Forces associated with globalization and war have shaped American institutions and collective identity of Americans

**Constitutional Foundations of Presidential Leadership in Foreign Policy**

Article II const. – commander and chief clause imp. (section 2), post WW2, clause was used to legitimate force without congressional decl. of war

Sect 1 – broad executive powers, was intended, 1790: Jefferson argued that any powers not given explicitly to another branch, lies with the president

Constitution – president can make treaties with the advice and consent of senate and appoint ambassadors

Intentional checks and balances and separation of powers, complain about gridlock, Madison intended for gridlock in abscense of broad consenus

2/3 in senate to make a treaty

Congress powers: declare war, to raise and support armies, not since WW2 (president can veto, 2/3)

**Politics in the US Foreign Policy 1**

Function of executive branch: implement foreign policy decisions reached by Congress and the President

Decisions about how to implement policy can alter the very policy itself

*Managing the Foreign policy bureaucracy*

National Security Council created in Truman era, groups have similar goals, but need to take turns

President and National Security Advisor have huge role to play in coordinating all the executive branch agencies

State Department, Defense Department, CIA, NDI, NSA, Treasury, Commerce, Homeland Security

Think of the rules of the road, just need to get everyone on the same page

Problems when interagency coordination fails:

Mixed messages in runup to First Persian Gulf war undermines diplomacy and contributes to failure to deter Saddam’s invasion of Kuwait

**Politics in the US Foreign Policy 2**

Different agency heads have different foreign policy goals or different ideas on how to respond to a threat

*Managing the Foreign policy bureaucracy*

Elevates National Security advisor (condaleeza rice)

Competing foreign policy interests within executive branch

Intensely political: deciding who wins/loses

Big Implications for implementation

Post-invasion stabilization in Iraq: Managed by State or Defense?

Powell wanted UN support -> failed -> waning influence -> chose Defense (believed security was most nec., milt was neoconservative) -> underinvesting in police

*Managing the Foreign policy bureaucracy*

Bureaucratic interests are not only driven by their assessment of what the best policy might be to meet that national interest, but also by their assessment of maximizing resources in their agency

Competing interests among agencies generated “turf” wars or organizational competition

Bureaucratic power function of resource control

-spend all resources so can lay claim to more next year

Policy preferences generated by organizational needs

Air force v. Army in early stages of the Cold War: needs to bomb Russian cities by air, less ground troops (air force)

**CIA director John O. Brennan Discusses the CIA’s Relationship with the Executive Branch and Congress**

*3 most daily responsibilities:*

Uncover threats and Stop them, global

Make sure the president gets best intelligence available, 50 years PDB (daily brief) did this: evolved Clinton had national security advisor, bush and Obama had CIA or director of national intelligence in room, more interactive, means (iPad)

CEO, Adapt agency, challenges are different and new technology

**War and the Expansion of Presidential Authority**

*War making and expansion of presidential authority*

Conventional wisdom: war expands presidential authority

Important empirical finding: not just with respect to the prosecution of the war, also in domestic policy matters (Congress votes closer to presidential preferences or policy goals)

Puzzle: why do members of leg. And jud. Branches accede given their constitutional authority to check:

*Howard, Jackman, and Rogowski* –

Importance of different constituencies: Generate different composition of societal interests to represent, president larger constituency, congress narrower; societal interests can be concentrated on left or right side of ideo. Perspective

Congress has national and district interests, sometimes compete: military bases in district after Cold War (peace dividend?, fort hood)

War elevates the imp of national goals in pol calculations of cong officials

Move closer to the presidential position enhancing his authority and enabling him to achieve more of his policy goals

Congressional uncertainty about optimal foreign policy choice also strengthens executive that possesses “informational“ advantage, patriot act

**Discussion of Golan-Vilella and the AUMF Debate on ISI/Syria**

What are legal foundations for continuing war against terrorism/ISIS?

Background: Obama argues in Fall of 2014 that 2001 AUMF generates authorization for war against ISIS because it is a successor organization to Al Qaeda in Iraq

Golan-Vilella argues: need to revisit two key AUMFs

-AUMF should be repeal 2002, war in Iraq over (“over in 2011”)

-Administration should name organizations that have legal grounds to use military force, too vague now

-war continue, expand indefinitely (executive power too)

Problem: relative contentment in both exec and leg branch with legal status quo, president does not need to name targets, Act of getting a new AUMF can generate pol constraints on pres separated from legal constraints Congr agrees to

Expanding executive authority? Congress (individual) is reluctant to declare war due to uncertainty

Threat to democratic process? People are haunted for voting on AUMF, Hillary

**Executive Orders and Foreign Policy**

An executive is an official order from the President that has the force of law but not its permanence, pres can veto leg

Both Obama and Trump have attempted to use executive orders to make foreign policy, particularly on immigration, can do contradicting orders as dif presidents

In November 2014, President Obama Executive order on immigration would have provided temporary legal status to 4-5 million undoc immigrant in the us (parents of legal immigrants, DACA too)

The order was blocked in court by states arguing the President overstepped his authority, believed policy of not deporting immigrants as not prosecutorial discretion, but rewriting of imm law (job for congress), Obama asked supreme court for help, but scalia died

Another order restricted deporting those without records or legal children

Trump issued 2 dif versions of an exec action restricting imm from certain Muslim majority countries deemed to have high levels of terrorist activity

Both orders wer blocked in court claiming the orders were unconst because they discriminate based on religion (campaign pledges), others say it was based on region not religion

All orders showcase the power and limits of execut orders

What are the constitutional foundations of presidential leadership in foreign policy making?

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Politics in the US foreign policy bureaucracy: how does interagency political competition

shape US foreign policy?

•

What is the Presidential daily brief? What role does the CIA play in US foreign policy?

•

Does war expand presidential authority? How?

•

What are some of the controversies associated with using executive orders in the

implementation of foreign policy, particularly over immigration? What political challenges

encourage the President to pursue such a policy strategy? How does the battle over

immigration policy illustrate

the limitations of executive orders to make foreign policy?