

Round 1: The President's Increased Powers Are Necessary

There is no denying that the power of the presidency has significantly increased over time. The growing complexity and pace of domestic affairs, coupled with the large leadership role played by the United States internationally, have required the presidency to take on more authority and decision-making.

The growth of the president's power is necessary. The U.S. today needs a strong president. Who else can give the nation leadership? Who else can make the quick decisions that are needed in a national emergency?

In the old days, an army could move only as fast as its horses and sailing ships. There was plenty of time for Congress to debate issues of war and peace. But not today. The powers given to the president enable him to act fast enough in an emergency.

Furthermore, only the president can give real leadership on the many national problems. Congress cannot lead as well as the president simply because there is only one president, but there are 435 Representatives and 100 Senators. Members of Congress seldom agree on what to do. Unlike members of Congress, the president is elected by all the voters. The president does not represent just one part but the whole of the country.

Some may argue that the president holds too much power and thereby endangers the balance of powers. However, the system of checks and balances still remains intact. The president is subject to the limits provided in the Constitution, which enumerates his powers and restricts his term in office to 8 years in the 22nd amendment (whereas members of Congress, on the other hand, can serve an unlimited amount of years!)

Additionally, the president is subject to the powers of the other branches, which are designed to keep it in check. Congress limits the power of the president by its ability to appropriate money for the federal budget, to review treaties, to approve appointments, and to enact impeachment proceedings. Also, any power granted to the president must be able to withstand judicial scrutiny, from executive orders to the line-item veto, which was rejected in 1998 as being unconstitutional.

Finally, for those who think any one president has too much power, they have the opportunity to elect someone else every four years.

Round 1: The President has Too Much Power

The question of how strong a president should be may be more important now than ever before. After all, the president has gained enormous power in recent years. Some scholars who once favored a strong president now believe that the trend has gone too far: the presidency has taken so much power from the other branches of government that this threatens our democratic system.

The formal powers as listed in the Constitution say little about a modern president's real power. George Washington would be shocked to know the following facts:

- The president today has the power to command the instant destruction of entire cities. The U.S. has thousands of missiles with nuclear warheads, and only the president can give the signal to launch them. How much military power did president Washington command in 1789? A few cannons and 718 soldiers.
- The president's power is felt all over the world. The president travels by jet from one nation to another. Foreign leaders often come to the White House. If Washington had tried to visit Europe or Asia, he would have been on a ship at sea for months at a time.
- The American people expect the president to deal with a huge number of problems. Modern presidents don't just try to administer the laws passed by Congress. Nor do they merely "recommend measures" to Congress as required by the Constitution (Article II, Section 3). Through staff members, they often bring pressure on Congress to pass favored bills, including some actually written in the Executive Department. In Washington's day, many people thought the president's powers were only those directly mentioned in Article II of the Constitution.

The president has especially gained power at the expense of Congress. Take, for example, the power to declare war. The Constitution clearly gives that power to Congress only. Yet recent presidents have been able to fight wars without a formal declaration of war by Congress. In the example of Vietnam: though the president never asked Congress for a declaration of war against anyone in Southeast Asia, Congress allowed the president to conduct a war there by giving him the money he needed to do so.

Additionally, while Congress still limits presidential power in some ways, the president nevertheless remains the agenda-setter for the nation. As Chief Legislator, Party Leader, and Head of State, the president can control and manipulate support from many sources, including the Congress, media, and the public. And while Congress contains two houses that must agree to get policy made, the presidency is controlled by a single person.

Obama, Libya, and the Authorization Conflict

By Tom Curry

Tuesday, March 22st, 2011

The president does not need authorization from Congress before launching a military offensive — so said Vice President Dick Cheney and other advisers to President George W. Bush in the summer of 2002 as that administration prepared to use force to topple Saddam Hussein.

At the urging of Senate Majority Leader Tom Daschle and others, Bush did, in the end, seek a vote by Congress to authorize his attack on Iraq and he got that authorization in October 2002.

In the case of Libya, President Barack Obama has consulted with congressional leaders, but sought no authorization for his military operation against Col. Moammar Gadhafi's regime.

No permission needed?

At a press conference in Chile on Monday Obama gave no indication that he thought any congressional authorization was needed.

