

The Tipping Point:
George W. Bush and Executive Power

Lori Bowen Ayre

June 2006

Abstract	3
Introduction	4
Improper Use of Executive Order.....	6
Tightening of Restrictions on Information Access.....	8
Freedom of Information Act	8
USA PATRIOT Act	9
Classification	10
Privatization.....	11
Ambivalence of Congress.....	12
Funding War	12
Party Control.....	14
Manipulation of the Media	15
Sound Bites of Deception	15
TV Drama	16
War President.....	19
Conclusion.....	21
References	23

Abstract

The Executive Branch has become increasingly powerful over its 200 year history. Today, it threatens to reach a tipping point after which it would be impossible to regain the proper balance of power between the Executive, Legislative and Executive branches. The Bush Administration has used several techniques to dramatically expand Executive Branch powers, bringing the United States closer to that tipping point than ever before.

Introduction

Some presidents have been more influential than others but despite certain weak Executives, the Executive Branch has consistently increased in size and in power. During the current Administration, the power of the President and the Executive Branch has continued to increase, possibly to the point that we can no longer count on a system of checks and balance that ensure that no single branch of government can overwhelm the others.

In the beginning, the Constitution minimally defined the duties of the President. The President was granted “executive power” but such power was not defined. He was made Commander-In-Chief but the power to declare war is left to Congress. The President was also given the power to grant reprieves and nominate judges, and was obligated to inform Congress of the state of the union, and to ensure that laws are faithfully executed (Genovese, 2001).

Since its modest beginning, the Executive Branch has grown dramatically. The Executive Branch is now composed of 2.6 million people and includes the Departments of Homeland Security, State, Treasury, Agriculture, Defense, Justice, Treasury, and more. In contrast the legislative and judicial branches are composed of 30,000 and 34,000 people, respectively (US OPM, 2006).

As the size of the branch has grown, so has the relative power of the Executive Branch vis-à-vis the other branches. Roosevelt (FDR) was one of the first presidents to take advantage of the power of the Executive Branch. He took advantage of the

oratorical opportunities of the President and came to be seen as the protector of the public interest. Many viewed FDR's strong presidential role as critical to overcoming the stalemate built into the three branch system of government (Rimmerman, 1993).

Richard M. Nixon exploited the power of the Presidency and the Executive Branch to obstruct justice and engage in multiple illegal conspiracies. But despite the increased concerns about executive power following Nixon's Watergate activities and the subsequent passing of the War Powers Act, Ronald Reagan was able to further increase the power of the Executive. He led the nation into three unilateral wars without Congressional authority operated secret military operations in Nicaragua (Genovese, 1999).

The current President continues the trend toward a more powerful executive branch. The size of the Executive Branch is as big as it was before the end of the Cold War (Light, 2003) and the President has been largely successful in achieving his goals including pass two tax cuts, passing the Medicare prescription drug bill, pulling out of the Kyoto treaty, invading Afghanistan and Iraq, restricting abortion, and placing conservatives on the Supreme Court. Though his popularity ratings are low, he nevertheless continues to pursue policies that some say are illegal such as using torture on prisoners of war (*CQ Researcher*, 2005), wiretapping (Theoharis, 2006) and mining phone records (Clayton, 2006) – all without significant opposition from Congress or the Courts.

This paper identifies and discusses five factors contributing to the expansion of executive power in the U.S focusing in particular on the administration of George W.

Bush.:

- (1) improper use of Executive Orders;
- (2) tightening of restrictions on information access;
- (3) ambivalence of Congress;
- (4) manipulation of the media; and
- (5) the “War President”.

If the trend toward a more powerful Executive Branch continues, it could reach a tipping point after which it would be impossible to regain the balance of power established by the Constitution. The current administration has brought our country closer to that tipping point than ever before.

Improper Use of Executive Order

Scholars argue that Executive Order (EO) 13233 is unconstitutional because it supersedes existing statute; namely, the Presidential Records Act (PRA); and because it violates the separation of powers.

