



IMBALANCE OF POWERS

CONSTITUTIONAL
INTERPRETATION
AND THE MAKING
OF AMERICAN
FOREIGN POLICY

Gordon Silverstein

Imbalance Of Powers Constitutional Interpretation And The Making Of American Foreign Policy

**Mark V. Tushnet, Mark A.
Graber, Sanford Levinson**



Imbalance Of Powers Constitutional Interpretation And The Making Of American Foreign Policy:

Imbalance of Powers Gordon Silverstein, 1997 The Vietnam War and the Watergate aftermath made it apparent that the increase in executive power which followed World War II needed to be redressed Congress tried to balance the separation of powers by passing a number of laws that were designed to assert legislative authority in foreign policy However the efforts by Congress to achieve its stated objectives consistently failed Using the struggle over power and control of American foreign policy Silverstein details the interaction of the executive legislative and judicial branches and traces the altering of the constitutional touchstone of separation of powers The book argues that although it is unrealistic to expect members of Congress or the Supreme Court Justices to change their behavior either toward the executive branch or toward one other it is in the President's best political interest to encourage a legislative role in foreign policy decisions Demonstrating the importance of studying both the legal and political process and the ways in which they influence each other Silverstein contends that an understanding of American foreign policy requires an awareness of the way in which constitutional interpretation shapes and constrains foreign policy decisions This volume will be of interest to all students of American foreign policy constitutional analysis and American government as well as to politicians and informed readers with an interest in contemporary politics and constitutional debate

The Politics of Shared Power Louis Fisher, 1998 As Congress and the president battle out the federal deficit foreign involvements health care and other policies of grave national import the underlying constitutional issue is always the separation of powers doctrine In *The Politics of Shared Power* a classic text in the field of executive legislative relations Louis Fisher explains clearly and perceptively the points at which congressional and presidential interests converge and diverge the institutional patterns that persist from one administration and one Congress to another and the partisan dimensions resulting from the two party system Fisher also discusses the role of the courts in reviewing cases brought to them by members of Congress the president agency heads and political activists illustrating how court decisions affect the allocation of federal funds and the development and implementation of public policy He examines how the president participates as legislator and how Congress intervenes in administrative matters Separate chapters on the bureaucracy the independent regulatory commissions and the budgetary process probe these questions from different angles The new fourth edition addresses the line item veto and its tortuous history and prospects A chapter on war powers and foreign affairs studies executive legislative disputes that affect global relations including the Iran Contra affair the Persian Gulf War in 1991 and American presence in conflicts such as Haiti and Bosnia An important new discussion focuses on interbranch collisions and gridlock as they have developed since 1992

The Oxford Handbook of the U.S. Constitution Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S

political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today *US Foreign Policy in Action* Jeffrey S. Lantis, 2012-10-25 This innovative teaching text on United States foreign policy interprets the foreign policy decision making process through the lens of political debate and exchange It introduces historical developments and theories of U S foreign policy and engages students in the politics of the foreign policy process through innovative learning exercises Features critical analysis of contemporary trends in U S foreign policy including debates in the Obama administration foreign policy and the 2012 presidential election and reaction to the Arab Spring Written by an award winning teacher scholar in international relations with extensive experience in both policy making and pedagogy Views foreign policy decision making through the lens of political debate Offers fresh perspectives on historical developments as well as surveying prominent foreign policy theories Includes new and innovative participatory learning exercises exploring a range of themes including executive legislature conflict Contains extensive teaching and learning applications including discussion questions document templates worksheets suggested readings and links to web resources throughout Routledge Handbook of American Foreign Policy Steven W. Hook, Christopher M. Jones, 2012-04-23 No nation has maintained such an immense stature in world politics as the United States has since the Cold War s end In the wake of the 9 11 attacks prompting the global war on terrorism and the U S invasion of Afghanistan and Iraq along with American economic and soft power primacy there has been increased interest in and scrutiny of American foreign policy The Routledge Handbook of American Foreign Policy brings together leading experts in the field to examine current trends in the way scholars study the history and theories of American conduct in the world analysis of state and non state actors and their tools in conducting policy and the dynamics of a variety of pressing transnational challenges facing the United States This volume provides a systematic overview of all aspects of American foreign policy and drives the agenda for further cutting edge research Contributors bring analytic depth and breadth to both the ways in which this subject is approached and the substance of policy formulation and process The Handbook is an invaluable resource to students researchers scholars and journalists trying to make sense of the broader debates in international relations **Fundamental Rights in Europe** Federico Fabbrini, 2014-02 This book examines the European system for the protection of fundamental rights The aim is to identify the constitutional dynamics that occur as a result of the interaction between state and transnational human rights standards Fabbrini compares the European system with the US federal system based on four case studies *After the Rubicon* Douglas L. Kriner, 2010-12 When the United States goes to war the nation s attention focuses on the president As commander in chief a president reaches the zenith of power while Congress is supposedly shunted to the sidelines once troops have been deployed abroad Because of Congress s repeated

