

MARIAH ZEISBERG

WAR POWERS

THE POLITICS OF CONSTITUTIONAL AUTHORITY



War Powers The Politics Of Constitutional Authority

James M. Scott, Jerel A. Rosati



War Powers The Politics Of Constitutional Authority:

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

War Powers and the Constitution, 2015

The Politics of War Powers Sarah

Burns, 2019-11-15 The Constitution of the United States divides war powers between the executive and legislative branches to guard against ill advised or unnecessary military action This division of powers compels both branches to hold each other accountable and work in tandem And yet since the Cold War congressional ambition has waned on this front Even when Congress does provide initial authorization for larger operations they do not provide strict parameters or clear end dates As a result one president after another has initiated and carried out poorly developed and poorly executed military policy The Politics of War Powers offers a measured deeply informed look at how the American constitutional system broke down how it impacts decision making today and how we might find our way out of this unhealthy power division Sarah Burns starts with a nuanced account of the theoretical and historical development of war powers in the United States Where discussions of presidential power often lean on the concept of the Lockean Prerogative Burns locates a more constructive source in Montesquieu Unlike Locke Montesquieu combines universal normative prescriptions with an emphasis on tailoring the structure to the unique needs of a society In doing so the separation of powers can be customized while maintaining the moderation needed to create a healthy institutional balance He demonstrates the importance of forcing the branches into dialogue putting them as he says in a position to resist each other Burns's conclusion after tracing changes through Franklin Delano Roosevelt's administration the Cold War and the War on Terror is that presidents now command a dangerous degree of unilateral power Burns's work ranges across Montesquieu's theory the debate over the creation of the Constitution

historical precedent and the current crisis Through her analysis both a fuller picture of the alterations to the constitutional system and ideas on how to address the resulting imbalance of power emerge **Contest for Constitutional Authority** Susan Burgess,1992 Is the judiciary the ultimate authority on constitutional questions Susan Burgess says no Basing her argument on the theory of departmental review Burgess contends that each branch of government has the right to interpret the Constitution and that no branch has final authority Through close study of the abortion and war powers debates Burgess illustrates that the practice of departmental review improves the quality of constitutional debate deepens constitutional consciousness and enhances respect for the rule of law First she investigates the constitutional issues relating to the debates over Roe v Wade and in its wake the 1981 human life bill the 1985 Abortion Funding Restriction Act and contemporaneous court cases She follows with a comparative analysis of the constitutional debates that focused on the infamous 1964 Gulf of Tonkin Resolution and the Persian Gulf crisis of the late 1980s one before and the other after the passage of the 1973 War Powers Act Burgess demonstrates the considerable potential and possible drawbacks of departmental review for creating a common constitutional language that transcends the polemical impasses characterizing much current debate for recapturing active and thoughtful citizen participation and for renewing our faith in the authority of the Constitution **Constitutional Powers and Politics** Eileen Braman,2023-10-25 The relationship between public opinion and the actions of institutions such as the Supreme Court has come under increased scrutiny in recent years In this timely book Eileen Braman explores how American citizens think about government across all three branches applying a rigorous political scientific methodology to explore why citizens may support potentially risky changes to our governing system As Braman highlights Americans value institutions that they perceive as delivering personal and societal gains and citizens who see these institutions as delivering potential losses are more supportive of fundamental constitutional change In the face of growing resentment of government and recurring warnings of constitutional crisis Braman offers a hopeful note her findings suggest that politicians can channel discontent toward meaningful reform and the healthy evolution of our democratic system **The Presidency and the Political System** Michael Nelson,2020-07-17 The Presidency and the Political System showcases the best of presidential studies and research with top notch presidency scholars writing specifically for an undergraduate audience Michael Nelson rigorously edits each contribution to present a set of analytical yet accessible chapters and offers contextual headnotes introducing each essay Chapters represent the full range of topics institutions and issues relevant to understanding the American presidency covering approaches to studying the presidency elements of presidential power presidential selection presidents and politics and presidents and government This Twelfth Edition fully incorporates coverage of the Trump administration **The Politics of the Presidency** John Anthony Maltese,Andrew Rudalevige,Joseph A. Pika,2024-02-06 The Politics of the Presidency thoroughly analyzes the change and continuity in Biden s first two and a half years in office and looks forward to the competitive setting for the 2024 presidential race **The Politics of the Presidency** Joseph A.