According to Karin (2003), EO 13233 supersedes PRA in the following ways:

- (1) establishes vice-presidential privilege over his own papers;
- (2) extends privilege to a representative of the former office holder;
- (3) creates a double veto;

- (4) changes the time allotted for record review;
- (5) expands the types of records covered;
- (6) shifts the burden of proving privilege; and
- (7) contradicts National Archives and Records Administration (NARA) regulations.

EO 13233 “gives former presidents and their assignees—seemingly in perpetuity—the right to prevent the release of presidential papers. It also allows a sitting president to block the release of a former president’s records, even after that former president has signaled his approval. It requires that those who challenge the action of either a former president or the sitting president to seek redress in court” (Berlin, 2002).

Yuhan (2004) argues that EO 13233 “is an impermissible attempt to aggrandize presidential power at the expense of Congress, the National Archives and Records Administration, and the public at large” (p. 2). He argues that EO 13233 effectively gives current and former presidents a line item veto – allowing either to prevent information from becoming part of the permanent record. Such a right “increases the risk of arbitrary decision-making by allowing the judgment of an inescapably self-interested actor to preempt the decisions of professional archivists” (p. 15). Yuhan states that such *arbitrariness* has been the Court’s paramount consideration when challenges to presidential authority in the name of separation of powers were tested. In other words, history suggests that EO 13233 should be found unconstitutional because it violates the separation of powers.

The effect of EO 13233 is to enable presidents to arbitrarily control the historical record. In addition, the fact that EO 13233 violates the Constitutionally-defined separation of powers by contradicting established law, it creates a dangerous precedent of over-reaching executive power.

Tightening of Restrictions on Information Access

The Bush Administration has tightened restrictions on a wide range of information that allow the public to oversee the activities of the government. The current administration has changed how the Freedom of Information Act requests are interpreted, passed the far-reaching Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (also known as the PATRIOT Act, established more restrictive classification practices, and is using private contractors (privatization) to control information and to privately do government work.

Freedom of Information Act

The Bush Administration has dramatically changed the basis under which Freedom of Information (FOI) requests are being interpreted. In a 2001 memorandum, Attorney General Ashcroft specifically cited Exemption 5, covering interagency and intra-agency memoranda as a reason to deny FOI requests. Six months later, White House Chief of Staff Andrew Card sent a memorandum to all Executive Branch departments and agencies recommending the use of “Exemption 2, covering agency personnel rules and practices, and Exemption 4, covering proprietary interests, to protect “sensitive but unclassified” information” (Phillabaum, n.d.).

The so-called Ashcroft and Card Memos stand in stark contrast to the Clinton-era interpretations of FOI requests which, under Reno, were granted unless there was some “foreseeable harm.” The current administration takes the position that FOI request should be denied if there is *any* “legal sound basis” (Reporters Committee for Freedom of the Press, 2005).

USA PATRIOT Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, (USA PATRIOT Act), passed by Congress shortly after the 9/11 attacks, “conferred an extraordinary list of powers on the executive, relating to virtually every facet of domestic life, from wiretapping and access to private records, to the power to ‘detain’ terrorists and suspected terrorists without recourse to judicial procedures or to concerns as to the violation of individual rights” (Crotty, 2003).

Despite concerted efforts on the parts of librarians (Starr, 2004) and other organizations committed to protecting personal privacy and civil liberties, the PATRIOT Act was renewed in March of 2006. As Ohio Representative Kucinich stated, "Congress has failed to do its job as a coequal branch of government. The administration's attack on our democracy has to be reigned in" (CNN, 2006). However, in this case, the attack on democracy was not reigned in.

Classification

In 2002, the Information Security Oversight Office (ISOO) and the Justice Departments Office of Information and Privacy issued a joint memo requesting that they reexamine how they were meeting their obligation to safeguard records, regardless of age, including “information that could be misused to harm the security of the nation and the safety of our people” (Kimberly, cited in Feinberg, 2004). The agencies were given 90 days to report their re-review findings to the Department of Homeland Security (DHS).

As recently as April, 2006, the ISOO performed an audit of “re-review efforts undertaken since 1995.” The re-review efforts were undertaken by agencies to see if documents had been erroneously made available to the public based on certain guidelines. The audit found that 25,315 publicly available records were withdrawn. Based on the ISOO’s review, 24% were clearly inappropriate for continued classification yet were withdrawn from public access and an additional 12% were questionable (ISOO, 2006).

