ISS 3714: Theoretical Frameworks: Presidential War Powers

I. General Information

Class Meetings

- Spring 2026
- 3 credits
- Attendance: 100% In-Person, No GTAs, 35 Residential
- MWF Period 3 (9:35 AM - 10:25 AM)
- Location CSE 0487.

Instructor

- Patrick Hulme
- Office E432
- Tel: (352) 294-7205
- Office Hours – Tuesdays and Wednesdays, 1-3pm
- patrick.hulme@ufl.edu

If you need to schedule an appointment outside of office hours, please email the course instructor.

Course Description

This multidisciplinary course focuses on the theories underpinning decision-making related to war, statecraft and strategic thinking. Courses will focus on major themes and subjects such as the state system, ideologies of the modern world, realism and similar topics.

Variable Topic

This course examines who in the U.S. government gets to decide questions of war and peace. Although the Constitution divides military authority between Congress and the President, American history reveals substantial variation: some presidents have gone to war with explicit congressional authorization, others with implied support, and some unilaterally.

We will engage constitutional law, political science research, diplomatic history, and case studies—from Washington and Lincoln to Truman, Nixon, Reagan, Clinton, Bush, Obama, and Biden—to understand the legal and political dynamics of presidential war powers.

Required Readings and Works

1. The required book for the course is *The Imperial Presidency*, by Arthur Schlesinger, Jr (1973).
2. Other required readings for the course are available as PDFs on Canvas.
3. Materials and Supplies Fees: n/a.

Course Objectives

1. Explain constitutional allocations of foreign affairs and war-making authority.
2. Trace the historical development of presidential war powers from 1789 to the present.
3. Analyze major conflicts (Korea, Vietnam, Kosovo, Libya, Iraq, Afghanistan) through constitutional, statutory, and political lenses.
4. Assess the effectiveness of the War Powers Resolution and major AUMFs.
5. Evaluate the literature on democratic constraints, public opinion, partisanship, and institutional bargaining over military force.

II. Graded Work

Description of Graded Work

1. **Active Participation and Attendance: 25%**
    1. **Participation: 15%**
        i. An exemplar participant shows evidence of having done the assigned reading before each class, consistently offers thoughtful points and questions for discussion, and listens considerately to other discussants. See participation rubric below. (R)
    2. **Class Attendance: 10%**
        i. On-time class attendance is required for this component of the course grade. You may have two unexcused absences without any penalty. Starting with the third unexcused absence, each unexcused absence reduces your attendance grade by 2/3: an A– becomes a B, and so on.
        ii. Except for absence because of religious holiday observance, documentation is required for excused absences, per university policy. Excessive unexcused absences (10 or more) will result in failure of the course. If you miss 10 or more classes (excused or not), you will miss material essential for successful completion of the course.
2. **In-class Reading Quizzes: 20%**
    a. Reading quizzes will be administered at the start of class on Monday, five times throughout the semester. They will test the student's knowledge of the week's readings, and will contain short-answer, true/false, and multiple-choice questions. Professor will provide written feedback on your short-answer questions. See examination rubric below.
    b. Quiz dates: Weeks 3, 5, 9, 12, 14.
3. **Midterm Examination: 25%**
    a. In Week 8, a midterm examination will be administered in class. The examination will be an in-class, 50-minute exam including essay, short-answer, true-false, and/or multiple-choice questions. Professor will provide written qualitative feedback on your essay and/or short-answer questions. This feedback will aid students in preparing for their final written paper. See examination rubric below. (R)
4. **Final Analytical Paper: 30%**
    a. By end of finals week, you will submit a 3,000 word (minimum) analytical essay addressing a prompt provided to you by Week 7. You will develop an analytic argument based on your own thesis responding to the prompt, incorporating course material. Your paper must incorporate at least four course readings. See Canvas for more details. Professor will provide written feedback. See writing rubric below.
    b. Professor will evaluate and provide written feedback, on all the student's written assignments with respect to grammar, punctuation, clarity, coherence, and organization.
    c. You may want to access the university's Writing Studio.
    d. An additional writing guide website can be found at OWL.

III. Annotated Weekly Schedule

WEEK 1: FOUNDATIONS: WAR POWERS IN THEORY

The Constitution divides war powers, but why? This week introduces fundamental concepts: why democracies structure war-making differently than autocracies, and why the Framers feared both executive adventurism and legislative paralysis. We begin by examining war powers in the founding documents.

