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### **Military Tribunals Presidential Power**

**Raymond Tatalovich, Steven E Schier** 

#### **Military Tribunals Presidential Power:**

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 Presidential Power in Action D. Wheeler, 2016-04-30 This book examines how Supreme Court detained 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 **Emergency Presidential Power** Chris Edelson, 2013-12-19 Can a U S president influence than Congress and the courts 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

**Presidential Power** Brian M. Harward,2016-03-07 This volume uses essential and illuminating primary documents as a portal for understanding the evolution and present parameters of presidential power the relationship between America s three branches of government and why wartime often leads presidents to claim expansive powers and authority Presidential Power Documents Decoded provides a thorough examination of the historical and political context of key critical moments in constitutional history and presidential power that makes possible opportunities for students to explore American politics in an interesting memorable and dynamic way Each of the case studies reveals important dimensions of the constitutional order in the United States and enables readers to better grasp how executive power has shifted and expanded The book takes specific events people institutions or ideas and places them in a broader context so that readers can observe patterns and make connections among seemingly disparate happenings and concepts relating to executive power Accompanied by

explanatory sidebars the included primary sources let students examine actual documentary evidence of key elements of executive power for example the presidential memorandum the National Security cable and the prisoner's petition and reach their own judgment of the implications of that document for the American political system **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 sounds a compelling alarm **Presidential Power** Matthew A. Crenson, Benjamin Ginsberg, 2007 This book explores how American presidents especially those of the past three decades have increased the power of the presidency at the expense of democracy 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 present American Presidential Power and the War on Terror: Does the Constitution Matter? Justin DePlato, 2015-09-01 This book examines the use of presidential power during the War on Terror Justin DePlato joins the debate on whether the Constitution matters in determining how each branch of the federal government should use its power to combat the War on Terror The actions and words of Presidents George W Bush and Barack Obama are examined DePlato's findings support the theory that executives use their own prerogative in determining what emergency powers are and how to use them According to DePlato the Presidents argue

that their powers are implied in Article II of the Constitution not expressed This conclusion renders the Constitution meaningless in times of crisis The author reveals that Presidents are becoming increasingly cavalier and that the nation should consider adopting an amendment to the Constitution to proffer expressed executive emergency powers

Presidential Power and Accountability Bruce Buchanan, 2013 Annotation Many analysts now believe that the growth of presidential war power relative to Congress is irreversible This book contests that view Buchanan focuses on diagnosing the origins of the problem and devising practical ways to work toward restoration of the constitutional balance of power between Congress and the president The Law of the Executive Branch Dr. Louis Fisher, 2014-01-03 The scope of presidential authority has been a constant focus of constitutional dispute since the Framing The bases for presidential appointment and removal the responsibility of the Executive to choose between the will of Congress and the President the extent of unitary powers over the military even the ability of the President to keep secret the identity of those consulted in policy making decisions have all been the subject of intense controversy. The scope of that power and the manner of its exercise affect not only the actions of the President and the White House staff but also all staff employed by the executive agencies There is a clear need to examine the law of the entire executive branch The Law of the Executive Branch Presidential Power places the law of the executive branch firmly in the context of constitutional language framers intent and more than two centuries of practice In this book Louis Fisher strives to separate legitimate from illegitimate sources of power through analysis that is informed by litigation as well as shaped by presidential initiatives statutory policy judicial interpretations and public and international pressures Each provision of the US Constitution is analyzed to reveal its contemporary meaning in concert with the application of presidential power Controversial issues covered in the book include unilateral presidential wars the state secrets privilege extraordinary rendition claims of inherent presidential powers that may not be checked by other branches Reining in the Imperial Presidency United States. Congress. and executive privilege Military Law Review ,1989 House. Committee on the Judiciary. Majority Staff, 2009 Documents the various abuses that occurred during the Bush Admin relating to the House Judiciary Committee's review and jurisdiction and to develop a comprehensive set of recommendations to prevent the recurrence of these or similar abuses in the future Contents Preface Deconstructing the Imperial Presidency which describes and critiques the key war power memos that gave rise to the concept of broad based unreviewable and secret presidential powers in time of war Also describes specific abuses of the Imperial Presidency relating to Judiciary Comm inquiries Includes a comprehensive set of 47 policy recommendations designed to respond to the abuses and excesses of the Bush Imperial Presidency **Federal Statutes Annotated** United States, 1906 Congress and the War on Terror Darren A. Wheeler, 2018-08-17 As the U.S. government continues the battle against terrorism Congress representatives of the people must develop long term policies that provide for national security and protect the civil liberties of the American people Much of the conversation surrounding the War on Terror focuses on presidential power and responses to the

