

1. Berliner Colloquium zur Zeitgeschichte

**Imperial Presidency—Issues and Arguments**

Convenors: Bernd Greiner (Hamburger Institut für Sozialforschung)

and Susan Neiman (Einstein Forum, Potsdam)

Conference language: English

19 and 20 March 2010

**Questionnaire**

**Session 1    »Imperial Presidency«: What are we talking about?**

Focal Point:

With what means and in what ways did U.S. presidents extend their powers of office before and during wars and states of emergency to the detriment of other constitutional organs?

Issues for Debate:

- \* What exactly is an »Imperial Presidency«—and why is it a problem?
- \* The institutional and procedural settings of an »Imperial Presidency«
- \* Turning points in history: Major steps in the evolution of the »Imperial Presidency« from Lincoln to George W. Bush
- \* The Cold War and »Imperial Presidency«: Turning point or point of no return?
- \* Can we really make the case that the »Imperial Presidency« is a Cold War-related phenomenon?
- \* The issue of Presidential War Powers
- \* The impact of a »policy of secrecy«
- \* The politics of policy-making: The bureaucratic home-base of »Imperial Presidents«
- \* How do »Imperial Presidents« manage to have their way?
- \* Which Presidents opted for an »imperial way of leadership«, and which resisted the temptation?

## Session 2 Invisible Congress?

Focal Point:

How successful were the efforts undertaken by the legislative branch to regain lost ground? When and under what circumstances could the legislative assert its claims to power? When did attempts to revoke presidential powers fail? Can we make the case that »Imperial Presidencies« damaged the self-correcting capacity of the constitutional separation of power?

Issues for Debate:

- \* Congress and the Executive: Rivalry for power in a historical perspective
- \* »Why Congress slept«: when, why and how Congress tolerated »Imperial Presidents«
- \* Congressional comebacks: when, why and how Congress challenged »Imperial Presidents«
- \* The charge of Congressional »self-emasculatation«: has Congress abrogated its role in checking and balancing the Executive's foreign and national security policy?
- \* Congress and the »culture of secrecy«
- \* The Congressional »comeback« of the 1970s and the War Powers Act as cases in point
- \* The lasting effects of Congressional efforts to redress the balance
- \* Congressional tools and options to reign in an »Imperial Presidency«

## Session 3 Judges and Commanders: The Supreme Court's Perspective on Use and Abuse of Power

Focal Point:

Discussing the issue how the political system can and should correct itself, implies a critical perspective on the judicial system, foremost on the Supreme Court.

Issues for Debate:

- \* Supreme Court opinions in a historical perspective: ruling on major issues of an »Imperial Presidency« (Martial Law, Habeas Corpus, State Secrecy, War Powers)
- \* Cycles in reading and interpreting the Constitution
- \* The political self-image of supreme judges: Continuity and change
- \* The public perception of Supreme Court interventions
- \* Legal options to reign in an »Imperial Presidency«

\* The political impact of Supreme Court opinions: legal precedents as political roadmaps?

#### **Session 4     A Paranoid Style of Politics? States of Emergency, Threat Inflation and the Presidency**

Focal Point:

What was the role of the public sphere—of the media, not the least—in these controversies? How did it participate in these debates, and what was the result?

Issues for Debate:

- \* Performing the Presidency: image management and rhetorics of »Imperial Presidents«
- \* The public and »Imperial Presidents«: Rates of approval and disapproval
- \* Public and academic debates about the theories of »inherent power«, »unitary executive« and »sole organ«
- \* Threat inflation, history of fear and »politics of emotion«: A way to frame the political discourse?
- \* Threat inflation and »politics of emotion« as a means of strengthening the executive? Observations on the historical trajectory after the Civil War
- \* »National Security«: career and impact of a controversial policy concept
- \* The »Paranoid Style in American Politics« revisited
- \* Is there an American way of dealing with threats, and if so, why?
- \* The role of the media in shaping public discourses about threats and fear

#### **Suggested Reading**

Arlen Specter, The Need to Roll Back Presidential Power Grabs. In: The New York Review of Books, May 14, 2009

Clinton Rossiter, The Supreme Court and the Commander in Chief. Cornell UP, 1951; 1-27, 65-77, 126-132

Chaim Kaufmann, Threat Inflation and the failure of the marketplace of ideas: the selling of the Iraq War. In: A. Trevor Thrall, Jane K. Cramer (Eds.): American Foreign Policy and the Politics of Fear. New York 2009; 97-117

Jane K. Cramer, Militarized patriotism and the success of Threat Inflation. In: A. Trevor Thrall, Jane K. Cramer (Eds.): American Foreign Policy and the Politics of Fear. New York 2009; 135-153