Readings (39 pages):

- U.S. Constitution, Art. I §8; Art. II §2.
- Selections of *Federalist* No. 51 (Madison), 69, 70, and 74 (Hamilton).
- Madison's Notes of Debates (August 17, 1787 – the "Declare" vs "Make" War debate)
- What's So Great About the Declare War Clause? Noah Feldman's Madison & War Powers: Part I, Matthe Waxman, https://www.lawfaremedia.org/article/whats-so-great-about-declare-war-clause-noah-feldmans-madison-war-powers-part-i.
- Arthur Schlesinger Jr., The Imperial Presidency, ch. 1: What the Founding Fathers Intended.

WEEK 2: WHAT DOES IT MEAN TO "DECLARE WAR"?

The Framer of the U.S. constitution put significant thought into how the powers over war and peace should be allocated. While certain foreign affairs powers were given to the president, other were given to Congress. Most famously, Congress was given the power to "declare war". How did the Framers understand the term to "declare war"?

Readings (60 pages):

- Ramsey, Michael D. (2002) "Textualism and War Powers," University of Chicago Law Review: Vol. 69: Iss. 4, Article 1.
- J. Yoo, "The Continuation of Politics by Other Means," California Law Review (1996).
- Arthur Schlesinger Jr., The Imperial Presidency, ch. 2: Where the Founding Fathers Disagreed.

Week 3: The Early Experience: Pacificus–Helvidius Debates

The Pacificus-Helvidius Debates of 1793-1794 were a public exchange between Alexander Hamilton (writing as "Pacificus") and James Madison (writing as "Helvidius") concerning President George Washington's authority to issue a Neutrality Proclamation regarding the war between France and Great Britain. The core of the debate was the respective powers of the executive and legislative branches in U.S. foreign policy, specifically whether the president had the power to declare neutrality despite the existing 1778 treaty with France. Hamilton argued for a broad interpretation of executive power, while Madison defended a stricter view that foreign policy was the legislature's domain.

Readings (53 pages):

- Selections from Pacificus-Helvidius Debates
- TWE Remembers: The Pacificus-Helvidius Debate, James M. Lindsay
- TWE Remembers: Washington's Farewell Address, https://www.cfr.org/blog/twe-remembers-washingtons-farewell-address.

Week 4: American War Powers: Early Decades & Quasi War

Readings (52 pages):

- Constitution Annotated, ArtI.S8.C11.2.5.2 Quasi War with France from 1798–1800 and War Powers.
- *Bas v. Tingy*, U.S. (4. Dall.) 37, 40 (1800).
- *Little vs. Barreme*, 6 U.S. (2 Cranch) 170, 177 (1804).
- What's So Great About the Declare War Clause? Noah Feldman's Madison & War Powers: Part II, Matthew Waxman, https://www.lawfaremedia.org/article/whats-so-great-about-declare-war-clause-noah-feldmans-madison-war-powers-part-ii.
- Arthur Schlesinger Jr., The Imperial Presidency, ch. 3: The Rise of Presidential War.

WEEK 5: THE MID-19TH CENTURY

We move from the nation's founding through the 19th century. We pay particular attention to Lincoln and the war powers, as he moved from once saying "no one man" should have the power to bring the country to war, to later arguing the Constitution needed to be stretched in order to save it.

- The Mexican-American War and Constitutional War Powers, Matthew Waxman, https://www.lawfaremedia.org/article/mexican-american-war-and-constitutional-war-powers
- Remembering the Bombardment of Greytown, Matthew Waxman, https://www.lawfaremedia.org/article/remembering-bombardment-greytown.
- TWE Remembers: The Trent Affair, Margaret Gach. https://www.cfr.org/blog/twe-remembers-trent-affair .
- Allen C. Guelzo, "Abraham Lincoln and the Development of the 'War Powers' of the Presidency," *The Federal Lawyer* 54 (November 2007): 42–49.
- Arthur Schlesinger Jr., The Imperial Presidency, ch. 4: Congress Makes a Comeback.

WEEK 6: THE TURN OF THE 20TH CENTURY

In Chapters 4, Schlesinger traces the steady expansion of presidential war powers during the first half of the 20th century. He explains how Theodore Roosevelt and Woodrow Wilson asserted broad executive authority in foreign affairs, with Wilson in particular bypassing Congress during World War I. We also look at Wilson's efforts to have the U.S. join the League of Nations, and the failure of this effort. Specifically, Henry Cabot Lodge's second proposed reservation held that Article X of the League covenant could not be construed as to automatically commit the United States to

Readings (57 pages):

- Arthur Schlesinger Jr., The Imperial Presidency, ch. 4. Congress Makes a Comeback.
- Ross, William G. "Constitutional Issues Involving the Controversy Over American Membership in the League of Nations, 1918-1920." *The American Journal of Legal History* 53, no. 1 (2013): 1–88. http://www.jstor.org/stable/23416464.