failure to exercise its legislative powers to rein in presidents many have proclaimed its irrelevance in military matters After the Rubicon challenges this conventional wisdom by illuminating the diverse ways in which legislators influence the conduct of military affairs Douglas L Kriner reveals that even in politically sensitive wartime environments individual members of Congress frequently propose legislation hold investigative hearings and engage in national policy debates in the public sphere These actions influence the president's strategic decisions as he weighs the political costs of pursuing his preferred military course Marshalling a wealth of quantitative and historical evidence Kriner expertly demonstrates the full extent to which Congress materially shapes the initiation scope and duration of major military actions and sheds new light on the timely issue of interbranch relations Colonial Constitutionalism E. Robert Statham,2002-01-01 This book's focused case studies analyze each of America's quasi colonies revealing how the perpetuation of a this imperialist strategy has rendered the inhabitants second class citizens *The U.S. Senate* Burdett Loomis,2011-07-26 With an avalanche of scholarship on the House it can be tough to balance out coverage in a typical Congress course with appropriate readings on the slow institution Offering top notch research geared to an undergraduate audience Loomis new edited volume represents a broad picture of the contemporary Senate and how it came to be While addressing issues of delay obstruction and polarization in a variety of ways the scholars in this collection are not proposing a reform agenda but instead explore the historical and political contexts for how difficult it can be to change a non majoritarian highly individualistic institution Students will come away from these chapters with a much greater appreciation of the Senate's unique combination of tradition precedent and constitutional mandate **Debating Vietnam** Joseph A. Fry,2006 In the midst of the Vietnam War two titans of the Senate J William Fulbright and John C Stennis held public hearings to debate the conflict's future In this intriguing new work historian Joseph A Fry provides the first comparative analysis of these inquiries and the senior southern Senators who led them The Senators shared aim was to alter the Johnson administration's strategy and bring an end to the war but from dramatically different perspectives Fulbright hoped to pressure Johnson to halt escalation and seek a negotiated settlement while Stennis wanted to prompt the President to bomb North Vietnam more aggressively and secure a victorious end to the war Publicized and televised these hearings added fuel to the fire of national debate over Vietnam policy and captured the many arguments of both hawks and doves Fry details the dramatic confrontations between the Senate committees and the administration spokesmen Dean Rusk and Robert McNamara and he probes the success of congressional efforts to influence Vietnam policy Ultimately Fry shows how the Fulbright and Stennis hearings provide vivid insight into the debate over why the United States was involved in Vietnam and how the war should be conducted Power, Faith, and Fantasy Michael B. Oren,2011-04-04 Will shape our thinking about America and the Middle East for years Christopher Dickey Newsweek Power Faith and Fantasy tells the remarkable story of America's 230 year relationship with the Middle East Drawing on a vast range of government documents personal correspondence and the memoirs of merchants missionaries and travelers Michael B

Oren narrates the unknown story of how the United States has interacted with this vibrant and turbulent region

