

Presidential Authority Topic Paper



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Proposed Resolutions

Resolved: The United States federal government should substantially curtail the authority of the President of the United States in one or more of the following areas: weapons of mass destruction, immigration, and/or indefinite detention.

Resolved: The United States federal government should enact a policy to substantially curtail the authority of the President of the United States in the area of immigration or weapons of mass destruction.

Resolved: The United States federal government should substantially increase statutory restrictions on the authority of the President of the United States in one or more of the following areas: weapons of mass destruction, immigration, and/or indefinite detention.

Resolved: The United States federal government should substantially curtail the President of the United States' authority over one or more of the following areas: nuclear weapons, immigration, and/or indefinite detention.

Resolved: The United States federal government should substantially curtail the authority of the President of the United States by disseminating and/or eliminating authority over one or more of the following areas: weapons of mass destruction, immigration, and/or indefinite detention.

Timeliness and Interest

The name Donald J. Trump alone is enough to spark heated debate across the country. It is nearly impossible to not hold an opinion of the individual who currently holds the most powerful position in the world. Beyond the controversial figure himself, however, lies a fundamental question related to how powerful the most powerful person in the world should be. The question of separation of powers necessitates enduring disagreement over the specifics (Flaherty, 1996). The fact that the office is currently occupied by one of the more polarizing figures does not establish this topic as debatable – it has been debated long before Trump entered into the public view and it will continue long after he leaves it. However, the current polarization of Trump specifically and America broadly makes a nationwide discussion over separation of powers essential for the future generation.

The power of the President is something that has been expanding since the founding of the United States (Greene, 1994). Presidents, either by their nature, by coincidence, or a combination of both, never are keen on the idea of giving up power and always seem welcoming to the idea of acquiring more. Therefore, through the years, the President of the United States has built up so much power that each election cycle brings with it enormous ramifications. In other words, had Donald J. Trump been the fifth President of the United States, instead of the forty fifth, debating his presidential authority may not have been so engaging. However, since our government, along with the individuals who occupy the government have given so much authority over to the President, it is essential for students across the country to question whether such authority is appropriate.

Consequently, even if the Oval Office was occupied by an individual other than Donald Trump, it would still be a worthwhile and timely debate. It is a fundamental clash of ideas. On one hand, there's an idea of expediency. In many instances, some could argue, that it is better to act imperfectly than to delay the perfect action. Had Congress been the actor for nuclear launches in the 1940s, the outcome of World War 2 arguably could have been different. The ability to act swiftly is crucial in certain situations, and allowing the President such power arguably protects Americans and national security. On the other hand, it is against the very core of democratic principles to place the most important decisions in the hand of a single individual. That is, two minds are better than one. The 2016 election may have produced Donald Trump, despite losing the popular vote, but such a feat is not new in the American system of democracy. The first occurrence dates back to 1824, and has occurred four times since then.

The truth is that both of the above ideas are neither always true nor always wrong. In fact, the very complexity of presidential authority necessitates a limitation (to be discussed later) upon which areas should be discussed by high schoolers across the country. Even so, one telling feature of the quality of this topic area is that it is both timeless and urgent. It is also one that is unavoidable. Whether this topic wins or not, our students will have to tackle this question within our democratic republic for decades to come.

Balance

There are several concerns when it comes to writing a debate topic, but the primary concern of this Presidential Authority topic was to achieve quality disadvantage ground. Previous topics have done well in ensuring quality affirmative ground. Although affirmative ground is certainly important, prioritizing it risks neglecting negative teams who become forced to simply 'do more research' in order to be successful. Although the 'do more research' rationale may have been more appropriate at certain evolutions of debate, it seems inappropriate given the current culture of the activity. Now, more than ever, students are expected to respond to affirmatives with an indirect relationship to the resolution. Not only does this mean that affirmative ground is becoming easier to come by, but moreover, what becomes lost in this is something essential to clash: quality links.

Consequently, in the pursuit of quality links, two objectives must be met. First, the topic should be intrinsically controversial. It is not enough to find topics that have instances of controversy because clever affirmatives will find the most agreeable approach they can find. Instead, this topic attempted to carefully define ground in a way that forces controversy. I think most of the above topics accomplish this. In attempting to gain feedback from those with both debate and non-debate backgrounds alike, a common reaction to this topic was how controversial it seemed. This, in my view, should be viewed positively.

Second, the topic should be focused. This, of course, must be balanced with providing debaters with a topic that can spark a year worth of quality debate. One method of doing this is by writing a topic that reduces the number of topical plans in favor of increasing the number of advantages and disadvantages related to those plans. Not only does this increase clash, but moreover, it does so by providing something that not all topics can achieve: meaningful nuance.

In fact, case specific disadvantages seem to have become a largely, inaccessible ideal when topics possess too much breadth. This is a large reason why debaters rely on poor link evidence. The problem this creates is that the nuance of any particular affirmatives get ignored by negative teams at the same time an affirmative team can continue to insist their nuance allows them to avoid the disadvantage link. What's missing from this debate that has been re-hashed time and time again is a focus on the merits of the affirmative. This is true whether the negative's impacts are focused on policy elements or critical elements.

One final note: The prioritization of disadvantage ground does not mean that critical ground was ignored. In fact, a resolution that includes a topical critical approach is very important and something I believe this topic includes. However, disadvantage ground was simply a starting point because achieving quality disadvantage ground is such a burdensome task that few topics are able to accomplish. Alternatively, all topics are seemingly able to capture intriguing critical ground that are able to capture the attention of high schoolers across the country.

Discussion on resolution wording

“United States federal government” and “enact a policy”

The aforementioned topics, by design, would stimulate several debates about who should be the agent to enact change. Historically, high school policy debate has stayed consistent with its use of the “United States federal government” as its agent of change. Although these topics are no different, certain versions of these topics also include the phrase “enact a policy” to provide an option for those who would like to see the courts counterplan, the self-restraint counterplan, and the executive order counterplan as consistent negative positions.

The benefits of including “enact a policy” would be negative ground consistency within the topic. This would also force teams to focus on the depth of their arguments and to innovate within a clearly designed point of clash within the aforementioned resolutions. It also focuses the topic toward the important clash over separation of powers (Flaherty, 1996). That is, Affirmative would say the legislature should restrict whereas the Negative could say the courts should restrict. Therefore, including this phrase would force all three branches to be included.

A potential drawback is the same argument showing up in the majority of debates. It should be noted, however, that removing the phrase from the resolution would be unlikely to shift debates too much since most affirmatives would still defend legislative action. It would simply provide more secured ground to the negative. Within the context of these topics, it is largely possible that many negatives would not elect to run a counterplan with a similar consequence since many disadvantage links would be predicated off of the importance of efficient decision making.

One other drawback of including the phrase “enact a policy” is that it could arguably eliminate affirmatives that remove a law currently on the books. This is because the phrase implies a requirement to make a new policy. It also might give justification to affirmatives to invent new ways of restricting the President’s authority rather than removing currently existing authorities.

“President of the United States”

Very early drafts of the resolution attempted to include broader agencies than simply the President of the United States. One resolution, for example, included the “executive branch” in the place of “President of the United States.” This, however, proved to be too broad since the executive branch consists of a number of agencies that work within the proposed areas of controversy. Not only did this create an unreasonable research burden, it also shifted the topic away from a central area of controversy: what powers should a single individual be allowed to have?

