



Worksheet 7 – Unitary Executive Questions

Read this extract on the 'Unitary Executive' and then answer the questions that follow:

The post 9/11 presidency of George W. Bush was a muscle-flexing, assertive, and, in many ways, a unilateral presidency. The opportunity to exercise power afforded the administration in the aftermath of the September 11, 2001 attacks went, at first, virtually unchallenged. ...

The result was the development of what is called the 'Unitary Executive.' ...

After 9/11 the Democratic opposition in Congress fell nearly silent, the public rallied around the president, and once the United States launched a military assault on Afghanistan, the president's popularity soared. ...

The president declared an international war against terrorism; the USA PATRIOT Act was passed, the Department of Homeland Security was established, a doctrine of 'first strike' or preventive/pre-emptive war was adopted, a war against the Taliban government in Afghanistan took place, the al-Qaida terrorist network was pursued, and a war against Saddam Hussein in Iraq was launched....

As the war in Iraq soured, as examples of the U.S. torture of prisoners came to light, as memos defending torture and extra-legal authority for the president were leaked to the press, as news of 'extraordinary renditions' hit the media, as details about the U.S. detention centre at Guantánamo Bay surfaced, as the president's plans for military tribunals and denial of rights laid out in the Geneva Conventions became known, the administration was forced into a defensive posture....

Critics charged that the president's actions threatened the separation of powers, checks and balances, and even the rule of law. And while Bush was not the first president to move beyond the law, his bold assertion that the rule of law did not bind a president in time of war marked a new approach and was a grave challenge to the Constitution and the separation of powers.

Michael A. Genovese, 'Foundations of the Unitary Executive of George W. Bush' in Christopher S. Kelley & Ryan J. Barilleaux eds, The Unitary Executive and the Modern Presidency, (Texas A&M University Press, 2010)

Question 1:

Why was George W. Bush able to exercise unilateral power after the 9/11 attacks?

Question 2:

How did George W. Bush use this power?

Question 3:

What caused opinion to turn against Bush's actions?

Question 4:

What were the main criticisms of Bush exercising presidential power through adopting the theory of the 'Unitary Executive'?

Question 5:

Is there any difference between the 'Imperial Presidency' and the 'Unitary Executive'?