

## War Powers and War Powers Resolution Study Questions

1. What war-related powers are granted to the President and what war-related powers are granted to the U.S. Congress?
2. Describe a narrow interpretation of the President's power as Commander-in-Chief and a broad interpretation of those powers.
3. Distinguish between the power to declare war and the necessity of responding to sudden attacks.
4. Describe how you think the Framers viewed the war power based on your understanding of what the Constitution says, statements made by the Framers during debate ("*declare* versus "*make*"), and Supreme Court precedents regarding the role of law ("Notice that the power to move forces is 'placed by *law* at his command.'" Fisher 280).
5. What contributed to the growth of the President's war powers?
6. What are the three main provisions of the War Powers Resolution?
7. The Divoll op-ed piece is not specifically about the War Powers Resolution, but it does speak to the challenges of requirements that Congress be notified. As described by Divoll, who was notified regarding the CIA's enhanced interrogation techniques, how was this inadequate from a constitutional perspective, and how could the system be improved?
8. Be familiar with the general process required by the War Powers Resolution. Break it down into steps based on the three major procedures.
9. In *Dellums v. Bush*, the district court ultimately rules that the issue is not ripe. However, the court makes some interesting statements regarding executive power on page 297, first column. What does the court state regarding executive power?
10. What is the Court of Appeals' reasoning in *Campbell* for denying standing? What actions could Congress have taken to address the issues over which some members sued?
11. In his concurrence, Judge Tatel argues that the court could have granted standing. Why?