“immigration, weapons of mass destruction, indefinite detention”

Early drafts of the resolution also tried to include the ability to debate one of the more controversial authorities the President has—the ability to issue executive orders. The problem related to this area, however, is it is very broad. It is also difficult to write a resolution that doesn’t quickly turn into every existing executive order becoming a new affirmative where the plan simply reverses it. Additionally, the executive orders that are controversial are starkly different from one another meaning it would be difficult for disadvantage links to focus on a common theme.

The primary rationale for the above topics is that they all are associated with security. There are reasons for keeping the power related to these areas consolidated, but there are great risks to doing so as well. Moreover, the topic areas selected were focused on areas of contemporary controversy, but also areas that should remain throughout the Presidential term this topic will be debated during – even if a new President were to take office due to impeachment, resignation, health concerns, or assassination.

There is a legitimate concern about the size of the three topic areas. After all, each one of these three areas have in different capacities been their own topic. The difference, however, is that the greatest limitation does not come from the topic areas, but rather, it comes from the demand that a topical affirmative reduce the President’s authority related to that area. Consequently, affirmatives that attempt to completely revamp immigration policy (e.g. eliminate, re-write, or expand the visa program) will find themselves running into topicality problems because the President of the United States does not have authority over most of the immigration processes within the United States. Instead, topical affirmatives will have to find authority that currently exists and reduce that power in order to be topical.

“statutory restrictions”

One of the above resolutions changes the topic from a “reducing” topic to an “increase” topic. Although there are some benefits to this phrasing, it could create unnecessary gray area when it comes to removing authority that is already on the books. That is, an affirmative wishing to remove a statutory law that gives authority to the President could potentially run into topicality questions even when their affirmative is in the direction of the topic.

“disseminating and/or eliminating”

The last topic option provides clarity where clarity is unlikely to be needed. One question affirmatives will have to answer is where the authority goes. The use of the word disseminating forces affirmatives to link into disadvantage links predicated off of inefficiency. The most direct benefit of this is avoiding affirmatives that take the authority of the President

and give it to another individual within the executive branch (i.e. an authority swap). This gives them the ability to avoid disadvantages such as readiness, deterrence, or any other disadvantage related to quick action.

The drawbacks of including this word is its sparse use within the literature. It is most commonly used to refer to spreading out information, not authority. There are very few or zero articles referring directly to disseminating presidential authority. Additionally, affirmatives will still be able to take authority and give it to a small group of individuals who could still act quickly – therefore, allowing them to run away from the disadvantage links anyway.

“authority” verses “power”

Previous wordings of the topic utilized the word “power” instead of the current use of the word “authority.” Both words, I assumed, aimed at similar goals of reducing what the President of the United States can and can not do. However, previous topics (e.g. the 2013-2014 college topic) chose to use the word authority. Upon further investigation, the word authority seems to not only encompass power, but moreover, is more specific to the type of actions that a legislative body would aim to curtail. One popular author cited by debaters on the college circuit was from Gordon Silverstein who uses Richard Neustadt’s work to differentiate between the two terms. According to Gordon Silverstein:

“This is well explained by Richard Neustadt, who has long distinguished between formal authority and power. As he put it in the 1990 revision and expansion of his 1960 classic on presidential power we should “keep in mind the distinction between two senses in which the word power is employed.” One sense is when it is used “to refer to formal constitutional, statutory or customary authority,” and the other is in the “sense of effective influence on the conduct of others.” Neustadt suggests that the word authority might be substituted for power in the formal sense, whereas influence might be substituted for power in the more informal sense.” (Silverstein, 2010)

Alternatively, the word power may be more appropriate given authority has differing meaning as well. William R. Anson writes:

“The term ‘authority,’ like the term ‘contract,’ may easily be used in three senses, and is therefore a term to be avoided when accurate reasoning is desirable. It may be used to mean (1) the operative acts of the principal, (2) a physical document executed by the principal, or (3) the legal relations consequent upon the preceding operative facts (1) and (2), and especially the legal power conferred upon the agent to bring the principal into new legal relations without any further action by the principal. The operative facts may be spoken words, a document together with the acts necessary to execute it, or other conduct by the principal apparently expressing an intention to create a power. Hereafter, the word ‘authority’ will be used to denote these operative facts; in other cases the word power will usually be substituted. This latter word is not so likely to be taken in shifting senses, in spite of the fact that ‘power of attorney’ generally means a physical document under seal.” (Anson, 1919)

“office of the”

One phrase that has been considered later in the writing process is including the phrase “office of the” before “President of the United States.” The rationale behind including this phrase is to act as a check against a single fringe affirmative that simply aims to impeach Donald Trump. I think there are already some checks against this affirmative including the definition of “President of the United States” itself, the inclusion of the word curtail instead of reduce, and extra-topicality arguments that argue going beyond the three topic areas is unfair to the negative team. Overall, this seems to be a phrase that is unnecessary.

Affirmative Scope

Weapons of Mass Destruction

Many Americans, including students across the nation, are unaware of the risks associated with weapons of mass destruction. Craig Lambert backs up this idea by stating that “Americans have no idea how many times presidents have opened the nuclear briefcase or its equivalent.” In fact, in the short 34-month span of John F. Kennedy’s presidency, we came within a “hairbreadth of nuclear catastrophe” three times (Lambert, 2014). Finally, Lambert argues, that even if nuclear weapons are not used, they still cause catastrophe due to the damage they do to governments. He argues that since they are such a powerful force put in the hands of one individual, it destroys the ability of our legislature to be the force most in charge. In the book, *Thermonuclear Monarchy: Choosing Between Democracy and Doom*, W.W. Norton Scarry argues “Nuclear weapons undo governments, and undo anything that could be meant by democracy... They put the population completely outside the realm of overseeing our entry into war... We have to choose between nuclear weapons and democracy” (Scarry, 2014)

No First Use

A potentially more promising affirmative under this topic area is establishing a “No First Use” policy thereby restricting the President’s ability to use nuclear weapons. There are a number of reasons this could promote global stability as well as a number of reasons this could destabilize the globe. First, a no first use policy would reduce proliferation in countries like Iran. Tom Collina, Director of Policy at Ploughshares Fund, a global security foundation in Washington, DC, argues that our status quo policy “exacerbates mutual fears of surprise attack, putting pressure on other nuclear-armed states to keep their arsenals on high-alert and increasing the risk of unintended nuclear war.” Mr. Collina also argues that it is essential that this is not simply an idea mentioned by the President as it was during the Obama Administration. Rather, this is an idea that must be backed up through legislative policy (Collina, 2016).

However, there are also risks with implementing a No First Use policy. Negative teams could argue that implementing a policy restricting nuclear use would undermine our deterrence strategy. Keith Payne, a defense expert, states that:

“if the U.S. adopts a no first use policy, adversaries might feel safer to conduct devastating biological, chemical, and conventional attacks against the United States and its allies without a fear of the U.S. retaliating with the most threatening response available. As such, a no first use policy would weaken deterrence that has served the U.S. well since the end of World War II.” (Payne cited by Dodge, 2016)

Another argument choice available to negative teams against affirmatives that restrict access to nuclear weapons is related to our allies. According to Michaela Dodge, a specialist in missile defense, nuclear weapons modernization and arms control argues that other nations

like Japan and NATO rely on the U.S. nuclear weapons for their own security. Moreover, as is argued by Ms. Dodge, the U.S. uses nuclear weapons every day to deter large-scale attacks “and have been since the dawn of the nuclear age. Nuclear ambiguity has served us well, as decades of Democratic and Republican administrations affirmed over and over. Now is not the time to adopt a no first use policy” (Dodge 2016).