WEEK 7: WORLD WAR II

Franklin Roosevelt then carried this trajectory further, using the exigencies of the Depression and World War II to consolidate the presidency as the central institution of American governance. By the war's end, Schlesinger argues, the balance had shifted decisively toward an "imperial presidency," as emergencies had repeatedly justified unilateral executive action at the expense of Congress.

Readings (57 pages):

- Arthur Schlesinger Jr., The Imperial Presidency, ch. 5. Second World War.
- Remembering the Ludlow Amendment, Matthew Waxman, available at https://www.lawfaremedia.org/article/remembering-ludlow-amendment

Assignment: Reading Quiz #2 (September 18 in class).

WEEK 8: THE UNITED NATIONS AND THE KOREAN WAR

In Chapters 6, Schlesinger examines how the Truman administration decisively entrenched the imperial presidency in the nuclear age. Truman committed U.S. forces to Korea without a declaration of war, justifying it as a "police action" under his commander-in-chief powers, which marked a sharp break from constitutional tradition. Schlesinger stresses how the new realities of atomic weapons, global commitments, and rapid decision-making reinforced presidential dominance, with Congress increasingly sidelined. The advent of nuclear weapons fundamentally expanded presidential war powers by making rapid decision-making essential in crises. Presidents claimed broad authority as commander-in-chief to manage nuclear arsenals, engage in nuclear alerts, and threaten use without prior congressional approval. This shift was reinforced by secrecy, speed, and the perceived need for a single, decisive executive in a nuclear standoff with the Soviet Union. As a result, the Cold War entrenched an imperial presidency in military affairs, with Congress largely relegated to oversight and funding rather than initiation of nuclear policy.

Readings (48 pages)

- Arthur Schlesinger Jr., The Imperial Presidency, ch. 6. The Presidency Ascendent: Korea.
- Louis Fisher, Presidential War Power, ch.4, the U.N. Charter and Korea.
- Gross, Leo. "The Charter of the United Nations and the Lodge Reservations." *The American Journal of International Law* 41, no. 3 (1947): 531–54. https://doi.org/10.2307/2193313.

Week 9: Alliances

This week examines how alliances—especially treaty commitments—shape presidential war powers, congressional authority, and democratic accountability. While the Constitution assigns Congress the power to declare war, the United States has repeatedly entered alliances that appear to commit the nation to come to the defense of other states. This raises a central constitutional and political puzzle: Can the President use treaties—NATO, mutual defense pacts, executive agreements—to bypass Congress and effectively obligate the country to fight?

- Glennon, Michael J., and J. William Fulbright. "WAR-MAKING TREATIES." In *Constitutional Diplomacy*, 192–228. Princeton University Press, 1990. https://doi.org/10.2307/j.ctv173f229.11.
- Hulme & Waxman, Alliance Reassurance and the Image of the Imperial Presidency
- TWE Remembers: The Bricker Amendment, https://www.cfr.org/blog/twe-remembers-bricker-amendment

Week 10: Nuclear Weapons and War Powers

During the Cold War, the advent of nuclear weapons fundamentally expanded presidential war powers by making rapid decision-making essential in crises. Presidents claimed broad authority as commander-in-chief to manage nuclear arsenals, engage in nuclear alerts, and threaten use without prior congressional approval. This shift was reinforced by secrecy, speed, and the perceived need for a single, decisive executive in a nuclear standoff with the Soviet Union. As a result, the Cold War entrenched an imperial presidency in military affairs, with Congress largely relegated to oversight and funding rather than initiation of nuclear policy.

Readings (49 pages):

- Graham T. Allison and Richard E. Neustadt, "Epilogue," in *Thirteen Days: A Memoir of the Cuban Missile Crisis*, by Robert F. Kennedy, 2nd ed. (New York: W. W. Norton, 1999), 123–148.
- Hulme, Patrick. "Remembering the Cuban Missile Crisis: Executive Unilateralism or Congressional Drive Toward the Brink?" *Lawfare*, October 24, 2023.
- Drell Lecture, Congressman Ted Lieu, The President's Nuclear Button. https://www.youtube.com/watch?v=z6iTp18sifE.

Week 11: Vietnam

This week examines the pivotal expansion of presidential war authority during the early Vietnam conflict, focusing on the 1964 Gulf of Tonkin incidents and the subsequent Tonkin Gulf Resolution. Together, the readings show how ambiguous events, congressional deference, and executive initiative transformed a limited advisory mission into a large-scale, open-ended conflict—without a formal declaration of war. The materials collectively illuminate the structural dynamics that enabled what Schlesinger later labeled "the imperial presidency."

