

Scholars critical of Bush war powers memos

by UPI

WASHINGTON - Legal experts say unlimited executive power was improperly exercised between the Sept. 11, 2001, terror attacks and the Iraq invasion.

The Los Angeles Times said Wednesday many analysts pouring over a new batch of Bush administration memos have concluded that the Bush White House made a string of bad decisions that improperly cut Congress out of the process.

"This was a period of panic, and panic creates an opportunity for patriotic politicians to abuse their power," Yale law professor Jack Balkin said.

Balkin said the strategy was based on the premise "the battlefield is everywhere," which justified draconian presidential orders anywhere.

The Times said administration defenders pointed out that the post-Sept. 11 environment was one of a national emergency and the realistic fear another catastrophic terrorist attack was likely.

But the criticism included examples of what analysts said were blatant misreadings of the Constitution in terms of congressional involvement of the decision-making process.

George Washington University law professor said the White House Office of Legal Counsel was correct in rejecting the Bush approach because it was "simply not a plausible reading of the case law."

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