Once again, however, an argument could be made to respond to this idea. Affirmative teams could present a link turn argument against the aforementioned alliance disadvantage by citing many authors, including Tom Collina. He argues that “A no-first-use policy would also reassure the world’s nonnuclear states that they could continue to protect themselves without nuclear weapons. To prevent states, such as Iran, from building the bomb we must convince them that they can be secure without nukes” (Collina, 2016).

Hair-trigger alert status

Prior to his election, Barack Obama promised the removal of nuclear weapons from hair-trigger alert status. However, upon election, Obama kept them on hair-trigger alert status. Consequently, according to some, the risk of miscalculation resulting in catastrophe remains a persistent risk (Kohler, 2016). This risk is not theoretical. In one incidence, a training tape was accidentally misinterpreted as reality, initiating the steps necessary to launch a nuclear weapon (Union of Concerned Scientists, No Date).

Another potential danger is one in which the United States experiences a President who is mentally ill. While this may seem like a jab at President Trump, it is not. A Duke University Medical Center reviewed biographical sources regarding mental illness in 37 presidents from 1776 to 1974 and found that Eighteen Presidents met criteria suggesting psychiatric disorder; moreover, it found that in 10 instances, a disorder was evident during presidential office, which in most cases probably impaired job performance (Davidson, 2006). Since the status quo currently allows the President complete authority over nuclear weapons, it only takes one poor decision with “one weapon that can quickly change, or perhaps even end, history” (O’Hanlon, 2016). Specifically, Donald Trump proves that we cannot be so sure the intentions of the future leaders of the executive branch (O’Hanlon, 2016). The likelihood of escalation beyond the first strike would depend on the location of the strike as well as the leaders of the countries at the time of impact. However, mutually assured destruction (MAD) would make escalation likely (Union of Concerned Scientists, No Date).

Potentially more dangerous than the current U.S. policy on hair-trigger status alert is the consequence that it has on other nations who mimic the policy of the United States. The Union of Concerned Scientists, for example, argue that forcibly removing the 450 silo-based nuclear weapons, and hundreds more submarine-based weapons, from hair-trigger alert status would “encourage reciprocity from Russia, increasing our safety further” (Union of Concerned Scientists, No Date).

Plan texts favoring restrictions on the status of nuclear weapons could vary. Michale E. O’Hanlon, however, suggests the following two options for further study:

- 1) "Approval by a majority of the following six Congressional leaders: speaker of the House, majority and minority leaders of the House, president pro tempore of the Senate, and majority and minority leaders of the Senate. Requiring a simple majority would allow for the fact that some might not be quickly reachable at any given moment" (O'Hanlon, 2016).
- 2) "Approval by at least two members of the U.S. Supreme Court, if a new Nuclear War Powers Act were written in such a way that they could be brought into the process—a highly unusual mechanism, but one that might be considered here in light of the huge stakes" (O'Hanlon, 2016).

Immigration

In the first 100 days of Donald Trump's presidency, he has reduced the flow of immigration, both legal and illegal, to the U.S. Numbers, from refugees and visa holders, to asylum seekers and illegal border-crossers, have plummeted. To those concerned with the future of Donald Trump's immigration policies, "this may be just the beginning" (Rose, 2017).

Many of the affirmatives related to Weapons of Mass Destruction are perception based. That is, adopting a restriction on the President, Donald Trump or otherwise, would result in a world arguably favorable to the status quo. The topic area of immigration, however, promises to not only present a few affirmatives related to perception, but more specifically, present affirmatives that can change from week to week. With the stroke of a single pen, Donald Trump can create an affirmative arguing that legislation undoing Trump's action should be done.

Immigration is a topic area where Congress has given a substantial amount of authority over to the executive branch. Although many of Trump's campaign promises require the approval of Congress, many of his promises related to immigration are within his legal authority. That is, Trump "will be able to follow through on many of his [immigration] pledges – with or without help from Congress" (Gomes, 2016). At the date of this writing, he has already begun implementing many of them. In fact, it is arguably the area he has been the most productive (Kopan, 2017).

Deportations

Deportation is affirmative ground that will likely remain whether Trump is President or not. Presidents have been deporting individuals for decades. In fact, Obama deported more people than any other president (Marshall, 2016). In an odd way, it could potentially even be argued that the brutality of certain raids by the Department of Homeland Security's Immigration and Customs Enforcement (ICE) will be more scrutinized due to increased media exposure (Yack, 2017). More media exposure is likely more related to Donald Trump's campaign rhetoric more than it is related to an increase in violence from ICE or other

deportation practices. However, deportation as an affirmative, especially a critical affirmative or soft left affirmative, is certainly an option for teams.

Deferred Action for Childhood Arrivals (DACA)

A policy version of a deportations affirmative potentially even exists depending on Trump's future action toward the Deferred Action for Childhood Arrivals (DACA). DACA originated out of the Obama Administration in an effort to protect undocumented immigrants who were brought to the United States as children. As of now, Trump has maintained many of the DACA protections. However, the Administration generally, along with Attorney General Jeff Sessions specifically, insists that "everyone that enters the country unlawfully is subject to being deported" (Alvarez, 2017). There are also stories of individuals facing deportation hearings even with DACA status (Rodriguez, 2017). Either way, legislative action could be utilized to protect many of these immigrants from their uncertain future.

Refugee Programs

"The number of refugees accepted by the U.S. each year is set exclusively by the president" (Gomez, 2016). During the current Trump Administration, the number of refugees is decreasing (Radford and Connor, 2017). Although assisting refugees is a goal shared by many countries, the United States backing down necessarily decreases the number of refugees finding safety. This is problematic for several reasons, one of which includes refugee camps. Some refugee camps are so bad that the Pope even went so far as to equate them with concentration camps (Goldstein, 2017).

One advantage area under this affirmative will be to argue that it benefits the economy. In fact, many immigration affirmatives will be able to make this claim. However, increasing or decreasing the flow of immigrants too much could also have a negative impact on our economy as well (Borjas, 2016).

Muslim Ban

Donald Trump's executive order aimed at reducing entrance to 7, and then 6, Muslim-majority countries has faced legal battles all over the country with new legal battles coming (Economist, 2017). Despite the decisions against Mr. Trump's executive order, there is certainly some power given to the president to restrict access to the country. The power comes from the Immigration and Nationality Act, which allows the president to block would-be immigrants simply if they are deemed "detrimental to the interests of the United States" (Gomez, 2016). Even if the executive orders are defeated in court, however, an affirmative could still argue that legislative action taking a stand against islamophobia would be beneficial. There are also those who argue that Trump's restrictions are damaging our soft power (Lane, 2017). The impact ground here is numerous, especially since the travel ban takes place in such volatile countries.