Categories such as Sensitive but Unclassified (SBU) and For Official Use Only (FOUO) are being broadly used by the current administration to restrict access. For example, all DHS employees and contractors who receive any FOUO documents are required to sign a nondisclosure agreement. SBU and FOUO documents are technically unclassified, there is “no government oversight, no internal or judicial appeals process, and no automatic declassification process” (Feinberg, 2004, p. 443). In addition, FOUO status can be applied by any DHS employee or contractor. This trend of categorizing but

not classifying information has continued with such designations as “Sensitive Homeland Security Information” from DHS and Sensitive Security Information from the Transportation Security Administration (TSA, Feinberg, 2004).

Privatization

Another way in which the current administration has effectively prevented public access to information is by privatization. Up until 2003, all procurement data was held in the Federal Data Procurement System. This system allowed for public access to government contracts. In 2003 the system was taken over by Global Computer Enterprises, a privately held company. As a result, the data are not subject to the FOIA. In addition, the only way the public can access the information is via fee-based reports (Feinberg, 2004).

Scott Amey, General Counsel for the Project on Government Oversight (POGO) states that accountability is one area of vulnerability in the current government contracts system (Brian, 2005). Because private contractors do not fall under the same strict oversight controls that government agencies do, it is difficult for the public to know exactly how their money is being spent. For example, the contracts for post-war reconstruction of Iraq were awarded using a secret bidding process that sometimes resulted in a single bidder on a contract. Some of the contracts were awarded on a *cost-plus* basis which allows the contractor to be paid a percentage above their costs. This encourages the contractor to spend more money on the contract to increase their profit. Despite findings of fraud, mismanagement and manipulation in the Iraq reconstruction

contracting process, two bills intended to open up the process to public scrutiny died in committee (Reporters Committee for Freedom of the Press, 2005).

Ambivalence of Congress

Congress has taken a largely backseat role throughout George W. Bush's presidency. Representatives were paralyzed by 9/11 and their contributions were limited to saying 'yes' when the president sought money for Afghanistan and then Iraq. In addition, party leaders (not Committee leaders) now determine what activities can succeed in Congress and the Senate, creating a feeling a futility on the part of the minority party especially when both houses of Congress are ruled by a single party.

Funding War

Some argue that because the Constitution grants the power to "declare war" to Congress, Congress should authorize military action *before* it commences; yet, starting with Truman and the Korean Conflict, "presidents have often acted unilaterally in this regard" (Genovese, 2001, p. 157). Congressional power resides in its policy-making and appropriations authority, not in the administrative act of authorizing war. The balance of power between the three branches relies on the ability and willingness of Congress to exert control over legislation and to determine how U.S. money is spent. Congress has the ability to act as a check on the president as commander-in-chief through law and, if necessary, restrictions of funds.

Boylan (1999) states that “statutes, whether military authorizations or defense appropriations, are the congressional first step in a sequence that may lead to military conflict. These decisions to authorize and to appropriate serve as a basis on which a president, in the exercise of commander in chief power, may validly commit U.S. forces in foreign settings without returning to Congress for a new mandate beyond those that have already been given by statute” (Boylan, 1999, p. 234).

When Lyndon B. Johnson sought money for continuing efforts in Vietnam (an undeclared war), he made it clear that by appropriating funds to the cause, the Congress was acting to authorize his actions. Johnson said, “This is not a routine appropriation. For each member of Congress who supports this request is also voting to persist in our effort to halt communist aggression in South Vietnam” (Lyndon B. Johnson, cited in Boylan, 1999).

It appeared that Congress had learned how to utilize their power to balance the Executive Branch when they restricted how Nixon could use funds in Nicaragua. The Boland Amendment states: “During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose of which would have an effect of supporting, directly or indirectly, military or paramilitary organizations in Nicaragua by any nation, group, organization, movement or individual” (Boland Amendment, as cited in Boylan, 1999).