Readings (48 pages)

- Arthur Schlesinger Jr., The Imperial Presidency, ch. 7. The Presidency Rampant: Vietnam.
- Gibbons, William Conrad. "STRIKING BACK: THE GULF OF TONKIN INCIDENTS." In The U.S. Government and the Vietnam War: Executive and Legislative Roles and Relationships, Part II: 1961-1964, 280–342. Princeton University Press, 1986. http://www.jstor.org/stable/j.ctt7ztnxf.9.
- Gibbons, William Conrad. "APPENDIX: Legal Commentary and Judicial Opinions on the Gulf of Tonkin Resolution." In The U.S. Government and the Vietnam War: Executive and Legislative Roles and Relationships, Part II: 1961-1964, 403–12. Princeton University Press, 1986. http://www.jstor.org/stable/j.ctt7ztnxf.11.

Week 12: American War Powers: the War Powers Resolution

Between 1970 and 1973, congressional anger over Vietnam and revelations about secret bombings in Cambodia fueled efforts to rein in presidential war-making. Senators such as Jacob Javits and Frank Church pushed legislation to restore Congress's constitutional role, arguing that the Gulf of Tonkin Resolution had handed presidents a blank check. In 1973, Congress passed the War Powers Resolution, requiring presidents to consult with Congress, report within 48 hours of introducing forces into hostilities, and withdraw troops within 60 days without authorization. Although President Nixon vetoed the measure as unconstitutional, Congress overrode his veto on November 7, 1973, marking a rare assertion of legislative authority over foreign policy.

Readings (37 pages):

- *War Powers Resolution of 1973*, Pub. L. No. 93-148, 87 Stat. 555 (1973), codified at 50 U.S.C. §§ 1541–1548.
- Selections from John H. Sullivan, *The War Powers Resolution: A Special Study of the Committee on Foreign Affairs* (Washington, DC: U.S. Government Printing Office, 1982).

Assignment: Midterm Examination (September 30)

Week 13: After the War Powers Resolution

From Gerald Ford through George H. W. Bush, presidents consistently asserted their commander-in-chief powers to use military force unilaterally in short-term, low-risk operations while informally seeking congressional approval for more dangerous engagements, particularly in the Middle East. This practice reflected both a challenge to the War Powers Resolution and a pragmatic recognition of political realities. Bill Clinton, during his 1992 campaign, likewise emphasized an activist foreign policy and his willingness to use force, especially in Bosnia. Despite lingering doubts about his Vietnam-era draft

record, he sought to project credibility as a capable Commander in Chief ready to act decisively.

Readings (46 pages)

- Louis Fisher, *Presidential War Power*, 3rd ed. (Lawrence: University Press of Kansas, 2013), chap. 7-8.

WEEK 14: THE 21ST CENTURY

George W. Bush entered office with a cautious approach to foreign interventions, focusing on missile defense rather than expansive military commitments, but the terrorist attacks of September 11, 2001, radically transformed his presidency and national security agenda. The attacks, which killed nearly 3,000 people, ushered in a new era of counterterrorism, preemptive war, and greatly expanded presidential war powers. In contrast, Barack Obama, during his 2007 campaign, articulated a restrictive constitutional view, stating that the president could not unilaterally authorize military strikes absent an actual or imminent threat. While acknowledging the commander-in-chief's authority to act in emergencies, Obama emphasized that broader offensive actions, such as bombing Iran's nuclear facilities, required congressional approval.

Readings (64pages):

- Louis Fisher, *Presidential War Power*, 3rd ed. (Lawrence: University Press of Kansas, 2013), chap. 9-10.

Assignment: Reading Quiz #5.

WEEK 15: CASE STUDY: VENEZUELA

The last week of class we will review what we have learned over the course of the semester and apply it to a contemporary case.

Readings (23pages):

- The Legality of Trump's Drug-Boat Strikes, With Matthew Waxman, CFR, https://www.cfr.org/podcasts/tpi/legality-trumps-drug-boat-strikes-matthew-waxman
- Just Security, *Timeline of Vessel Strikes and Related Actions*. https://www.justsecurity.org/124002/timeline-vessel-strikes-related-actions/.
- U.S. troops not liable in boat strikes, classified Justice Dept. memo says, https://www.washingtonpost.com/national-security/2025/11/12/trump-drug-boat-venezuela-legal/

Assignment: Analytical Paper Due.

IV. Grading Scale and Rubrics

Grading Scale

For information on UF's grading policies for assigning grade points, see here.