Border Security

The President currently has the ability, and has recently acted on the ability, to appoint and replace the director of Immigration and Customs Enforcement (ICE) (Hensch, 2017). Trump has also passed an executive order tasking relevant agencies to “secure the southern border,” “detain individuals apprehended on suspicion of violating... law,” “remove promptly those individuals whose legal claims to remain in the United States have been lawfully rejected,” as well as other border related orders (White House, 2017). Topical affirmatives will be able to reverse the executive order to argue that it abuses undocumented immigrants (Mettler, 2017; NPR, 2017) and that these immigrants are good for the economy (Tan, 2017; Smith, 2017; Blanco, 2017).

Indefinite Detention

The National Defense Authorization Act (NDAA) is an annual piece of legislation that funds the United States’ military. The 2017 version of the NDAA continues to include a section giving the President of the United States broad authorization to indefinitely detain U.S. citizens without charge or trial (Thompson, 2017). The current AUMF also gives the president broad authorization when it comes to indefinite detention (Thatch, 2016).

Guantanamo Bay

The closure of Guantanamo Bay is something the Obama Administration was never able to fully accomplish (Stewart, 2017). As an affirmative, directly closing Guantanamo Bay is questionably topical. However, some teams may choose to argue that implementation of an indefinite detention plan would result in the closing of Guantanamo Bay. This has all sorts of potential advantage ground due to the national exposure of Guantanamo.

One issue with the Guantanamo Bay affirmative that some may recall from the Latin America topic is that it was very difficult to find disadvantage ground against it. However, topical action within this topic will provide better link ground due to the way in which it is closed. That is, in order to be topical, teams will have to restrict authority whereas in the Latin America topic debaters could more directly close the detention facility without having to restrict the ability to detain in other locations.

International Law

One generic advantage that could be run under an indefinite detention advantage is international law. The current practices of the United States are in violation of standing international law (Human Rights Watch, 2011). The consequences of this could be other countries using this to justify their own violations of international law.

Our current laws related to indefinite detention, including how it gets applied to undocumented immigrants, is in violation of international law. This harms the norms applied throughout the world. Including, but not limited to, violation of Article 9, paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR) which states “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” (Zayas, 2005).

This also applies to the immigration topic area as many of the indefinite detention laws have been applied to “tens of thousands of asylum-seekers and illegal migrants” in the United States. After the crisis in Haiti, for example, 30,000 Haitians were held in detention centers in Florida (Zayas, 2005). Although the example is old, the authority still exists.

Immigration Detention

One affirmative that works within another topic area as well is the recent growth of immigration detention facilities. President Trump just authorized a \$110 million detention facility designed to detain undocumented immigrants (Aguilar, 2017). These detention facilities are connected with serious health and safety risks (Sands, 2017). Some of these risks include reports of sexual abuse (ACLU, No Date).

Terrorism

One element of the indefinite detention affirmative is that it acts as a link turn against its most common disadvantage – terrorism. The argument is that indefinite detention, especially with publicized detention centers such as Guantanamo Bay, acts as a recruitment tool for terrorists (Sprusansky, 2013). Negative can then counter that the damage has already been done leaving the more aggressive policy the preferable option.

Negative Scope

Disadvantages

Presidential Powers Disadvantage

Topical affirmatives are unlikely to remove authority, but instead, to shift authority to other groups. Those groups could be within the executive branch—or they could be shifting the authority to the legislative branch. Either way, one of the disadvantage links that could lead to a number of impacts is the inefficiency link. That is, delaying decisions could lead to problems.

Under the weapons of mass destruction topic area, one could argue that reducing the authority of the President is problematic. According to Joel Paul, “the reality of transcontinental ballistic missiles collapsed the real time for decision-making to a matter of minutes. Faced with the apparent choice between the risk of nuclear annihilation or amending the constitutional process for policy-making, the preference for a powerful executive was clear” (Paul, 1998).

According to John Yoo:

“What also often goes unexamined are the potential costs of congressional participation: delay, inflexibility, and lack of secrecy. In the post-Cold War era, the United States is confronting the growth in proliferation of WMDs, the emergence of rogue nations, and the rise of international terrorism. Each of these threats may require pre-emptive action best undertaken by the President and approved by Congress only afterward.” (Yoo, 2007)

A trick that many negative teams using this disadvantage will likely try to prove is that it will “spill over” to impact other areas of Presidential authority – most likely security related. According to Kenneth Klukowski:

“While the best outcome in any interbranch dispute is the political branches reaching a settlement, “such compromise may not always be available, or even desirable.”ⁿ³⁴⁹ It is not desirable where it sets a precedent that degrades one of the three branches of government. If one branch of government demands something to which it is not constitutionally entitled and that the Constitution has fully vested in a coequal branch, the vested branch should not be required to negotiate on the question. Negotiation usually involves compromise. This negotiation would often result in one branch needing to cede to the other, encouraging additional unconstitutional demands in the future.” (Klukowski, 2011).

Deterrence Disadvantage

Another disadvantage could argue that current presidential powers, specifically with weapons of mass destruction topic area, create peace because of the fear of their use. If an affirmative restricts the ability of the President to use them, one could argue that it would embolden adversaries to lash out or take more hardline stances. That is, it would undermine our deterrence strategy (Waxman, 2014). As Carly Gerbig, an analyst at the US Government Accountability Office, asserts, explains “successful deterrence...requires both the capability...and the ability to credibly...project one’s own intentions” (Gerbig, 2014). One way teams could run this argument is to assert that if the President doesn’t have the power to use weapons of mass destruction, countries would be more willing to use their own weapons against the United States. The relevance of this debate is particularly persuasive, given situations arising in Russia, North Korea and Syria.

Leadership Disadvantage

This is a disadvantage that could be run regardless of which President is currently in office. However, assuming Donald Trump will be President when this topic is debated, the leadership disadvantage would argue that in the status quo he has strong leadership abilities now (Glatzhofer, No Date). Constraining his authority would impact the office itself to allow strong leadership (Posner and Bazelon, 2017). This has all sorts of different impacts. According to Eric A. Posner, “If you want a functioning government—one that protects citizens from criminals, terrorists, the climatic effects of greenhouse gas emissions, poor health, financial manias, and the like—then you want a government led by the president” (Posner, 2014).

Terrorism Disadvantage

The primary disadvantage to this indefinite detention area, as well as a disadvantage for immigration (Nowrasteh, 2016), will be terrorism. There is an argument to be made that debating this disadvantage is too close to the surveillance topic. If this is a concern, then it is possible to remove this as a topic area in favor of a topic writing that only includes the other two areas.

From a strategy perspective for indefinite detention affirmatives, most will work to write an affirmative will aim to beat the terrorism disadvantage—including finding link turn strategies. For example, the elimination of indefinite detention improves our image globally which reduces the incentive of terrorists to attack the United States in the first place.

Although there are legitimate arguments against the terrorism disadvantage against the indefinite detention affirmative, it is still a viable strategy. Some argue that a change in the system is indeed essential, but overcorrecting could result in a situation that is net-worse (Thatch, 2016). A negative could also argue that ending the current detention system would lead to worse detention systems filling in which could result in the opposite of the

aforementioned link turn strategy. Finally, a negative could argue that restricting detention authority could result in bureaucratic delay which could result in prisoners going free.