However, the 9/11 attacks kicked off a string of defense appropriations that had few strings attached and that gave the Department of Defense enormous latitude. “The

incentives for Congress [post 9/11] were to appear unified and to support the nation through the appropriation of funds as expeditiously as possible. Doing so without unduly eroding their constitutional authority over the power of the purse was almost an afterthought” (Candrea & Jones, 2005, p. 7). One result of 9/11 was to increase power in the Executive Branch by providing executive agencies such as the Department of Defense with huge budgets and minimal oversight.

Party Control

Wolfensberger (2002) explains that Congress has relinquished much of its power to the Executive Branch by moving control from the committees to the parties. He says that the “committee system, which should be the bulwark of congressional policymaking and oversight of the Executive Branch, has been in steady decline since the mid-1970s.” Party leaders have replaced committee leaders as the locus of power in the House, therefore members spend more time campaigning and less time doing committee work. Rather than finding compromises and serving their constituents, members are encouraged to take partisan positions because “it is easier to take a popular campaign stand on an unresolved issue than make a painful policy choice and explain it to the voters” (Wolfensberger, 2002).

Congress is less a representative body than a party machine. Party unity is at an all-time high (Cranford & Burke, 2004) allowing party leaders to call the shots for members. Boylan (1999) describes the “sense of futility on the part of Congress and congressional opponents of the president” who see no benefit to mounting challenges that are sure to lose. Given that both houses are controlled by the Republican Party, this sense

of futility is undoubtedly an issue for Democrats and any other member who doesn't agree with the majority.

Manipulation of the Media

Skillful use of the media is important to every president today. The Bush Administration has shown itself to be very skilled at manipulating the media through clever sound bites that create a particular impression that isn't necessarily accurate but which serve the Administration's agenda. The current administration has shown us that their media skills go beyond effective speech-writing, and excellent use of sound bites. They have also demonstrated their abilities as TV drama producers.

Sound Bites of Deception

Many people consider George W. Bush an affable, if none too bright, regular guy from Texas. He is prone to misstatements and doesn't appear to have a sophisticated command of the English language. Waldman (2004) explains that "the notion that Bush isn't too smart is key to how the Bush machine has manipulated the media, and thereby the American people, into ignoring his dishonesty" (p. xi).

[Bush] guns his rhetoric with frontier lingo, saying that he'll "ride herd" over ornery Middle Eastern governments and "smoke out" enemies in wild mountain passes. He branded Saddam Hussein's Iraq "an outlaw regime" and took the vanquished dictator's pistol as a trophy. (Baard, 2004)

Until recently, journalists reported Bush lies but framed the deceptions “as part of the president’s familiar m.o., which was to utter untruths with such nonchalance that no one could possibly believe he was deliberately lying” (Greenberg, 2003).

The President has taken advantage of the unwillingness of today’s journalists to challenge him. He uses “carefully crafted language to create a misleading impression or make claims that are technically accurate but designed to produce inaccurate conclusions” (Keefer, 2004, p. 19) and which make excellent sound bites. Rather than clarifying what is true and what is not true for their readers, the press simply repeats the sound bites providing the Administration with precisely the type of coverage they’d hoped for (Keefer).

TV Drama

One of the most egregious examples of this administration’s use of TV drama techniques to manipulate the public was the Mission Accomplished incident. Bush used Hollywood techniques, and little in the way of facts, to manipulate the emotions of the public toward a view that was more favorable for the Administration. The Radical Left blogger describes the event this way:

Along with Bob DeServi, a former NBC cameraman and lighting specialist, and Greg Jenkins, a former Fox News television producer, he planned out every detail of the President's landing ...even down to the members of the Lincoln crew arrayed in coordinated shirt colors over Mr. Bush’s right shoulder and the ‘Mission Accomplished’ banner placed to

perfectly capture the president and the celebratory two words in a single shot....The speech was specifically timed for what image makers call 'magic hour light,' which cast a golden glow on Mr. Bush.... His on-deck Tom Cruise "swagger" would be a staple of press coverage for weeks. (Swift, 2006).

The supposed rescue of Private Lynch was another example of the Administration's exploitation of popular media to create a favorable impression. While the Pentagon claimed Lynch had been shot and stabbed and in need of rescue. In truth, an Iraqi doctor had attempted to turn her over to U.S. officials the day before. Later, the infamous "rescue" was recorded with military night vision cameras for the benefit of TV viewers everywhere.

