We negate Resolved: On balance the current authorization for use of military force gives too much power to the president

We observe the following

First, there is no legal basis to compare what “on balance” too much power to the president means.

Second, in the context of the US constitution, the outlined idea of separation of powers is grounded on the idea of checks and balances where one governmental branch has the authority to check back another branch

Third, it is impossible to draw a direct link from the results of an action to the amount of power used

Thus, the standard for evaluating today’s round **should not** be weighing the quantifications of terminal impacts but rather under a binary system of truth testing where the AUMF either does give too much power because there are insufficient checks or doesn’t because sufficient checks exist

**Contention One** is Constitutional Authority

The Cornell Law School Outlines

Article I, Section 8, Clause 11 of the U.S. Constitution grants Congress the power to declare war. The President, meanwhile, derives the power to direct the military after a Congressional declaration of war from Article II, Section 2, which names the President Commander-in-Chief of the armed forces.

Kelly ’16 writes

Congress passed the 2001 Authorization for Use of Military Force (AUMF) [by an overwhelming majority in both the House and Senate] which [gave the president] the power to use force, to defend the U.S. against future attacks.

This is crucial because an AUMF passed by congress would not violate constitutional separation of powers as

Bradley of the Harvard Law Review ’05 explains

The President is constitutionally required to obtain some form of congressional authorization before initiating significant offensive military operations. [However,] An authorization to use force is an adequate mechanism for Congress to "constitutionally manifest its understanding and approval for a presidential determination to make war

**Contention Two** is Inherent Legislative Pressure

An inherent check exists on the President’s ability to take military action as

Freidersdorf ’14 writes

Taking a vote in favor of war, or against it, is a perilous act. [Congress is] declaring themselves on a subject of great consequence. If they’re proven by later events to have judged poorly, they can be held accountable. As a result, many legislators abdicate their Constitutional responsibilities on matters of war and peace

[this part is supposed to be a cut card but couldn’t find the version that had it cut properly]

Douglas Kriner2 of Boston University furthers

Instead of actively engaging political and policy debates over major questions of foreign and military policy, Congress has ceded the authority to and responsibility of employing American military might abroad to the president. [They have instead chose] to “sit on the sidelines” and “snipe” if challenging the commander in chief becomes politically advantageous.

Fortunately, this method of Congressional sniping checks back the president as

 (Kriner2) explains

Presidents, attentive to their historical legacies and continuation in office, often adjust their conduct of military policy accordingly.

[This is because], presidents pay costs for policy blunders, that are often heightened by Congress. The resulting political costs are [often] steep enough to compel presidents to abandon their preferred policy course

The President’s decision reminds us that even when Congress does not legislate, the public positions that its members take on a war may nonetheless be politically important. Presidents value public expressions of support and seek to avoid vocal criticism

There is a strong, negative, and statistically significant relation between congressional investigative activity and the probability of a president adopting a military response to a foreign crisis as congressional investigations of concrete charges of abuse or misconduct make a president less likely to risk a military response.

the ability to cause political trouble rather than legislative actions is more influential in shaping a president’s strategic calculus

Because there is no foundational or constitutional violation by the AUMF, we are incredibly proud to negate