Congressional Cooperation

One consequence of Congress suppressing the authority of the President is that it could increase friction between the two branches limiting their ability to proficiently work together on other pressing matters. According to Eric A. Posner and Adrian Vermuele, showdowns between the President and Congress do not arise when they disagree about policy, but rather, “showdowns arise only when there is a disagreement about authority” (Posner and Vermuele, 2010). Moreover, codifying limits on the President can be “counterproductive to interbranch relations,” especially with their ability to settle conflicts overseas (Mann, 1990). Finally, the two branches working together is important for resolving problems like crime, illegal drug trade, global warming, diseases, and transnational problems that threaten security (Hamilton and Tama, 2002).

Politics Disadvantage

As always, the politics disadvantage would exist. Although this time around, the midterm elections would play a role in the beginning of this topic. In the political realm, Republicans are on the record as being opposed to reducing indefinite detention even as it relates to United States’ citizens (Serwer, 2012). Republicans are also more likely to say that immigrants are a burden to society (Ehrenfreund, 2016). Finally, seven decades of Republican and Democratic administrations have rejected a no first use policy due to the desire for a nuclear deterrent (Miller and Payne, 2016).

One interesting characteristic related to this topic and the politics disadvantage is the universal elimination of the argument that the “President is pushing the plan.” Presidents do not push to reduce their own authority. Consequently, teams will have to find another group with political capital to “push the plan” in order to make the politics disadvantage a viable option.

Counterplans

Courts Counterplan

The Supreme Court has set out to strike an appropriate balance between the President and Congress on immigration (Calabresi, 2016), indefinite detention (Hodgkinson, 2012), and war power authority (Entin, 2012). Consequently, this counterplan will be a common tool for negative teams who read disadvantages to the legislative process (e.g. the politics disadvantage). Alternatively, some have argued that the courts are an inappropriate place to

settle disputes between the legislative and executive branch and that empirically, the courts will kick disputes back to the other two branches (Fisher, 1990).

In particular, the courts have had a tremendous amount of deference to the executive over the years – especially in the areas of foreign policy and war powers (Entin, 2012).

Another way this counterplan could be run is through a less aggressive “advice giving” mechanism. In other words, rather than forcibly removing the President’s authority – which could result in a variety of disadvantages – the court could instead advise the President restrain their own authority. According to Neal Katyal, “once the advicegiving view is adopted, a space develops for courts to act affirmatively without compromising the power of these other political entities” (Katyal, 1998)

Executive Counterplan

This counterplan will be a favorite among teams who read disadvantages discussing the importance of a strong executive as it will allow them to argue that the President issuing executive orders expand their authority (Powell, 2014). Independently, this counterplan is essential to forcing high level teams into writing affirmatives that actually necessitates the elimination of authority. Teams who rely on ‘Trump-bashing’ or short term impact scenarios will be vulnerable to this counterplan being able to solve the entirety of the affirmative while avoiding many of the topic-related disadvantages.

There are several different ways of running this counterplan – the first of which would be to issue an executive order banning the harmful practices discussed in the first affirmative constructive. According to Graham G. Dodds, this would be a legally binding method (Dodds, 2013) of solving the affirmatives while still maintaining enough authority to allow the negative to argue that their counterplan shields them from the link of the disadvantage. Affirmative would be able to respond saying the current President could change his or her mind, a future president could change his or her mind, and by saying the authority itself is enough to trigger our impacts even if it is not acted upon.

Another method of running this counterplan is to fiat that the President of the United States issues a public statement that they will not trigger the links of the affirmative plan. For example, if affirmative argues that indefinite detention will lead to human rights abuses, the negative could have the President say our practices will not commit human rights abuses. This counterplan is best against affirmatives that rely on perception links and is vulnerable to the same answers discussed above. This counterplan is a non-starter against most affirmatives related to this topic because the topic areas are focused upon things that are already being done by the United States. That is, we already have widespread indefinite detention and we already deport a massive number of undocumented immigrants.

It could, however, be useful against some of the topics under the weapons of mass destruction topic area. For example, if affirmative argues that we should pass an official no-first use policy, then negative could say the President should announce an unofficial no-first use policy like President Obama was considering on his way out of office (Zeng, 2016; Collina, 2016).

Impeach the President Counterplan Plank

One of the strategies that have been floating around policy debate for a while has been negative teams running counterplan planks that ban the internal links of the affirmative. This will be done no matter what the topic becomes. However, one counterplan plank that could become common under this topic is advocating for impeaching the president. This becomes especially effective against affirmative teams that rely on “Trump bad” internal links – especially ones based on perception. One added strategy benefit of this counterplan is that the power of the president would still remain high (unless combined with other planks) which means that it could avoid several disadvantage links. One of the drawbacks, however, would be proving that the next President would change policy on his or her own. Negative teams could try to fiat out of this, but could find some theoretical objections along the way.

Range and Quality

An essential element toward writing a meaningful topic is its ability to engage a wide range of audiences. One audience, however, is essential to the future of the activity. That would be the audience of first year debaters. In this regard, the Presidential Authority topic has several significant advantages toward engaging young debaters.

The first advantage is that it deals with an individual that all young debaters will know: The President of the United States—in this case Donald J. Trump. This will allow coaches and teachers to spend less time teaching about some of the surface level stuff typical to most topics, and instead, will be able to quickly get to the controversy. Moreover, it will do so at the same time it provides insight into areas that students, especially younger students, have minimal awareness.

A second advantage is that young debaters will be able to tackle a polarized controversy from a new perspective. One could argue that a weakness to debating about presidential authority topic is that both students and judges alike will already have previously held biases that find their way into the debate. Although this is somewhat inevitable in any topic, the topic areas presented are no more controversial nor polarizing than any other topic. Especially when many of the topical affirmatives are timeless in nature. That is, adoption of many topical plans would restrict future presidents as well as the current president. Consequently, the amount of ‘Trump-bashing’ or its opposite will be less likely since plans will also affect the next Democratic president as well.

While providing a topic worthy of recruiting the next generation of debaters is important, and arguably the most important, providing a quality topic for the best debaters is also essential. In this regard, this topic will serve that purpose as well. There is a wealth of knowledge related to presidential authority that allows highly competitive debaters to dive into a seemingly unlimited amount of nuance while still not allowing the topic to become unmanageable. The topic also poses simple questions with difficult answers. Although it is, for example, easy to understand the pros and cons of having a single individual in charge of all weapons of mass destruction in the U.S., the solution is not so easy. Moreover, the consequences of even minor reform to our current system will have a number of qualified individuals providing legitimate criticism—far more criticisms than are presented here.

