**Research Plan**

**Thesis:** Congress and the Courts often seek to limit Presidential War Powers, risking constitutional challenges, during peacetime.

**Outline:**

1. Early Defense Philosophies
   1. It is almost impossible to understand American war powers without a background in the philosophy developed within a generation of the Founding.
      1. Militarily, John Quincy Adams devised a three-pronged approach to security which served America well for two centuries.
      2. Presidents Jefferson and Eisenhower took the “natural defense” to the next level, the Louisiana Purchase and in the aftermath of World War II, respectively.
2. Presidential Hegemony
   1. From the outset of our nation, Presidents have seized—probably reluctantly-- on their Constitutional authority to wage war.
      1. Presidential Historian Arthur M. Schlesinger observed, “the Founders were determined to deny the American President what Blackstone had assigned to the British King…the sole prerogative of making war and peace.”
   2. A Supreme Court case in 1863 demonstrates the judicial posture of the times. As far as defense after attack was concerned, the President is “not only authorized, but bound to resist force.
   3. Lincoln, of course, famously surrounded himself with a brilliant Cabinet.
3. Congressional Oversight
   1. Napoleon Bonaparte famously said “armies march on their stomachs.” Likewise, Congressmen vote on their political support.
   2. The War Powers Resolution has never been challenged on Constitutional grounds, on concerns the Supreme Court would find one way or another.
      1. Thus, each President using military forces in the past 35 years denied submission while submitting to the law.
4. Detention and Rendition in a Time of Terror
   1. Two of the controversial policies under President Bush dealt with prisoner detention at Guantanamo Bay, Cuba.
   2. Through the end of the Second World War, the Supreme Court consistently affirmed the right of the President to establish military tribunals and detain Americans without trial.
      1. While a historical glance back may tell where America was, the current state of policy in the area is impossible to determine.

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