"We heard the noise of helicopters," says Dr Anmar Uday. He says that they must have known there would be no resistance. "We were surprised. Why do this? There was no military, there were no soldiers in the hospital.

"It was like a Hollywood film. They cried, 'Go, go, go', with guns and blanks and the sound of explosions. They made a show - an action movie like Sylvester Stallone or Jackie Chan, with jumping and shouting, breaking down doors." All the time with the camera rolling. (The Guardian, 2003)

There are some restraints on governmental communications of the type described above. In 1913, an appropriations act included a provision stating that no money appropriated for this or any other Act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose. In 1919, a statute was passed (41 Stat. 68, chapter 6, sec. 6) prohibiting the use of appropriated funds to pay for any person or thing designed to influence an official of any government to favor or oppose legislation or policy or appropriation, etc. In 2002, the Office of Management and Budget issued Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies. The Guidelines were designed to ensure and maximize “quality, objectivity, utility, and integrity” of information disseminated to the public. And finally, Federal Communications Commission (FCC) Broadcasting Guidelines require broadcasters to inform their audience at the time of airing when a message is sponsored, paid for or furnished by a third party and who the third party is (Kosar, 2005).

However, for numerous reasons, none of these legal restraints have any teeth. The biggest problem is that any misuse of funds for propaganda would be reported to Congress who would refer it to the DOJ for consideration. “Prosecution of violations, in short, requires Executive Branch action, and when it comes to propaganda, the Executive Branch has shown little interest in punishing wayward executive agencies” (Kosar, 2005). One could surmise that the Executive Branch has even less interest in punishing itself for its own excesses.

Moeller (2004) says that the reason Americans don't understand the politically-motivated agenda of the current administration has to do with how they get their news. He says that "public ignorance of what lies inside Bush's Trojan Horse — his War on Terror — has a lot to do with how the U.S. media cover the presidency" (Moeller, 2004).

War President

Presidential power has always increased during times of war. The likelihood of being judged one of the great presidents relies on leading some type of war. One could argue that war can be beneficial to a president.

Originally, the Framers of the Constitution limited presidential power in times of war by establishing Congress as the body to declare war. However, this role eroded beginning with Truman, and most notably with Lyndon B. Johnson (Genovese, 2001). The War Powers Act was enacted by Congress in a further attempt to control presidential power in foreign affairs. However, citing Bosnia, Kosovo, Haiti, Somalia, and Serbia, Wolfensberger (2002) states that "the War Powers Resolution has been all but ignored by every president since Nixon."

Since the attacks on the World Trade Center in 2001, President Bush has operated as a wartime president and has taken advantage of the increased power available to the executive during such times. The problem with the current war is that it has no definable beginning nor end. Per Moeller (2004), "the War on Terror was more than a response to the terrorist attacks of 9/11. The 9/11 cataclysm gave President Bush the opportunity to realize all the Vulcans' unilateralist, interventionist foreign policy goals."

Vulcans refers to the foreign policy team that helped put Bush in office. It is composed of neoconservatives that have been setting the stage for today's U.S. foreign policy since 1990 (Christian Science Monitor, n.d.). The neoconservative goal is to use U.S. military supremacy (including preemptive strikes) to spread American values. Few would argue that the 9/11 attacks were an act of terrorism that justified a military response. However, President Bush has exploited the event to promote a foreign policy objective that existed long before the proverbial *first shot was fired*.

Rimmerman (1993) says that "if citizens fail to question a president's decision-making, then they are giving the president virtually unchecked power to do what he wants with their lives. The failure to question a president abdicates all of the principles of a meaningful and effective democracy and embraces the dictates of an authoritarian and totalitarian regime" (p. 129). The inclination to passivity and followership of U.S. citizens and Congress, and the strategic positioning of all activities post-9/11 as war on terrorism provide the president with extraordinary power to pursue his political agenda.