Definitions

Curtail

American Heritage; Fourth edition; p. 446

- to cut short or reduce
- to restrict
- to cut

Merriam-Webster; <https://www.merriam-webster.com/dictionary/curtail>

- to make less by or as if by cutting off or away some part - *curtail the power of the executive branch*

Cambridge; <http://dictionary.cambridge.org/dictionary/english/curtail>

- to stop something before it is finished, or to reduce or limit something

Oxford; <https://en.oxforddictionaries.com/definition/curtail>

- reduce in extent or quantity; impose a restriction on
- deprive someone of (something)

Reduce

American Heritage; Fourth edition; p. 1465

- to bring down, as in extent, amount, or degree; diminish
- to bring to a humbler, weaker, difficult, or forced state or condition; especially: a) to gain control of; conquer: b) to subject to destruction: c) to weaken bodily: d) to sap the spirit or mental energy of. E) to compel to desperate acts: f) to lower in rank or grade: g) to powder or pulverize. H) to thin (paint) with a solvent
- to lower the price of
- to put in order or arrange systematically
- to separate into orderly components by analysis

Merriam-Webster; <https://www.merriam-webster.com/dictionary/reduce>

- to draw together or cause to
- to diminish in size, amount, extent, or number
- to decrease the volume and concentrate the flavor of by boiling
- to narrow down
- to make shorter
- to restore to righteousness
- to bring to a specified state or condition
- to force to capitulate
- to bring to a systematic form or character
- to put down in written or printed form
- to correct (a fracture) by bringing displaced or broken parts back into their normal positions
- to lower in grade or rank
- to lower in condition or status
- to diminish in strength or density
- to diminish in value
- to change the denominations or form of without changing the value
- to construct a geometrical figure similar to but smaller than
- to transpose from one form into another
- to change (an expression) to an equivalent but more fundamental expression

- to break down (as by crushing or grinding)
- to bring to the metallic state by removal of nonmetallic elements
- to combine with or subject to the action of hydrogen
- to change (an element or ion) from a higher to a lower oxidation state
- to add one or more electrons to (an atom or ion or molecule)
- to change (a stressed vowel) to an unstressed vowel
- to become diminished or lessened
- to lose weight by dieting
- to become concentrated or consolidated
- to undergo meiosis
- to become converted or equated

Merriam-Webster Law Dictionary; <https://www.merriam-webster.com/dictionary/reduce>

- to make smaller
- to convert (a chose in action) into a chose in possession
- to convert by enforcement through litigation

Cambridge; <http://dictionary.cambridge.org/dictionary/english/reduce>

- to become or to make something become smaller in size, amount, degree, importance, etc.
- to heat a liquid until it becomes thicker and less in quantity; to become thicker and less in quantity in this way

Oxford; <https://en.oxforddictionaries.com/definition/reduce>

- make smaller or less in amount, degree, or size
- become smaller or less in size, amount, or degree
- boil (a sauce or other liquid) in cooking so that it becomes thicker and more concentrated
- lose weight, typically by dieting
- make (a negative or print) less dense
- articulate (a speech sound) in a way requiring less muscular effort, giving rise in vowels to a more central articulatory position
- bring someone or something to (a worse or less desirable state or condition)
- be forced by difficult circumstances into doing something desperate
- make someone helpless with (shock, anguish, or amusement)
- force someone into (obedience or submission)
- change a substance to (a different or more basic form)
- present a problem or subject in (a simplified form)
- convert a fraction to (the form with the lowest terms)

Decrease

American Heritage; Fourth edition; p. 473

- to grow or cause to grow gradually less or smaller, as in number, amount, or intensity
- the act or process of decreasing
- the amount by which something decreases

Merriam-Webster; <https://www.merriam-webster.com/dictionary/decrease>

- to grow progressively less
- to cause to decrease

Cambridge; <http://dictionary.cambridge.org/dictionary/english/decrease>

- to become less, or to make something become less

Oxford; <https://en.oxforddictionaries.com/definition/decrease>

- make or become smaller or fewer in size, amount, intensity, or degree

- an instance of becoming smaller or fewer

Disseminating

American Heritage; Fourth edition; p. 523

- to scatter widely, as in sowing seed
- to spread abroad; promulgate
- to become diffused; spread

Merriam-Webster; <https://www.merriam-webster.com/dictionary/disseminating>

- to spread abroad as though sowing seed
- to disperse throughout

Cambridge; <http://dictionary.cambridge.org/dictionary/english/disseminate?q=disseminating>

- to spread or give out something, especially news, information, ideas, etc., to a lot of people

Oxford; <https://en.oxforddictionaries.com/definition/disseminate>

- spread (something, especially information) widely
- spread throughout an organ or the body

Eliminating

American Heritage; Fourth edition; p. 580

- to get rid of; remove
- to leave out or omit from consideration; reject
- to remove from consideration by defeating, as in a contest

Merriam-Webster; <https://www.merriam-webster.com/dictionary/eliminating>

- to put an end to or get rid of
- to remove from consideration
- to remove from further competition by defeating
- to expel (waste) from the living body
- to cause to disappear by combining two or more equations

Cambridge; <http://dictionary.cambridge.org/dictionary/english/eliminate?q=eliminating>

- to remove or take away someone or something
- to defeat someone so that they cannot continue in a competition
- to murder someone

Oxford; <https://en.oxforddictionaries.com/definition/eliminate>

- completely remove or get rid of (something)
- exclude (someone or something) from consideration or further participation
- murder (a rival or political opponent)
- expel (waste matter) from the body
- remove (a variable) from an equation, typically by substituting another which is shown by another equation to be equivalent
- generate (a simple substance) as a product in the course of a reaction involving larger molecules

Authority

Black's Law Dictionary; Eighth edition; Bryan A Garner; p. 142

- The rights or permission to act legally on another's behalf; esp., the power of one person to affect another's legal relations by acts done in accordance with the other's manifestations of assent; the power delegated by a principal to an agent

American Heritage; Fourth edition; p. 121

- the power to enforce laws, exact obedience, command, determine, or judge

- one that is invested with this power, especially a government or body of government officials
- power assigned to another; authorization
- a public agency or corporation with administrative powers in a specified field
- an accepted source of expert information or advice
- a quotation or citation from such a source
- Justification; grounds
- A conclusive statement or decision that may be taken as a guide or precedent
- Power to influence or persuade resulting from knowledge or experience
- Confidence derived from experience or practice; firm self-assurance

Merriam-Webster; <https://www.merriam-webster.com/dictionary/authority>

- power to influence or command thought, opinion, or behavior - *the president's authority*
- freedom granted by one in authority
- persons in command
- a governmental agency or corporation to administer a revenue-producing public enterprise
- a citation (as from a book or file) used in defense or support
- the source from which the citation is drawn
- a conclusive statement or set of statements (such as an official decision of a court)
- a decision taken as a precedent
- an individual cited or appealed to as an expert

Cambridge; <http://dictionary.cambridge.org/dictionary/english/authority>

- the moral or legal right or ability to control
- a group of people with official responsibility for a particular area of activity

Oxford; <https://en.oxforddictionaries.com/definition/authority>

- the power or right to give orders, make decisions, and enforce obedience
- the right to act in a specified way, delegated from one person or organization to another
- official permission; sanction
- a person or organization having political or administrative power and control.
- the power to influence others, especially because of one's commanding manner or one's recognized knowledge about something
- the confidence resulting from personal expertise
- a person with extensive or specialized knowledge about a subject; an expert
- a book or other source able to supply reliable information or evidence

Macmillan; <http://www.macmillandictionary.com/us/dictionary/american/authority>

- the power to make decisions or tell people what to do
- the power to influence other people because they respect your opinions or knowledge
- the power to make other people obey you because of a quality in the way you speak or behave

Gordon Silverstein

- "This is well explained by Richard Neustadt, who has long distinguished between formal authority and power. As he put it in the 1990 revision and expansion of his 1960 classic on presidential power we should "keep in mind the distinction between two senses in which the word power is employed." One sense is when it is used "to refer to formal constitutional, statutory or customary authority," and the other is in the "sense of effective influence on the conduct of others." Neustadt suggests that the word authority might be substituted for power in the formal sense, whereas influence might be substituted for power in the more informal sense." (Silverstein, 2010)

Power

Black's Law Dictionary; Eighth edition; Bryan A Garner; p. 1207

- the ability to act or not act; esp., a person's capacity for acting in such a manner as to control someone else's responses
- dominance, control, or influence over another; control over one's subordinates
- the legal right or authorization to act or not act; a person's or organization's ability to alter, by an act of will, the rights, duties, liabilities, or other legal relations either of that person or of another.

