing of a U S citizen suspected of terrorist activity Defining the scope and limits of emergency presidential power might seem easy just turn to Article II of the Constitution But as Chris Edelson shows the reality is complicated In times of crisis presidents have frequently staked out claims to broad national security power Ultimately it is up to the Congress the courts and the people to decide whether presidents are acting appropriately or have gone too far Drawing on excerpts from the U S Constitution Supreme Court opinions Department of Justice memos and other primary documents Edelson weighs the various arguments that presidents have used to justify the expansive use of executive power in times of crisis Emergency Presidential Power uses the historical record to evaluate and analyze presidential actions before and after the terrorist attacks of September 11 2001 The choices of the twenty first century Edelson concludes have pushed the boundaries of emergency presidential power in ways that may provide dangerous precedents for current and future commanders in chief Winner Crader Family Book Prize in American Values Department of History and Crader Family Endowment for American Values Southeast Missouri State University **Supreme Court Expansion of Presidential Power** Louis Fisher, 2017-07-14 In the fourth of the Federalist Papers published in 1787 John Jay warned of absolute monarchs who will often make war when their nations are to get nothing by it More than two centuries later are single executives making unilateral decisions any more trustworthy And have the checks on executive power so critical in the Founders drafting of the Constitution held These are the questions Louis Fisher pursues in this book By examining the executive actions of American presidents particularly

after World War II Fisher reveals how the Supreme Court through errors and abdications has expanded presidential power in external affairs beyond constitutional boundaries and damaged the nation's system of checks and balances Supreme Court Expansion of Presidential Power reviews the judicial record from 1789 to the present day to show how the balance of power has shifted over time For nearly a century and a half the Supreme Court did not indicate a preference for which of the two elected branches should dominate in the field of external affairs But from the mid thirties a pattern clearly emerges with the Court regularly supporting independent presidential power in times of emergency or issues linked to national security The damage this has done to democracy and constitutional government is profound Fisher argues His evidence extends beyond external affairs to issues of domestic policy such as impoundment of funds legislative vetoes item veto authority presidential immunity in the Paula Jones case recess appointments and the Obama administration s immigration initiatives Fisher identifies contemporary biases that have led to an increase in presidential power including Supreme Court misconceptions and errors academic failings and mistaken beliefs about inherent powers and unity of office Calling to account the forces tasked with protecting our democracy from the undue exercise of power by any single executive his deeply informed book Liberty and Union Edgar J. McManus, Tara Helfman, 2013-12-04 This the second of two sounds a compelling alarm volumes of Liberty and Union is a comprehensive constitutional history of the United States from the Progressive Era of the early twentieth century to the most recent decisions of the Supreme Court on contemporary constitutional issues Written in a clear and engaging narrative style it successfully unites thorough chronological coverage with a thematic approach offering critical analysis of core constitutional history topics set in the political social and economic context that made them constitutional issues in the first place Combining a thoughtful and balanced narrative with an authoritative stance on key issues the authors deliberately explain the past in the light of the past without imposing upon it the standards of later generations Authored by two experienced professors in the field this textbook has been thoughtfully constructed to offer an accessible alternative to dense scholarly works avoiding unnecessary technical jargon defining legal terms and historical personalities where appropriate and making explicit connections between constitutional themes and historical events For students in an undergraduate or postgraduate constitutional history course or anyone with a general interest in constitutional developments this book will be essential reading Useful features include Full glossary of legal terminology Recommended reading A table of cases Extracts from primary documents Companion website Useful documents provided Declaration of Independence Articles of Confederation Constitution of the United States of America Chronological list of Supreme Court justices

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