Pika, John Anthony Maltese, Andrew Rudalevige, 2021-11-16 Get the most up to date coverage and analysis of the presidency Never losing sight of the foundations of the office The Politics of the Presidency maintains a balance between historical context and contemporary scholarship on the executive branch providing a solid foundation for any presidency course In this Revised Tenth Edition bestselling authors Joseph A Pika John Anthony Maltese and Andrew Rudalevige present a thorough analysis of the change and continuity following the November 2020 presidential election and Biden administration *The Imperial Presidency and the Constitution* Gary Schmitt, Joseph M. Bessette, Andrew E. Busch, 2017-02-06 Time and again in recent years the charge has been made that sitting presidents have behaved imperially employing authorities that break the bounds of law and the Constitution It is now an epithet used to describe presidencies of both parties The Imperial Presidency and the Constitution examines this critical issue from a variety of perspectives analyzing the president's role in the administrative state as commander in chief as occupant of the modern Bully Pulpit and in separate essays addressing recent presidents relationship with Congress and the Supreme Court The volume also deepens the discussion by taking a look back at Abraham Lincoln's expansive use of executive power during the Civil War where the tension between law and necessity were at their most extreme calling into question the rule of law itself The volume concludes with an examination of how the Constitution's provision of both powers and duties for the president can provide a roadmap for assessing the propriety of executive behavior *State Constitutional Politics* John Dinan, 2018-04-06 Since the US Constitution came into force in 1789 it has been amended just twenty seven times with ten of those amendments coming in the first two years following ratification By contrast state constitutions have been completely rewritten on a regular basis and the current documents have been amended on average 150 times This is because federal amendments are difficult so politicians rarely focus on enacting them Rather they work to secure favorable congressional statutes or Supreme Court decisions By contrast the relative ease of state amendment processes makes them a realistic and regular vehicle for seeking change With *State Constitutional Politics* John Dinan looks at the various occasions in American history when state constitutional amendments have served as instruments of governance Among other things amendments have constrained state officials in the way they levy taxes and spend money enacted policies unattainable through legislation on issues ranging from minimum wage to the regulation of marijuana and updated understandings of rights including religious liberty equal protection and the right to bear arms In addition to comprehensively chronicling the ways amendments shape politics in the states Dinan also assesses the consequences of undertaking changes in governance through amendments rather than legislation or litigation For various reasons including the greater stability and legitimacy of changes achieved through the amendment process he argues that it might be a more desirable way of achieving change **Ronald Reagan and the Politics of Freedom** Andrew Busch, 2001 In *Ronald Reagan and the Politics of Freedom* Andrew E Busch goes beyond economic and foreign policies to examine Reagan's understanding of statesmanship Busch analyzes Reagan's conscious attempt to strengthen the separation

of powers federalism and traditional rhetoric and his efforts to revive the notion of limited government in a Constitutional Republic In this important new study Busch concludes that Ronald Reagan s politics of freedom found in his discourse policy and coalition building achieved significant successes in the 1980s and beyond Congress Reconsidered Lawrence C. Dodd,Bruce I. Oppenheimer,2016-12-27 For almost four decades the editors of Congress Reconsidered Lawrence C Dodd and Bruce I Oppenheimer have delivered the best contemporary work from leading congressional scholars in a form that is both analytical and accessible The tradition continues in this Eleventh Edition as contributing authors focus on the many ways Congress has changed over time and examine the conditions that foster these developments Some of the most noted names in congressional studies address topics from broad dynamics affecting the institution elections and constituencies parties and internal organization inter branch relations and policymaking This new edition also ends with a capstone chapter on the milestone 2016 elections Simply put this bestselling volume remains on the cutting edge of scholarship identifying patterns of change in Congress and placing those patterns in context *CQ Press Guide to Radical Politics in the United States* Susan Burgess,Kate Leeman,2016-02-15 The CQ Press Guide to Radical Politics in the United States is a unique work which provides an overview of radical U S political movements on both the left and the right sides of the ideological spectrum It focuses on analyzing the origins and trajectory of the various movements and the impact that movement ideas and activities have had on mainstream American politics This guide is organized thematically with each chapter focusing on a prominent arena of radical activism in the United States These chapters will Trace the chronological development of these extreme leftist and rightist movements throughout U S history Include a discussion of central individuals organizations and events as well as their impact on popular opinion political discourse and public policy Include sidebar features to provide additional contextual information to facilitate increased understanding of the topic Seeking to provide an accessible balanced and well documented discussion of topics often overlooked in political science this book includes an introduction to anarchism communism and socialism as well as the Chicano movement civilian border patrols Black power the Ku Klux Klan ACT UP the militia movement Occupy Wall Street farmers rebellions Earth First the Animal Environmental Liberation Front and many others **A Novel Approach to Politics** Douglas A. Van Belle,2017-10-25 A Novel Approach to Politics turns conventional textbook wisdom on its head by using pop culture references to illustrate key concepts and cover recent political events This is a textbook students want to read Adopters of previous editions from schools all over the country are thanking author Douglas A Van Belle for some of their best student evaluations to date With this Fifth Edition Van Belle brings the book fully up to date with recent events such as Trump s executive orders on immigration the 2016 elections in the US current policy debates including recent court decisions that may affect gerrymandering international happenings such as Brexit and other assorted intergalactic matters Van Belle adds a wealth of new and recent movies and books to the text as he illustrates key concepts in political science through examples that captivate students Employing a wide range of references from 1984 to