Conclusion

George Logan, a well-known Quaker, echoed the sentiments of the founding generation when he observed in 1798 that "wars created by ambitious executives have been undertaken more for their own aggrandizement and power than for the protection of their country" (DeConde cited in Adler, 2003). One could interpret the activities of the Bush Administration as the self-aggrandizing efforts of a self-absorbed man – some have even labeled him a ‘malignant narcissist’ (Levy, 2006). Whether a personal agenda, mental illness or national crisis, the other branches of government are in danger of being overwhelmed by the power of the President and Executive Branch as a result of trend toward greater presidential power and the specific activities of this Administration.

This paper has identified five factors that have contributed to the expansion of the Executive Branch under George W. Bush.:

- (1) improper use of Executive Orders;
- (2) tightening of restrictions on information access;
- (3) ambivalence of Congress;
- (4) Bush administration’s manipulation of the media; and
- (5) Bush as War President.

Hertzberg (2006) says that “for the Administration, the trope of war has proved useful both for mobilizing the government and for intimidating domestic opposition, winning elections, and aggrandizing executive power.” Without some kind of intervention – soon -- on the part of the judicial branch, the legislative

branch, or from citizens directly, there is a real danger that the power of the Executive will have increased to a tipping point that is difficult, if not impossible to overcome using the political processes that have served this country so well for over 200 years.

References

Adler, D. G. (2003). Presidential Greatness as an Attribute of Warmaking. *Presidential Studies Quarterly*, 33(3). Retrieved April 24, 2006, from Questia database:

<http://www.questia.com/PM.qst?a=o&d=5002026775>

Alterman, E. (2004). When presidents lie: A history of official deceit. New York: Penguin Books Limited.

Baard, E. (2004, September 28). George W. Bush ain't no cowboy. *The Village Voice* [online version]. Retrieved April 26, 2006 from

<http://www.villagevoice.com/news/0439,baard,571117,1.html>

Berlin, I. (2002, May). Executive Order undermines democracy. *OHA Newsletter* [online version]. Retrieved April 7, 2006 from

<http://www.oah.org/pubs/nl/2002may/berlin.html>

Boylan, T. S. (1999). War powers, constitutional balance and the imperial presidency idea at century's end. *Presidential Studies Quarterly*, 29(2), 232. Retrieved April 24, 2006, from Questia database:

<http://www.questia.com/PM.qst?a=o&d=5001263833>

- CNN. (2006, March 7). House approves Patriot Act renewal: Approval sends measure to Bush's desk before expiration. Retrieved April 28, 2006 from <http://www.cnn.com/2006/POLITICS/03/07/patriot.act/>
- CQ Researcher. (2005, December 2). Government secrecy: Is too much information kept from the public? *CQ Researcher*, 15(42), pp 1005-1028.
- Candrea P.J., & Jones, L.R. (2005, Winter). Congressional delegation of spending power to the Defense Department in the post-9-11 period. *Public Budgeting & Finance*, 25(4). Retrieved April 24, 2006 from EBSCOHost database.
- Chait, J. (2003, September 29). The case for Bush hatred: Mad about you. *The New Republic*, 229(13). Retrieved May 12, 2006 from WilsonWeb database.
- Christian Science Monitor. (n.d.) Neocon 101. Retrieved April 28, 2006 from <http://www.csmonitor.com/specials/neocon/neocon101.html>
- Clayton, M. (2006, May 15). Mining data to nab terrorists: fair? *The Christian Science Monitor* [online version]. Retrieved May 16, 2006 from <http://csmonitor.com/2006/0515/p01s04-usju.html>
- Cranford, J., & Burke, A.M. (2004, July 3). Party votes show Congress still divided. *CQ Weekly*, p. 1609. Retrieved April 28, 2006 from EBSCOHost database.
- Crotty, W. (2003). Presidential policymaking in crisis situations: 9/11 and its aftermath. *Policy Studies Journal*, 31(3). Retrieved April 24, 2006, from Questia database: <http://www.questia.com/PM.qst?a=o&d=5002028153>

Feinberg, L.E. (2004). FOIA, federal information policy, and information availability in the post-9/11 world. *Government Information Quarterly*, 21, pp. 439-460.

Retrieved April 18, 2006 from Elsevier database.

Genovese, M.A. (2001). The power of the American presidency 1789-2000. New York: Oxford University Press.