American Heritage; Fourth edition; p. 1376

- the ability or capacity to perform or act effectively
- a specific capacity, faculty, or aptitude – oftend used in the plural
- strength or force exerted or capable of being exerted; might
- the ability or official capacity to exercise control; authority
- a person, group, or nation having great influence or control over others
- the might of a nation, political organization, or similar group

Merriam-Webster; <https://www.merriam-webster.com/dictionary/power>

- ability to act or produce an effect
- ability to get extra-base hits
- capacity for being acted upon or undergoing an effect
- legal or official authority, capacity, or right
- possession of control, authority, or influence over others
- one having such power; specifically : a sovereign state
- a controlling group
- a force of armed men
- a large number or quantity
- physical might
- mental or moral efficacy
- political control or influence

Cambridge; <http://dictionary.cambridge.org/dictionary/english/power>

- ability to control people and events
- the amount of political control a person or group has in a country:
- an official or legal right to do something
- a person, organization, or country that has control over others, often because of wealth, importance, or great military strength

Oxford; <https://en.oxforddictionaries.com/definition/power>

- the ability or capacity to do something or act in a particular way
- the capacity or ability to direct or influence the behaviour of others or the course of events
- political or social authority or control, especially that exercised by a government
- authority that is given or delegated to a person or body
- the military strength of a state
- a state or country, especially one viewed in terms of its international influence and military strength
- a person or organization that is strong or influential within a particular context.
- a supernatural being, deity, or force
- denoting something associated with people who hold authority and influence, especially in the context of business or politics
- used in the names of movements aiming to enhance the status of a specified group

- physical strength and force exerted by something or someone
- capacity or performance of an engine or other device

Macmillan; http://www.macmillandictionary.com/us/dictionary/american/power_1

- the ability to influence or control what people do or think
- the ability to achieve something or to make something happen
- a natural or unusual ability for doing something
- political control of a country or government
- official or legal authority to do something
- a country that is able to influence other countries because of its economic or military strength
- physical force or strength
- the ability of a machine or vehicle to operate quickly and effectively
- energy obtained from oil, coal, the sun, etc., used for operating equipment and machines
- the supply of electricity to your home, office, community, etc.

William R. Anson

- “The term ‘authority,’ like the term ‘contract,’ may easily be used in three senses, and is therefore a term to be avoided when accurate reasoning is desirable. It may be used to mean (1) the operative acts of the principal, (2) a physical document executed by the principal, or (3) the legal relations consequent upon the preceding operative facts (1) and (2), and especially the legal power conferred upon the agent to bring the principal into new legal relations without any further action by the principal. The operative facts may be spoken words, a document together with the acts necessary to execute it, or other conduct by the principal apparently expressing an intention to create a power. Hereafter, the word ‘authority’ will be used to denote these operative facts; in other cases the word power will usually be substituted. This latter word is not so likely to be taken in shifting senses, in spite of the fact that ‘power of attorney’ generally means a physical document under seal.” (Anson, 1919)

Statutory

American Heritage; Fourth edition; p. 1695

- of or relating to a statute
- enacted, regulated, or authorized by statute

Merriam-Webster; <https://www.merriam-webster.com/dictionary/statutory>

- of or relating to statutes
- enacted, created, or regulated by statute

Cambridge; <http://dictionary.cambridge.org/dictionary/english/statutory>

- decided or controlled by law

Oxford; <https://en.oxforddictionaries.com/definition/statutory>

- required, permitted, or enacted by statute
- having come to be required or expected through being done or made regularly

Restriction

American Heritage; Fourth edition; p. 1487

- the act of restricting
- the state of being restricted
- something that restricts; a regulation or limitation

Merriam-Webster; <https://www.merriam-webster.com/dictionary/restriction>

- something that restricts: such as a regulation that restricts or restrains
- something that restricts: such as a limitation on the use or enjoyment of property or a facility

- an act of restricting : the condition of being restricted

Cambridge; <http://dictionary.cambridge.org/dictionary/english/restriction>

- an official limit on something

Oxford; <https://en.oxforddictionaries.com/definition/restriction>

- a limiting condition or measure, especially a legal one
- the limitation or control of someone or something, or the state of being restricted

Paul Barbadoro

- To "restrict" means "to confine or keep within limits, as of space, action, choice, intensity, or quantity." Id. A governmental restriction, therefore, reasonably can be understood as any limitation on action, or restrictive condition, imposed by the government that prevents NCO from completing construction. The context in which the term is used in the lease gives no hint that the parties intended a more restrictive interpretation. (Barbadoro, 2000)

President of the United States

Black's Law Dictionary; Eighth edition; Bryan A Garner; p. 1223

- The highest executive officer of the federal government of the United States – The President is elected to a four-year term by a majority of the presidential electors chosen by popular vote from the states. The President must be a natural citizen, must be at least 35 years old, and must have been a resident for 14 years within the United States.

Vocabulary; [https://www.vocabulary.com/dictionary/President of the United States](https://www.vocabulary.com/dictionary/President%20of%20the%20United%20States)

- the person who holds the office of head of state of the United States government
- the office of the United States head of state

Legal Dictionary; <http://legal-dictionary.thefreedictionary.com/President+of+the+United+States>

- The head of the Executive Branch, one of the three branches of the federal government. The U.S. Constitution sets relatively strict requirements about who may serve as president and for how long. Under Article II, only a natural-born citizen of the United States is eligible to serve as president; a person born outside the United States, even if he later becomes a citizen, may not serve. In addition, a person must be at least 35 years old to become president and must have resided in the United States for at least 14 years. Under the Twenty-Second Amendment, which was added to the Constitution in 1951, no person may serve as president for more than two four-year terms. The amendment further provides that a person who succeeds to the office for more than two years of an unexpired term (for example, because a sitting president dies or resigns) may serve for only one additional four-year term. Article II also sets limits on the president's authority. The article provides that the president is the commander in chief of the Armed Services. As commander in chief, the president has the power to preserve the peace by governing a captured territory until Congress establishes civil authority over it; the president also may declare Martial Law, which provides for the imposition of military authority over civilians in the event of an invasion, insurrection, disaster, or similar occurrence. In addition, the president can end a war through a treaty or a presidential proclamation. The power to declare war, however, is vested exclusively in Congress and not the president. In a situation of an undeclared war, under the War Powers Resolution of 1973 (50 U.S.C.A. §§ 1541 et seq.) the president must consult with Congress before introducing armed forces into hostilities. Nevertheless, the practical effect of the statute is somewhat limited because it recognizes the power of the president to unilaterally deploy military forces when necessary. As the head of the executive branch, the president executes the law but does not legislate, although he submits budgets and may propose bills to Congress. The president's legislative power is limited to approving or disapproving bills passed by Congress. If the president approves a measure, it

becomes law. If he vetoes the bill, or refuses to approve it, it goes back to either the House of Representatives or to the Senate (wherever the bill first originated). If both bodies then pass the bill again by a two-thirds margin, the president's Veto has been overridden and he must sign it into law.