Presidential Government Benjamin Ginsberg, 2016-05-28 Noted political scientist Benjamin Ginsberg has written an essential text for courses on the United States presidency An invaluable resource Ginsberg's comprehensive analysis emphasizes the historical constitutional and legal dimensions of presidential power He explores the history and essential aspects of the office the president's relationship to the rest of the executive branch and to a subordinated Congress and the evolution of the American president from policy executor to policy maker Compelling photo essays delve into topics of special interest including First Spouses Presidential Eligibility and Congressional Investigations of the White House *American Constitutional Law* Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2004 Designed for an undergraduate course in US constitutional law the casebook takes a liberal arts approach tracing constitutional doctrine and policy back to their foundation in social moral and political theory and prompting students to engage the great questions of political life addressed by the Constitution and its interpretation Opinions of the US Supreme Court constitute the core of the documents The first edition was published in 1998 the second adds and updates topics Annotation 2004 Book News Inc Portland OR booknews com *Watchdogs on the Hill* Linda L. Fowler, 2015-03-22 An essential responsibility of the U S Congress is holding the president accountable for the conduct of foreign policy In this in depth look at formal oversight hearings by the Senate Armed Services and Foreign Relations committees Linda Fowler evaluates how the legislature's most visible and important watchdogs performed from the mid twentieth century to the present She finds a noticeable reduction in public and secret hearings since the mid 1990s and establishes that American foreign policy frequently violated basic conditions for democratic accountability Committee scrutiny of the wars in Iraq and Afghanistan she notes fell below levels of oversight in prior major conflicts Fowler attributes the drop in watchdog activity to growing disinterest among senators in committee work biases among members who join the Armed Services and Foreign Relations committees and motives that shield presidents particularly Republicans from public inquiry Her detailed case studies of the Truman Doctrine Vietnam War Panama Canal Treaty humanitarian mission in Somalia and Iraq War illustrate the importance of oversight in generating the information citizens need to judge the president's national security policies She argues for a reassessment of congressional war powers and proposes reforms to encourage Senate watchdogs to improve public deliberation about decisions of war and peace *Watchdogs on the Hill* investigates America's national security oversight and its critical place in the review of congressional and presidential powers in foreign policy Congress Benjamin Ginsberg, Kathryn Wagner Hill, 2019-08-20 An introduction to the U S Congress from seasoned political historians and teachers In this accessible overview of the United States Congress's past and present Ginsberg and Hill introduce students to the country's most democratic institution This text surveys Congressional elections the internal structure of Congress the legislative process Congress and the President and Congress and the courts *Congress The First Branch* offers a fresh approach to the First Branch grounded in a historical

positive frame **Divided Union** Scott A. Silverstone, 2018-07-05 Between the Revolutionary War and the Civil War the United States was embroiled in competitive inter state politics Although it did not directly involve itself in European affairs the United States did engage regularly in dangerous struggles with other states and with colonial powers with territory on the American periphery Aside from the War of 1812 the Oregon Crisis and the Mexican War other near misses included here disputes of 1807 and 1809 with Britain with Spain over East Florida in 1811 13 with Mexico in 1853 and disputes with Spain over Cuba in 1853 55 and with Mexico in 1858 1860 have been ignored in the democratic peace literature Scott A Silverstone finds these cases particularly useful for testing alternative explanations of constraints on armed conflict because the United States backed down each time allowing each crisis to pass short of its full potential for violence Silverstone builds on a nascent theory of institutional constraints on the use of force presented in the Federalist Papers to explain American attitudes toward participation in conflicts He argues that the federal character of American democracy that emerged from the founding and the large size of the new American republic provide the keys to understanding its decision making processes Divided Union shows how the institutional features of federal union and the diverse social economic and security interests within this geographically extended republic created political conditions that impeded the use of force by the United States before the Civil War **War, the American State, and Politics since 1898** Robert P. Saldin, 2010-11-01 This book examines major foreign conflicts from the Spanish American War through Vietnam arguing that international conflicts have strong effects on American political parties elections state development and policymaking First major wars expose and highlight problems requiring governmental solutions or necessitating emergency action Second despite well known curtailments of civil liberties wars often enhance democracy by drawing attention to the contributions of previously marginalized groups and facilitating the extension of fuller citizenship rights to them Finally wars affect the party system Foreign conflicts create crises many of which are unanticipated that require immediate attention supplant prior issues on the policy agenda and engender shifts in party ideology These new issues and redefinitions of party ideology frequently influence elections by shaping both elite and mass behavior **Two Presidents Are Better Than One** David Orentlicher, 2013-03-11 Can Orentlicher be serious in calling for a plural executive The answer is yes and he presents thoughtful and challenging arguments responding to likely criticisms Any readers who are other than completely complacent about the current state of American politics will have to admire Orentlicher s distinctive audacity and to respond themselves to his well argued points Sanford Levinson author of Framed America s 51 Constitutions and the Crisis of Governance In this refreshingly provocative book David Orentlicher explains why it is due time for us to reconsider dominant ideas about the presidency now arguably our most powerful political institution William E Scheuerman Indiana University When talking heads and political pundits make their What s Wrong with America lists two concerns invariably rise to the top the growing presidential abuse of power and the toxic political atmosphere in Washington In Two Presidents Are Better Than One David Orentlicher shows how the