Greenberg, D. (2003, September/October). Calling a lie a lie. *Columbia Journalism Review*, 41(3), pp. 58-59. Retrieved March 30, 2006 from EBSCOHost database.

Guardian. (2003, May 15). The truth about Jessica. *Guardian Unlimited*. Retrieved April 27, 2006 from <http://www.guardian.co.uk/Iraq/Story/0,2763,956255,00.html>

Hertzberg, H. (2006, May 15). Comment: Sentenced [Talk of the Town]. *The New Yorker*, p. 32.

Information Security Oversight Office (ISOO). (2006, April 26). Audit of the withdrawal of records from public access at the National Archives and Records Administration for classification purposes. Retrieved April 27, 2006 from <http://www.archives.gov/isoo/reports/2006-audit-report.html>

Jones, A.R., LTG. (2004, August 24). AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th MI Brigade. Retrieved from http://www.washingtonpost.com/wp-srv/nationi/documents/fay_report_8-25-04.pdf

Karin, M.L. (2002, November). Out of sight but not out of mind: How Executive Order 13,233 expands executive privilege while simultaneously preventing access to presidential records. *Stanford Law Review*, 55, pp. 529-570. Retrieved April 8, 2006 from Lexis/Nexis database.

Keefer, B. (2004, July/August). Tsunami. *Columbia Journalism Review*, 42(2).

Retrieved March 30, 2006 from ABI/INFORM Global database.

Kosar, K. R. (2005). The Law: The Executive Branch and propaganda: The limits of legal restrictions. *Presidential Studies Quarterly*, 35(4). Retrieved April 24, 2006, from Questia database: <http://www.questia.com/PM.qst?a=o&d=5012048620>

Levy, P. (2006). The madness of George W. Bush: A reflection of our collective psychosis. Bloomington, IN: Authorhouse.

Light, P.C. (2003, September 5). Fact Sheet on the New True Size of Government.

Retrieved May 12, 2006 from

<http://www.brookings.edu/gs/cps/light20030905.htm>

Moeller, S. (2004, March 18). Think again: Bush's war on terror. *Center for American*

Progress [online column]. Retrieved April 26, 2006 from

<http://www.americanprogress.org/site/pp.asp?c=biJRJ8OVF&b=38527>

Orman, J. (1990). Presidential accountability: New and recurring problems. Westport,

CT: Greenwood Press.

- Phillabaum, L. (n.d.). When exemptions become the rule: How federal agencies use FOIA exemptions to step up the withholding of information. Retrieved April 7, 2006 from http://www.cjog.net/documents/Exemptions_Study.pdf
- Reporters Committee for Freedom of the Press. (2005, September). Homefront Confidential: How the War on Terrorism Affects Access to Information and the Public's Right to Know (6th ed.). Retrieved March 15, 2006 from <http://www.rcfp.org/homefrontconfidential/foi.html>
- Rimmerman, C. A. (1993). Presidency by plebiscite: The Reagan-Bush era in institutional perspective. Boulder, CO: Westview Press. Retrieved April 24, 2006, from Questia database: <http://www.questia.com/PM.qst?a=o&d=59431600>
- Swift, J. (2006, April 17) Remember M-Days? "Mission Accomplished" [Web log entry]. Radical Left [Web log]. Retrieved April 27, 2006 from http://www.radicalleft.net/blog/_archives/2006/4/17/1892365.html
- Theoharis, A.G. (2006, February 16). The FISA File. *The Nation* [online version]. Retrieved May 12, 2006 from <http://www.thenation.com/doc/20060306/theoharris>
- United States Office of Personnel Management (US OPM). 2006, February. Federal Civilian Workforce Statistics: The Fact Book 2005 Edition. Retrieved May 12, 2006 from <http://www.opm.gov/feddata/factbook/2005/factbook2005.pdf>
- Waldman, Paul. (2004). Fraud: The strategy behind the Bush lies and why the media didn't tell you. Naperville, IL: Sourcebooks, Inc.

Wolfensberger, D. R. (2002, Spring). The Return of the Imperial Presidency?. *The Wilson*

Quarterly, 26. Retrieved April 24, 2006, from Questia database:

<http://www.questia.com/PM.qst?a=o&d=5000757200>