Free Dictionary; <http://www.thefreedictionary.com/President+of+the+United+States>

- the person who holds the office of head of state of the United States government
- the office of the United States head of state

Area

American Heritage; Fourth edition; p. 94

- a roughly bounded part of the space on a surface; a region
- a surface, especially an open, unoccupied piece of ground
- a distinct part or section, as of a building, set aside for a specific function
- a division of experience, activity, or knowledge; a field
- an open, sunken space next to a building; an areaway

Merriam-Webster; <https://www.merriam-webster.com/dictionary/area>

- the surface included within a set of lines; specifically : the number of unit squares equal in measure to the surface
- the scope of a concept, operation, or activity
- a particular extent of space or surface or one serving a special function: such as a part of the surface of the body
- a particular extent of space or surface or one serving a special function: such as a geographic region
- a level piece of ground
- a part of the cerebral cortex having a particular function

Cambridge; <http://dictionary.cambridge.org/dictionary/english/area>

- a particular part of a place, piece of land, or country
- a subject or activity, or a part of it
- the size of a flat surface calculated by multiplying its length by its width

Oxford; <https://en.oxforddictionaries.com/definition/area>

- a region or part of a town, a country, or the world
- a space allocated for a specific use
- a part of an object or surface
- the extent or measurement of a surface or piece of land
- a subject or range of activity or interest
- a sunken enclosure giving access to the basement of a building

Weapons of mass destruction

Black's Law Dictionary; Eighth edition; Bryan A Garner; p. 1624

- a weapon that is intended to kill human beings, without discriminating between combatants and noncombatants, on a massive scale – among the most frequently cited examples are nuclear weapons and chemical weapons

Merriam-Webster; [https://www.merriam-webster.com/dictionary/weapons of mass destruction](https://www.merriam-webster.com/dictionary/weapons%20of%20mass%20destruction)

- Weapons that can destroy entire cities, regions, etc.

Cambridge; <http://dictionary.cambridge.org/dictionary/english/weapons-of-mass-destruction>

- Weapons, like nuclear bombs, that cause a lot of damage and kill many people

Oxford; https://en.oxforddictionaries.com/definition/weapon_of_mass_destruction

- a nuclear, biological, or chemical weapon able to cause widespread devastation and loss of life
- Macmillan**; <http://www.macmillandictionary.com/us/dictionary/american/weapons-of-mass-destruction>
- weapons that can cause great damage to very large areas, including nuclear weapons, chemical weapons, and biological weapons. They are often simply referred to as WMD.

Nuclear weapons

American Heritage; Fourth edition; p. 1206

- a device, such as a bomb or warhead, whose great explosive power derives from the release of nuclear energy

Oxford; https://en.oxforddictionaries.com/definition/nuclear_weapon

- a bomb or missile that uses nuclear energy to cause an explosion

Macmillan; <http://www.macmillandictionary.com/us/dictionary/american/nuclear-weapon?q=nuclear+weapons>

- a powerful bomb or other weapon that uses nuclear energy

Immigration

Black's Law Dictionary; Eighth edition; Bryan A Garner; p. 765

- the act of entering a country with the intention of settling there permanently

Merriam-Webster; <https://www.merriam-webster.com/dictionary/immigration>

- to enter and usually become established
- to come into a country of which one is not a native for permanent residence

Cambridge; <http://dictionary.cambridge.org/dictionary/english/immigration>

- the act of someone coming to live in a different country
- the process of examining your passport and other documents to make certain that you can be allowed to enter the country, or the place where this is done

Oxford; <https://en.oxforddictionaries.com/definition/immigration>

- the action of coming to live permanently in a foreign country
- the place at an airport or country's border where government officials check the documents of people entering that country

Macmillan; <http://www.macmillandictionary.com/us/dictionary/american/immigration>

- the process in which people enter a country in order to live there permanently
- relating to immigration and the rules that control it
- the place, for example at an airport, where you show your passport and are officially allowed into a country

Indefinite detention

U.S. Legal Definitions; <https://definitions.uslegal.com/i/indefinite-detention/>

- Indefinite detention is the practice of detaining an arrested person by a national government or law enforcement agency without a trial. It may be made by the home country or by a foreign nation. Indefinite detention is a controversial practice, especially in situations where the detention is by a foreign nation. It is controversial because it seem[s] to violate many national and international laws. It also violates human rights laws. Indefinite detention is seen mainly in cases of suspected terrorists who are indefinitely detained. The Law Lords, Britain's highest court, have held that the indefinite detention of foreign terrorism suspects is incompatible with the Human Rights Act and the European Convention on Human Rights. [Human Rights Watch] In the U.S., indefinite detention has been used to hold terror suspects. The case relating to the indefinite detention of Jose Padilla is one of the most highly publicized cases of indefinite

detention in the U.S. In the U.S., indefinite detention is a highly controversial matter and is currently under review. Organizations such as International Red Cross and FIDH are of the opinion that U.S. detention of prisoners at Guantanamo Bay is not based on legal grounds. However, the American Civil Liberties Union is of the view that indefinite detention is permitted pursuant to section 412 of the USA Patriot Act.

Indefinite

American Heritage; Fourth edition; p. 890

- not definite, especially: a) unclear; vague, B) lacking precise limits, c) uncertain; undecided

Merriam-Webster; <https://www.merriam-webster.com/dictionary/indefinite>

- not definite: such as typically designating an unidentified, generic, or unfamiliar person or thing
- not definite: such as not precise
- not definite: such as having no exact limits

Cambridge; <http://dictionary.cambridge.org/us/dictionary/english/indefinite>

- not exact or not clear; without clear limits

Oxford; <https://en.oxforddictionaries.com/definition/indefinite>

- lasting for an unknown or unstated length of time
- not clearly expressed or defined; vague

Detention

American Heritage; Fourth edition; p. 494

- the act of detaining
- the state or a period of being detained, especially: a) a period of temporary custody while awaiting trial, b) a period of confinement to a detention home, c) a form of punishment by which a student is made to stay after regular school hours
- a forced or punitive delay

Merriam-Webster; <https://www.merriam-webster.com/dictionary/detention>

- the act or fact of detaining or holding back
- the state of being detained; especially : a period of temporary custody prior to disposition by a court

Cambridge; <http://dictionary.cambridge.org/us/dictionary/english/detention>

- the act or condition of being officially forced to stay in a place

Oxford; <https://en.oxforddictionaries.com/definition/indefinite>

- The action of detaining someone or the state of being detained in official custody

Border Security

Department of Homeland Security. <https://www.dhs.gov/border-security>

- Protecting our borders from the illegal movement of weapons, drugs, contraband, and people, while promoting lawful entry and exit, is essential to homeland security, economic prosperity, and national sovereignty.

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