



SECURITY &
DEMOCRACY
FORUM

The Founding Documents and National Security Authority

Constitutional Foundations of U.S. Security Decision-Making

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Course Objectives

- Gain literacy on constitutional war powers and executive authority
- Understand key statutes shaping the national security state
- Explore checks and balances between branches of government
- Connect founding principles to today's security debates

Why This Matters

- U.S. security decisions rest on law and precedent, not just politics
- Modern debates (use of force, surveillance, executive authority) are rooted in foundational texts
- Understanding the framework makes you more effective in policy roles





The Federalist Papers & Separation of Powers

- Federalist No. 23, 41, 70 – defense, standing armies, energy in the executive
- Madisonian checks: ambition counteracting ambition
- Enduring influence on national security debates

War Powers Resolution (1973)

- Context: Vietnam and unchecked executive action
- 60-day limit on unauthorized hostilities
- Presidential resistance vs. congressional assertion
- Practical impact: contested but still a reference point



Authorizations for Use of Military Force (AUMFs)

- 2001 AUMF: Response to 9/11, basis for global counterterrorism operations
- 2002 AUMF: Iraq-specific, later repurposed
- Modern debates on repeal and replacement





The Insurrection Act (1807, as amended)

- Allows domestic use of U.S. military forces
- Rarely invoked, but critical in emergencies
- Controversy: balance between order and civil liberties

National Security Act of 1947

- Created DoD, NSC, CIA, and Joint Chiefs of Staff
- Institutionalized the modern national security state
- Legacy: centralized coordination, permanent intelligence apparatus





Goldwater-Nichols Act (1986)

- Reorganized DoD and strengthened CJCS role
- Jointness across services
- Improved operational coordination but shifted balance of authority

FISA & Surveillance Authorities

- FISA (1978) – framework for foreign surveillance, FISA Court created
- Amendments: USA PATRIOT Act (2001), FISA Amendments Act (2008)
- Ongoing debates over Section 702 reauthorization



Key West Accords (1948)

- Defined service roles and missions post–WWII
- Air Force independence, Navy vs. Air Force missions
- Ongoing influence on service competition and budget debates



National Security Strategy (NSS) & Planning Documents

- NSS (Executive-level strategy)
- National Defense Strategy (DoD)
- Quadrennial Defense Review (QDR, now replaced by NDS reporting)
- Purpose: align resources, goals, and force structure

Global Posture Review

- Assessing U.S. overseas basing and force posture
- Strategic rebalance examples: Asia-Pacific pivot, Europe deterrence posture
- Congressional oversight of basing agreements and force deployments



Checks and Balances in Intelligence & Defense

- Congressional oversight: HPSCI, SSCI, Armed Services
- Executive accountability: IGs, NSC process
- Judicial role: FISA Court, constitutional challenges
- Tension between secrecy and transparency

Modern Debates

- Executive vs. legislative war powers in counterterrorism
- Surveillance vs. privacy under Section 702
- Domestic deployment of forces under Insurrection Act
- How “founding documents” continue to shape disputes

Key Takeaways & Resources

- Foundational texts guide U.S. security authority
- Major statutes and cases have built a layered framework
- Ongoing tension between speed, secrecy, and accountability
- Resources: Constitution, Federalist Papers, CRS primers, National Security Act, FISA guides