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Targeted Killing Markus Gunneflo, 2016-05-12 Explores the emergence of targeted killing in Israeli and US statecraft and in the international law of force

Studies in US Politics David Keith Adams, 1989

World Politics, Human Rights, and International Law Francis A. Boyle, 2021-02-04 World Politics Human Rights and International Law examines the functional dynamics between these concepts based upon the author's professional experiences dealing with real world situations problems and crises from the Bush Obama and Trump administrations Iraq Iran Palestine Israel and Syria Bosnia and Herzegovina successfully litigating genocide at the World Court indicting Slobodan Milosevic at the International Criminal Tribunal for the Former Yugoslavia prosecuting American torture and enforced disappearances at the International Criminal Court opposing nuclear chemical and biological weapons citizen civil resistance against state crimes protecting Indigenous Peoples etc The reader can see how the author defined these predicaments from the perspective of international law and human rights and then proceeded to grapple with them and to rectify them This book demonstrates the power of international law and human rights to make a positive difference for international peace and justice as well as for the good of humanity in the real world of international power politics By reading this book the citizen will be empowered and inspired to do the same

Politics and the Constitution in the History of the United States William W. Crosskey, William Jeffrey, 1953 When the first two volumes of William Crosskey's monumental study of the Constitution appeared in 1953 Arthur M Schlesinger called it perhaps the most fertile commentary on that document since The Federalist papers It was highly controversial as well The work was a comprehensive reassessment of the meaning of the Constitution based on examination of eighteenth century usages of key political and legal concepts and terms Crosskey's basic thesis was that the Founding Fathers truly intended a government with plenary nationwide powers and not as in the received views a limited federalism This third volume of Politics and the Constitution which Crosskey began and William Jeffrey has finished treats political activity in the period 1776-87 and is in many ways the heart of the work as Crosskey conceived it In support of the lexicographic analysis of volumes 1 and 2 volume 3 shows that nationalist ideas and sentiments were a powerful force in American public opinion from the Revolution to the eve of the Constitutional Convention The creation of a generally empowered national government in Philadelphia it is argued was the fruition of a long active political movement not the unintended or accidental result of a temporary conservative coalition This view of the political background of the Constitutional Convention directly challenges the Madisonian Jeffersonian orthodoxy on the subject In support of his interpretation Crosskey amassed a wealth of primary

source materials including heretofore unexplored pamphlets and newspapers This exhaustive research makes this unique work invaluable for scholars of the period both for the primary sources collected as well as for the provocative interpretation offered

The Politics of United States Foreign Policy James M. Scott, Jerel A. Rosati, 2023-06-22 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 US decisions and involvement in foreign policy Blending substance theory and stimulating analysis James Scott and Jerel Rosati emphasize that society government and global forces play a role 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 The Eighth Edition has been updated to cover developments since the end of the Trump administration the transition to the Biden administration the challenges of changing international and domestic contexts and the increasingly partisan political environment It also incorporates key recent national and international developments including the global pandemic the Russian invasion of Ukraine US global reengagement and competition between the US and key rivals like China and Russia

The Politics of National Security Barry M. Blechman, W. Philip Ellis, 1992 Based on interviews with US Congress members and their staff this study explains why Congress has taken an expanded role in the formulation of US national defence policies The author describes how these changes came about and their consequences for American interests

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