president s exercising that power Often overlooked or downplayed is the role of Congress in directing the outcome of the war This book illustrates how Congress in conjunction with the president and the judiciary has played a key role in laying the foundation for many post 9 11 policies in areas such as surveillance and detention Instead of arguing that Congress is incapable of making successful counterterrorism policy Congress and the War on Terror objectively examines what Congress has done in the past to suggest what action may be needed in the future Covering controversial topics including torture interrogation drones and military tribunals it shows that only understanding previous decisions will enable Americans to determine what role Congress should play as the United States fights terror The Federal Statutes Annotated United States, 1906 Department of Justice Oversight United States. Congress. Senate. Committee on the Judiciary, 2002

While Dangers Gather William G. Howell, Jon Pevehouse, 2011-06-27 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 War Powers Under the Constitution of the United States William Whiting, 1871 **US National Security, Intelligence and Democracy** Russell A. Miller, 2008-07 This volume examines the investigation by the 1975 Senate Select Committee Church Committee into US intelligence abuses during the Cold War and considers its lessons for the current war on terror This report remains the most thorough public record of America's intelligence services and many of the legal boundaries operating on US intelligence agencies today are the direct result of reforms proposed by the Church Committee including the Foreign Intelligence Surveillance Act The Church Committee also drew attention to the importance of constitutional government as a Congressional body overseeing the activities of the Executive branch Placing the legacy of the Church Committee in the context of the contemporary debate over US national security and democratic governance the book brings together contributions from distinguished policy leaders and scholars of law intelligence and political science American National

Security and Civil Liberties in an Era of Terrorism D. Cohen, J. Wells, 2004-04-16 In light of the ongoing war against terrorism can the United States maintain its dedication to protecting civil liberties without compromising security At stake is nothing less than the survival of ideas associated with the modern period of political philosophy the freedom of conscience the inviolable rights of the individual to privacy the constitutionally limited state as well as the more recent refinement of late modern liberalism multiculturalism Contributors evaluate the need to reassess the nation s public policies institutions as well as its very identity The struggle to persist as an open society in the age of terrorism will be the defining test of democracy in the Twenty first century

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#### **Table of Contents Military Tribunals Presidential Power**

- 1. Understanding the eBook Military Tribunals Presidential Power
  - The Rise of Digital Reading Military Tribunals Presidential Power
  - Advantages of eBooks Over Traditional Books
- 2. Identifying Military Tribunals Presidential Power
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Military Tribunals Presidential Power
  - User-Friendly Interface
- 4. Exploring eBook Recommendations from Military Tribunals Presidential Power
  - Personalized Recommendations
  - Military Tribunals Presidential Power User Reviews and Ratings
  - Military Tribunals Presidential Power and Bestseller Lists
- 5. Accessing Military Tribunals Presidential Power Free and Paid eBooks
  - Military Tribunals Presidential Power Public Domain eBooks
  - Military Tribunals Presidential Power eBook Subscription Services

- Military Tribunals Presidential Power Budget-Friendly Options
- 6. Navigating Military Tribunals Presidential Power eBook Formats
  - ∘ ePub, PDF, MOBI, and More
  - Military Tribunals Presidential Power Compatibility with Devices
  - Military Tribunals Presidential Power Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - o Adjustable Fonts and Text Sizes of Military Tribunals Presidential Power
  - Highlighting and Note-Taking Military Tribunals Presidential Power
  - Interactive Elements Military Tribunals Presidential Power
- 8. Staying Engaged with Military Tribunals Presidential Power
  - o Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Military Tribunals Presidential Power
- 9. Balancing eBooks and Physical Books Military Tribunals Presidential Power
  - Benefits of a Digital Library
  - o Creating a Diverse Reading Collection Military Tribunals Presidential Power
- 10. Overcoming Reading Challenges
  - $\circ\,$  Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Military Tribunals Presidential Power
  - Setting Reading Goals Military Tribunals Presidential Power
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Military Tribunals Presidential Power
  - Fact-Checking eBook Content of Military Tribunals Presidential Power
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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