



The Case for Congress

Separation of Powers and the War on Terror

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The Case for Congress: Separation of Powers and the War on Terror examines the constitutional relationship between Congress and the President in the post-September 11 world, arguing that Congress should exercise its legitimate authority in guiding United States policy. While many commentators have focused on the extent of the President's national security and foreign affairs authority, both domestically and abroad, this title focuses on the constitutional authority of Congress to serve as a check on executive power. As a national consensus has developed around the notion that the Bush administration made grave errors in its policy decisions, a reminder of the leading role that Congress can play in those decisions is particularly appropriate.

Unlike scholarly work devoted either to detailing or criticizing the Bush administration's policy decisions, this accessible and balanced book focuses on the policies themselves, and on the way in which Congress can influence those policies for the better. The authors further offer specific and useful recommendations for legislative measures that may correct existing policy deficiencies and promote sounder decision-making in the area of national security and foreign affairs.

Contents

Preface; Introduction: Congress and the President after September 11; The constitutional framework; Emergency powers; The aftermath of Abu Ghraib and the need for Congressional action; The case against secret evidence; Extraordinary renditions and the state secrets privilege; Civilian control of the military and attempts to politicize military lawyers; The case for Congress; Index.

About the Author

Victor M. Hansen is Associate Professor of Law at New England Law | Boston where he teaches Criminal Law, Criminal Procedure, Evidence, and Professional Responsibility. Before joining the New England faculty in 2005, he was a lieutenant colonel in the United States Army JAG Corps. He previously served as a regional defense counsel for the United States Army Trial Defense Service, and worked as a military prosecutor and supervising prosecutor in the Office of the Staff Judge Advocate at Fort Riley (Kansas). He also served as an associate professor of law at The Judge Advocate General's School in Charlottesville, Virginia. He is the author or contributing author of numerous manuals and articles on criminal and military law, evidence, and trial advocacy.

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