imperial presidency and partisan conflict are largely the result of a deeper problem the Constitution's placement of a single president atop the executive branch Accordingly writes Orentlicher we can fix our broken political system by replacing the one person one party presidency with a two person two party executive branch Orentlicher contends that our founding fathers did not anticipate the extent to which their checks and balances would fail to contain executive power and partisan discord As the stakes in presidential elections have grown ever higher since the New Deal battles to capture the White House have greatly exacerbated partisan differences Had the framers been able to predict the future Orentlicher argues they would have been far less enamored with the idea of a single leader at the head of the executive branch and far more receptive to the alternative proposals for a plural executive that they rejected Analyzing the histories of other countries with a plural executive branch and past examples of bipartisan cooperation within Congress Orentlicher shows us why and how to implement a two person two party presidency Ultimately Two Presidents Are Better Than One demonstrates why we need constitutional reform to rebalance power between the executive and legislative branches and contain partisan conflict in Washington David Orentlicher is Samuel R Rosen Professor at Indiana University Robert H McKinney School of Law A scholar of constitutional law and a former state representative David also has taught at Princeton University and the University of Chicago Law School He earned degrees in law and medicine at Harvard and specializes as well in health care law and ethics

The American Warfare State Rebecca U. Thorpe, 2022-12-22 How is it that the United States a country founded on a distrust of standing armies and strong centralized power came to have the most powerful military in history Long after World War II and the end of the Cold War in times of rising national debt and reduced need for high levels of military readiness why does Congress still continue to support massive defense budgets In The American Warfare State Rebecca U Thorpe argues that there are profound relationships among the size and persistence of the American military complex the growth in presidential power to launch military actions and the decline of congressional willingness to check this power The public costs of military mobilization and war including the need for conscription and higher tax rates served as political constraints on warfare for most of American history But the vast defense industry that emerged from World War II also created new political interests that the framers of the Constitution did not anticipate Many rural and semirural areas became economically reliant on defense sector jobs and capital which gave the legislators representing them powerful incentives to press for ongoing defense spending regardless of national security circumstances or goals At the same time the costs of war are now borne overwhelmingly by a minority of soldiers who volunteer to fight future generations of taxpayers and foreign populations in whose lands wars often take place Drawing on an impressive cache of data Thorpe reveals how this new incentive structure has profoundly reshaped the balance of wartime powers between Congress and the president resulting in a defense industry perennially poised for war and an executive branch that enjoys unprecedented discretion to take military action

The Supreme Court in a Separation of Powers System Richard Pacelle, 2015-01-09 The U S Supreme

Court is not a unitary actor and it does not function in a vacuum. It is part of an integrated political system in which its decisions and doctrine must be viewed in a broader context. In some areas the Court is the lead policy maker. In other areas the Court fills in the gaps of policy created in the legislative and executive branches. In either instance the Supreme Court's work is influenced by and in turn influences all three branches of the federal government as well as the interests and opinions of the American people. Pacelle analyzes the Court's interaction in the separation of powers system, detailing its relationship to the presidency, Congress, the bureaucracy, public opinion, interest groups, and the vast system of lower courts. The niche the Court occupies and the role it plays in American government reflect aspects of both the legal and political models. The Court has legal duties and obligations as well as some freedom to exercise its collective political will. Too often those studying the Court have examined it in isolation, but this book urges scholars and students alike to think more broadly and situate the highest court as the balance wheel in the American system.

Reviewing **Imbalance Of Powers Constitutional Interpretation And The Making Of American Foreign Policy:** Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**Imbalance Of Powers Constitutional Interpretation And The Making Of American Foreign Policy**," an enthralling opus penned by a highly acclaimed wordsmith, readers attempt an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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