

# Bush Power Grab Since 911

Scholar Urges Candidates Debate Role of President's Usurpation of Power

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President Bush's usurpation of power since 9/11 was termed "rapacious," "predatory," and "extra-Constitutional," by presidential scholar Michael Genovese, director of the Institute for Leadership Studies at Loyola Marymount University in Los Angeles.

Genovese said the "Unitary Theory" of the executive espoused by the Bush White House "is a very strange and ahistorical notion that says, 'In a crisis all power gravitates to the president. No one, not the courts, not the Congress can interfere with the president and in effect, the president is the state.'"

"That ahistorical view runs contrary to everything that we find in the Framers," Genovese said. "For the president to say that he has all the authority he needs to do all he had to do without Congress, without the courts, is simply dead wrong. He may be the decider but he's not the only decider."

Genovese urged the candidates for the White House discuss their views on the nature of the presidency.

He said the Framers' intention "was to get away from the rule of one man that they just fought a revolution to overthrow, and so the Framers invented a rule of law system, under a separation of powers, with checks and balances, under a constitution, and they invented an office, the president, who was to preside, not to govern, but to preside."

The system they created was primarily concerned "about protecting freedom and liberty," Genovese said, "not about the efficient use of power. That left very little room for the heroic leadership so many of us today yearn for and expect of our presidents."

"A powerful presidency can solve some of our problems but just as easily, a powerful presidency can become the chief problem we need to solve," he warned.

Genovese called for "a national conversation about what we want the presidency to be than simply by default to take whomever is in the White House and hand them a blank check and say 'take care of it.' That way lies madness."

The presidential scholar said this type of conversation is something "we're not getting in this presidential race...a national debate on the future of presidential power so that we can choose the kind of presidency we want and not have an imperial presidency thrust into our laps without any real reflection or choice."

Genovese said that external circumstances can impact the nature of the presidency. "In normal times, the separation of powers looms large. In crises or emergency times, the separation of power is small, diminished, and recedes." On September 10th, 2001, he said, "who would have thought that George Bush and Dick Cheney would be so incredibly powerful?"

"There was nothing in the cards that predicted it except the 9/11 attack and then they just drove the tank through the Constitution," Genovese said.

Genovese made his comments in a keynote address to a conference on "Presidential Powers in America" at the Massachusetts School of Law at Andover April 26th.

Genovese, a fellow of Queens College, Oxford, is the author of 16 books, including “The Power of the American Presidency: 1798-2000”(Oxford University Press). He is a past president of the Presidency Research Group of the American Political Science Assn.

The Massachusetts School of Law at Andover is dedicated to providing an affordable, quality education to minorities and students from financially disadvantaged backgrounds who would not otherwise be able to afford a legal education and enter the profession of law.#  
*(Further Information or to order a set of the conference proceedings, contact: Jeff Demers, Massachusetts School of Law, [demers@msslaw.edu](mailto:demers@msslaw.edu), or Sherwood Ross, media consultant to MSL, at [sherwoodr1@yahoo.com](mailto:sherwoodr1@yahoo.com)).*

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