A	94 – 100%		C	74 – 76%
A–	90 – 93%		C–	70 – 73%
B+	87 – 89%		D+	67 – 69%
B	84 – 86%		D	64 – 66%
B–	80 – 83%		D–	60 – 63%
C+	77 – 79%		E	<60

Grading Rubrics

Participation Rubric

A (90-100%)	Typically comes to class with pre-prepared questions about the readings. Engages others about ideas, respects the opinions of others and consistently elevates the level of discussion.
B (80-89%)	Does not always come to class with pre-prepared questions about the reading. Waits passively for others to raise interesting issues. Some in this category, while courteous and articulate, do not adequately listen to other participants or relate their comments to the direction of the conversation.
C (70-79%)	Attends regularly but typically is an infrequent or unwilling participant in discussion. Is only adequately prepared for discussion.
D (60-69%)	Fails to attend class regularly and is inadequately prepared for discussion. Is an unwilling participant in discussion.
E (<60%)	Attends class infrequently and is wholly unprepared for discussion. Refuses to participate in discussion.

Examination Rubric: Essays and Short Answers

	Completeness	Analysis	Evidence	Writing
A (90-100%)	Shows a thorough understanding of the question. Addresses all aspects of the question completely.	Analyses, evaluates, compares and/or contrasts issues and events with depth.	Incorporates pertinent and detailed information from both class discussions and assigned readings.	Presents all information clearly and concisely, in an organized manner.
B (80-89%)	Presents a general understanding of the question. Completely addresses most aspects of the question or address all aspects incompletely.	Analyses or evaluates issues and events, but not in any depth.	Includes relevant facts, examples and details but does not support all aspects of the task evenly.	Presents information fairly and evenly and may have minor organization problems.
C (70-79%)	Shows a limited understanding of the question. Does not address most aspects of the question.	Lacks analysis or evaluation of the issues and events beyond stating accurate, relevant facts.	Includes relevant facts, examples and details, but omits concrete examples, includes inaccurate information and/or does not support all aspects of the task.	Lacks focus, somewhat interfering with comprehension.
D (60-69%)	Fails fully to answer the specific central question.	Lacks analysis or evaluation of the issues and events beyond stating vague, irrelevant, and/or inaccurate facts.	Does not incorporate information from pertinent class discussion and/or assigned readings.	Organizational problems prevent comprehension.

E (<60%)	Does not answer the specific central question.	Lacks analysis or evaluation of the issues and events.	Does not adduce any evidence.	Incomprehensible organization and prose.

Writing Rubric

	Thesis and Argumentation	Use of Sources	Organization	Grammar, mechanics and style
A (90-100%)	Thesis is clear, specific, and presents a thoughtful, critical, engaging, and creative interpretation. Argument fully supports the thesis both logically and thoroughly.	Primary (and secondary texts, if required) are well incorporated, utilized, and contextualized throughout.	Clear organization. Introduction provides adequate background information and ends with a thesis. Details are in logical order. Conclusion is strong and states the point of the paper.	No errors.
B (80-89%)	Thesis is clear and specific, but not as critical or original. Shows insight and attention to the text under consideration. May have gaps in argument's logic.	Primary (and secondary texts, if required) are incorporated but not contextualized significantly.	Clear organization. Introduction clearly states thesis, but does not provide as much background information. Details are in logical order, but may be more difficult to follow. Conclusion is recognizable and ties up almost all loose ends.	A few errors.
C (70-79%)	Thesis is present but not clear or specific, demonstrating a lack of critical engagement to the text. Argument is weak, missing important details or making logical leaps with little support.	Primary (and secondary texts, if required) are mostly incorporated but are not properly contextualized.	Significant lapses in organization. Introduction states thesis but does not adequately provide background information. Some details not in logical or expected order that results in a distracting read. Conclusion is recognizable but does not tie up all loose ends.	Some errors.
D (60-69%)	Thesis is vague and/or confused. Demonstrates a failure to understand the text. Argument lacks any logical flow and does not utilize any source material.	Primary and/or secondary texts are almost wholly absent.	Poor, hard-to-follow organization. There is no clear introduction of the main topic or thesis. There is no clear conclusion, and the paper just ends. Little or no	Many errors.

			employment of logical body paragraphs.	
E (<60%)	There is neither a thesis nor any argument.	Primary and/or secondary texts are wholly absent.	The paper is wholly disorganized, lacking an introduction, conclusion or any logical coherence.	Scores of errors.

V. Required Policies

Academic Policies

All academic policies in this course are consistent with university policies, which can be found here: https://go.ufl.edu/syllabuspolicies