Fifty years ago, the office of the President, the executive branch, and the presidency were established by the U.S. Constitution and the Bill of Rights to serve as a bulwark against the excesses of a monarchic system, to help ensure that our republic would not be subject to personal lawmaking and judicial decisions. President John F. Kennedy’s assassination, although a dire event, served as a reminder that we are a nation of laws, not of men, and that the checks and balances in our Constitution were vital to preserving a republic. In 2016, the threat of terrorism heightened the importance of the check on the executive power, but the challenge is no less daunting. The shift in power from the Cold War era of containment and deterrence to the Iraq War and fighting terrorism expanded the U.S. executive branch’s capacity to act decisively without oversight. The 2001 Authorization for the Use of Military Force enabled the United States to launch a series of military campaigns throughout the globe, and the establishment of permanent military installations in Afghanistan and Iraq has further solidified U.S. power and influence in the region. The executive branch’s power to make decisions about the use of military force and the decision to begin large-scale military interventions without the need for congressional authorization has called into question the balance of power between the executive and legislative branches and raised concerns about the role of Congress in the national security policy-making process.

The authorization of military force has been a source of contention between the executive and legislative branches. The U.S. Supreme Court has held that the president, as commander-in-chief, has the power to use military force in self-defense and to protect the nation’s interests. However, the court has also recognized that Congress has the authority to declare war and to authorize the use of military force. In 2001, Congress passed the Authorization for the Use of Military Force (AUMF), which authorized the use of military force against any nation, organization, or individual who has, or supports, groups that have, directly or indirectly, provided support for Al-Qaeda or other foreign terrorist organizations. The AUMF was passed in response to the September 11 attacks, and it remained in effect until 2017. The AUMF was argued by the president and his administration to be a necessary tool in the war on terrorism, and it was used to authorize military operations in Afghanistan, Iraq, and other countries.

However, the AUMF has been criticized for its lack of明确规定, and some have argued that it is unconstitutional. The AUMF was challenged in court by a group of American citizens who were captured and detained in Guantanamo Bay, Cuba, and who sued the president and his administration for violating their constitutional rights. The case was brought in 2008, and it was argued that the AUMF was too broad and did not provide sufficient checks and balances on the president’s power. The case was eventually dismissed, and it was determined that the court did not have jurisdiction to review the AUMF.

In recent years, there has been a shift in the balance of power between the executive and legislative branches. Congress has sought to assert its constitutional role in the national security policy-making process, and it has attempted to limit the president’s ability to make decisions about the use of military force. In 2016, Congress passed the National Defense Authorization Act (NDAA), which included provisions limiting the president’s ability to use military force without congressional authorization. The NDAA was seen as a way to assert Congress’s role in the national security policy-making process and to limit the president’s power.

The executive branch has also sought to limit Congress’s role in the national security policy-making process. In 2017, the president signed an executive order establishing a national security strategy, and it included provisions limiting the role of Congress in the national security policy-making process. The executive order was seen as a way to assert the president’s role in the national security policy-making process and to limit the role of Congress.

The shift in power between the executive and legislative branches has raised questions about the balance of power in the national security policy-making process. It has also raised questions about the role of Congress in the national security policy-making process and the extent to which the president can act without congressional authorization. The balance of power between the executive and legislative branches is likely to continue to be a source of contention in the future, and it will be important to monitor how the power struggle plays out in the national security policy-making process.