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Throughout *Federalist #51* James Madison spends much of his time focusing on the need to separate powers of the different branches, so that they do not impede on the duties of the others. However, most of his time is focused on the need to dilute the power of the legislature from gaining too much power, so that the beliefs of the minority will not be oppressed. Madison focuses much less on the need to dilute the executive of power, as he sees the legislature as the most powerful branch in a federalist republic (of the people, by the people, for the people). In fact, Madison suggests the the executive should be *stronger* than originally planned to help combat an all-powerful legislature, saying, “As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified.”

Armed with over 200 years of United States history, the authors quoted by Steven Hook in *U.S. Foreign Policy* talk of a much different system of checks and balances. The United States government seems to have developed much differently than Madison envisioned, with the executive gaining concentrated power in decision making, especially in the field of foreign policy, while the legislature seems to have weakened over the past two centuries. Wildavsky summarizes this sentiment well when he stated, “that two presidencies operate simultaneously: a constrained president on domestic issues and a president who reigns supreme in foreign affairs.”

Ultimately over the past two centuries, in the area of foreign policy, the United States has centralized the power for decision making into the executive branch, and the power has arguably been concentrated entirely into the single individual serving as President of the United States.

This has been a gradual process that has increased exponentially since World War II, with roots in actions taken by Abraham Lincoln during the Civil War. This increase in power, it seems, has generally coincided with the advancement of military technology which calls for faster response times in decision making. During the Civil War, Abraham Lincoln took advantage of both modern railroads as well as the telegraph to gain an edge against his Southern rivals. This allowed Lincoln to be able to respond to enemy movements directly, as well as transport troops and supplies efficiently.

Though the issue of ending slavery, which Lincoln was fighting for, may have called for dramatic executive action, it has become the foundation of powerful presidents who have followed in his footsteps. President Richard Nixon later famously recalled words of Abraham Lincoln, in which Lincoln wrote, "I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the constitution, through the preservation of the nation. Right or wrong, I assumed this ground, and now avow it." Though not fully developed, this sentiment would become the defining argument for executives acting outside of the constitution which require legislative approval to declare war.

Following the second World War, the president, acting as commander-in-chief, begins engaging in military actions which he has declared "indispensable to the preservation of the nation." These actions, often covert in nature, are often described to be actions taken to protect the United State's national security. In the 1960's, a rise in these sorts of covert operations begins in Cuba under the Kennedy Administration, and are accelerated and broadened during the Nixon Administration in Laos and Cambodia. In the 1980's, and through today, the President has continued to operate independently of the legislature with little pressure from legislators to

follow the proper constitutional route.

Is this *necessary*? There are several elements to consider when examining the necessity of a strong executive, some that support a strong executive and some that oppose it. First, let's examine a few arguments against an executive that has complete authority over the military. The first, and most alarming, is that allowing the President to be the sole commander, without any sort of check of his decision making, gives an alarming amount of power to one individual. The President is currently able to wage any war, against any "enemy," at any time. Often times these operations are covert, and the public, which is supposed to be the final check on the government as a whole, will never learn of the actions taken by their elected leader.

Beyond the scope of check and balances, the cost of military operations is extremely high, so this allows one individual to authorize the expenditure of tens-of-billions of dollars without authorization from Congress. Although Congress technically maintains the power of the purse, any sort of bill defunding the military does not play well politically.

Though compelling, I believe that the case for having a strong executive—in its current form—outweighs the constitutional and individual concerns. The main argument that I consider is whether or not I would want the decision of military action to be vetted through 535 individuals who often make decisions with only political concerns in mind. The presidency carries with it a level of prestige that, I believe, allows the individual (more often than not) to rise above the political landscape when making decisions concerning foreign policy, specifically when considering military actions against enemies of the state.

This thought is certainly grounded in idealism, but it's also grounded in the belief that any actions taken by the executive that the legislature truly disagreed with could be challenged

and stopped through the War Powers Act of 1973. I believe that this check, which admittedly come after the act itself, is enough to stop military actions which could be questioned by majority of the nation. But it's also important to keep in mind that even if the majority of the nation disagreed with a war or certain military actions, there still may be more at stake than the public can be made aware of. No one likes war, but it is often necessary in today's global society—a global society that America certainly contributed to, however the human nature overrides any influence that the United States has had in creating a society riddled by war.

Is this *good*? It depends on the definition of good. No act of war or military action is *good*, but it's often considered necessary. Is it *good* that the executive has autonomous power over the military, with no checks before military action is taken? Most likely not, as it never seemed to be the intention of the framers of the constitution to create a document which would allow for one individual to have such concentrated power. Madison later wrote about the issue of the executive war power, saying, "...the fundamental doctrine of the constitution, that the power to declare war, including the power of judging of the causes of war, is *fully* and *exclusively* vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war..."

However, I believe a strong executive is good in instances which immediate action is required. The debate over military action, more often today than ever before, comes after or while the action occurs. Although debate and discourse are founding principles of this nation, and of freedom as a whole, the world we live in today often calls for action without debate. That is an astonishing and unfortunate truth that seems to contradict the principles we argue we're fighting for, but it's a truth that requires a strong executive. For that truth to change, much more

would have to be done than to weaken the executive and move the power of military action to a political legislature.