In his two major statements on Libya in the past few days, one Friday at the White House and the other in Brazil on Saturday, the president made only one passing reference to Congress, saying “I've acted after consulting with my national security team, and Republican and Democratic leaders of Congress.”

Obama's stance is striking: not only hasn't he addressed the question of congressional authorization, but acting without it appears to be at odds with what he stood for when he ran for president.

“The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation,” Obama told the Boston Globe in 2007.

Obama has not argued that Gadhafi is “an actual or imminent threat” to the United States, only to the Libyans who oppose him.

Instead of seeking a vote by Congress to affirm his actions, Obama repeatedly cited as his authority the United Nations Security Council resolution passed last week.

Round 2: The President's Increased Powers Are Necessary

This was, he said Monday, “an international mandate from the Security Council that specifically focuses on the humanitarian threat posed by Col. Gadhafi to his own people.”

Obama cites 'international legitimacy'

He argued that “the way that the United States took leadership and managed this process ensures international legitimacy.” Alluding to the Iraq war, he said “in the past there were times when the U.S. acted unilaterally or did not have full international support.”

He pledged in Brazil on Saturday that “we will not deploy any U.S. troops on the ground” and emphasized Monday that the American role would be growing smaller “in a matter of days and not in matter of weeks” as other nations take part in enforcing a no-fly zone over Libya.

He portrayed the relatively limited U.S. role as a cost-saving measure, saying that “our military is already very stretched” and argued that air strikes by France and other nations “relieves the burden on U.S. taxpayers.”

In a letter to congressional leaders Monday, Obama claimed that his actions in Libya "are in the national security and foreign policy interests of the United States, pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive.”

Kucinich calls Obama's attack on Libya 'an impeachable offense'

By Sahil Kapur
Monday, March 21st, 2011

WASHINGTON – In an exclusive interview with Raw Story on Monday, Rep. Dennis Kucinich (D-OH) tore into President Barack Obama's decision to order U.S. air strikes against Libya, opening the door for impeachment while emphatically declaring that Obama violated the Constitution.

"President Obama moved forward without Congress approving. He didn't have Congressional authorization, he has gone against the Constitution, and that's got to be said," Kucinich told Raw Story. "It's not even disputable, this isn't even a close question. Such an action -- that involves putting America's service men and women into harm's way, whether they're in the Air Force or the Navy -- is a grave decision that cannot be made by the president alone."

"And I'm raising the question as to whether or not it's an impeachable offense. It would appear on its face to be an impeachable offense," Kucinich said. "Now, it doesn't necessarily follow that simply because a president has committed an impeachable offense, that the process should start to impeach and remove him. That's a whole separate question. But we have to clearly understand what this Constitution is about."

The anti-war Democrat said Obama must know he violated the Constitution, referring to this quote from candidate Obama in 2007: "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation."

"So what the president did is, by his own words, outside the Constitution," Kucinich said. "This isn't a case of him not knowing. He knows clearly that he has not complied with the Constitution. And that's a very serious matter because he's using the ultimate authority of a president."

Round 2: The President has Too Much Power

The White House argues that the intervention, waged alongside the U.K. and France, may have been necessary to prevent a humanitarian catastrophe in Libya as Muammar Gaddafi uses lethal force against protesters seeking his ouster.

Kucinich confirmed an anonymously-sourced report that, on a call with Democratic lawmakers Saturday, he wondered whether attacking Libya without Congressional authority was an impeachable offense.

Harkening back to some of his fierce criticisms of President George W. Bush, Kucinich criticized the "aggressive reach" of Obama. The attack on Libya, he said, would have "no end game" and would "break our Army, break out budget, and break any ability for America to play a constructive role in the world. This is going to inevitably open the door to Islamic extremists in the eastern part of Libya."

"This isn't about whether you like President Obama or not," Kucinich said. "This isn't about whether you're a Democrat or not. And this isn't about 2012."

POSITION SHEET

Round _____

1. In the appropriate column, make note of the arguments your author asserts, as well as supporting evidence for those points.
2. Then use this sheet to present your points to your opposing group members, and to take note of the arguments (and evidence) they provide.

Too Much Power		Increased Power is Necessary	
<i>Argument</i>	<i>Evidence</i>	<i>Argument</i>	<i>Evidence</i>

Use this table to record any **clarifying questions** you or your group members raise about the position presented in each article.

Too Much Power	Increased Power is Necessary