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2011 Mandate: Should Our President Be Able to Start a War?

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MANDATE - CACTUS 2011

A. The 2011 Citizens' Assembly for Critical Thinking about the United States (CACTUS) must study the role of Presidents and Congress in involving the United States in wars and in the overall conduct of wars including the "war on terror," and consider specific changes that may be needed in the Constitutional provisions governing the war powers of the President and of Congress. Specifically, the Assembly must consider whether changes are needed in the portion of Article I of the Constitution that empowers Congress to declare war, the portion of Article II that assigns the President the role of Commander-in-Chief, the War Powers Resolution of 1973, and other relevant documents or parts of the Constitution, and any treaties that may affect the President's war powers.

In carrying out this mandate, the Assembly must:

- o First, become well informed as to the history of the role of Presidents in declared and undeclared wars in the United States, including the "war on terror," relevant Congressional actions, treaties, and Court decisions, and the relevant Constitutional provisions and their applications;
 - o Second, study the war powers granted to officials in other countries, particularly in other democracies.
 - o Third, consult with other citizens in the Eastern Kentucky University community of students, faculty, and staff, as well as interested members of the broader community, and provide them the opportunity to make submissions to CACTUS in writing and/or orally at public hearings;
 - o Fourth, develop at least one proposed alternative provision or set of provisions regarding Presidential and Congressional war power based on Constitutional change, and at least one alternative based on legislative change; and then debate and decide between them;
 - o Fifth, re-examine the current status of war powers in the U.S. and then debate and decide between the status quo and the chosen alternative proposal.
- B. If the Assembly recommends adoption of a change in the current provisions governing the war powers, the new provisions must be described clearly and in detail in the final report and if a law or laws or a Constitutional amendment would be required, proposed language for these must be included.
- C. If the Assembly recommends keeping the current policy, laws, and Constitutional provisions, the final report must explain the reasons for judging this policy to be preferable to the alternative model most favored by the Assembly.
- D. The decision described in section A must:
- a. be limited to the determination of the appropriateness or inappropriateness of the existing allocation and interpretation of war powers (declaring war, committing U.S. personnel to combat and other war-related activities, authority to conduct hostilities and adopt measures to protect national security, and ending wars); and
 - b. take into account its potential effects on the Constitution and separation of powers as well as on national security, and be consistent with the basic principles of representative democracy.

- E. Issues that arise in deliberations or public hearings that are beyond the scope of the mandate but that the Assembly may believe to be relevant to the process may be addressed in the final report.
- F. Whether or not the Assembly chooses to replace or alter the current laws and policies, it must produce a clearly-worded referendum question to this effect to be voted on by the university community and a clearly-worded explanation to be posted with the referendum question.
- G. The Assembly should make its decision and approve a referendum question no later than April 20, 2011, and should complete and approve its final report no later than April 27, 2011.
- H. The referendum question should be posted no later than April 28 2011, and voting will continue through noon on May 4, 2011. The decision of the voters shall be announced at the last meeting of the Assembly in May, 2011, or no later than May 5, 2011.