

ELECTION 2000: POINT / COUNTERPOINT SERIES

Each issue of Volume 148 has included two essays on a subject related to law and the American political system in the form of a point/counterpoint debate. We developed this series in an effort to raise the level of civic discourse during an election cycle critical to our nation's future. Issues 1-4 featured debates about law professors and political advocacy; public financing of political campaigns; urban sprawl; and regulating guns as consumer products.

The election season has slipped into its pre-convention lull, yet the underlying issues remain vibrant. We now offer the final exchange in our series: the proper constitutional role of the president in initiating military actions. In the past eight years, President Clinton has undertaken significant military actions against Panama, Somalia, Haiti, Bosnia, Yugoslavia, Afghanistan, and Sudan, without a single declaration of war from Congress. The participants in this discussion address whether presidential war powers today are defensible under the Constitution.

Louis Fisher, Senior Specialist in Separation of Powers for the Congressional Research Service of the Library of Congress, argues that presidential powers in committing the nation to war have grown far beyond the checks and balances the Framers intended. John C. Yoo, Professor of Law at the University of California at Berkeley School of Law (Boalt Hall), responds that the Constitution allows the President to exercise significant initiative in war matters and goes on to examine the constitutional implications of the increasing participation of American forces in multilateral military actions.

We hope you enjoy this final exchange in our point/counterpoint series.

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