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# POLITICS 420 - PRESIDENTIAL POWER

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DEPARTMENT OF POLITICS  
PRINCETON UNIVERSITY  
UNDERGRADUATE PROGRAM  
FALL 2014

THURSDAY 1:30 PM- 4:20 PM  
020 ROBERTSON HALL

CHARLES CAMERON  
030 CORWIN HALL (OFFICE)

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This course examines how presidents get, use, sometimes abuse, and invariably lose power. The premise of the course is very simple but in some ways quite radical: presidential power depends on using each tool of presidential governance adroitly, while integrating them into a mutually supporting whole that “fits” the strategic context. Hence, the two keys to presidential power are *strategy* and *execution*. Effective presidents first must craft a governance strategy that “fits” the political context; then, they must execute that strategy skillfully using the available tools of governance.

We spend some time on governance strategy but much more on execution. So we focus on the “nuts and bolts” of each tool of governance – how it works and how it affects the president’s performance. We read some of the best political science on each tool, along with (I hope) vivid case studies of its use. We also read some classics on the presidency.

By the end of the course you will not be ready to be President (sorry!). But you might be able to offer a president some shrewd advice, and you will certainly be a more informed observer of presidential power.

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## POWER TOOLS

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Six governance tools or executive activities arguably constitute the core of the modern presidency: 1) public relations aimed at opinion leadership, 2) formulating a legislative program, 3) directly lobbying Congress, 4) indirectly lobbying Congress by “going public,” 5) politicizing the bureaucracy via appointments, and 6) taking direct action using executive orders.

Beyond the core tools, there are about a dozen tools or activities that sometimes assume importance: 1) vetoing legislation (including issuing veto threats and fighting over-rides), 2) making appointments to the federal judiciary, especially the Supreme Court, 3) using central clearance to vet regulations and modify agency actions, 4) indirectly lobbying Congress by “going local,” 5) making appointments to independent regulatory agencies like the Federal Reserve, 6) formulating the executive budget, 7) coordinating over-lapping departments (especially the State Department and the Defense Department, via the National Security Council), 8) re-organizing and terminating agencies, 9) negotiating and securing treaties and making executive agreements with foreign powers, 10) threatening foreign powers with military force and economic sanctions (saber-rattling), and 11) acting as a war leader.

In addition, there are four other activities – call them support activities – that are invariably important because they buttress the other activities: 1) setting policy priorities and managing the president’s time, 2) organizing, staffing, and running the White House, 3) managing press relations, and 4) fighting the inevitable fires, that is, crisis management.

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### COURSE CONTENT FOR FALL 2014

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It is impossible to cover all the tools and activities in a one semester course. This year, I propose covering 5 of the 6 core activities, two of the “additional” activities, and one of the “support” activities, specifically:

- Opinion leadership (core)
- The legislative program (core)
- Going Public (core)
- Executive Appointments (core)
- Executive Orders (core)
- Supreme Court Nominations (additional)
- Central Clearance (additional)
- Transitions/Organizing the White House (support)

In addition, we will read several political science classics about the presidency.

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### CLASS ORGANIZATION: THEORY AND CASES

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The course has a lecture/discussion format, and combines social science – systematic theory and quantitative evidence – with case studies. I consider the latter to be vital, since it is critical to have clear pictures in your head of presidents actually at work, before theorizing or moving to quantitative evidence.

After three introductory lectures, each week introduces a new tool, x in all (see above). The first half of each class focuses on what political scientists know and don’t know about the tool. During weeks 4-12, the second half of each class is devoted to one or more case studies of the tool. Broadly speaking, I will present the social science; you will present the cases.

The lecture-oriented readings comprise a big slice of the best contemporary political science on the presidency, and the case-oriented readings the best case I could find, typically employing at least some primary material (video, tape recordings, memoirs, documents, reportage, investigative journalism).

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### COURSE REQUIREMENTS

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Student evaluation is based on 1) Two “Memos to the President”, 2) Write-up of a case and leadership of class discussion, 3) Class participation, and 4) Either a paper or a final exam (your choice but I must approve all papers [cf. “Central Clearance” below]).

*1 Memo to the President (20%)*

Sometime during Weeks 4-12 you write a practical memo to President Obama explaining how he should use a governance tool. Given the situation facing the President, what should he do? What should he not do? You should provide some historical examples but also address specific issues facing Obama. A successful memo is one that could actually help the President improve his performance – and also one that reflects the readings. (If you simply repeat the “wisdom” *de jour* from the blogosphere, I will be quite displeased.)

Memos should be brief, about 4-6 pages, typed and double-spaced. Your memo is due to me *AFTER* the class addressing the topic (this is to allow you to benefit from the lecture and the case presentation on the subject).

A memo CANNOT be on the same topic as your class presentation.

Early in the course I will give you the opportunity to request particular weeks for your memos. But I reserve the right to re-assign you to maintain a reasonable balance of memos across weeks.

### *2 Case Study Presentation (15%)*

In nine of the sessions (Weeks 4-12 ), one or more students will serve as Case Study Presenter. Students tasked with this leadership role should 1) prepare a PowerPoint briefing on the case study; 2) formulate discussion questions and distribute them to members of the class prior to class; and 3) lead discussion of the case. You should anticipate taking this role once during the semester. Depending on enrollment, on a few weeks, two students may share the job of Case Study Presenter. Some of the cases require a degree of original research, which will be reflected in grading.

### *3 Case Study Write-Up (15%)*

I would like you to write up your case study as a Teaching Note, in an 8-10 page paper. The write-up should provide background to the case, a time-line, and a narrative chronology of events. In addition, it should identify and discuss the theoretical and practical issues raised by the case. It should include your discussion questions. You should identify the sources used in your case, giving links to electronic sources. You may include as an Appendix such materials as news stories, declassified documents, and the like.

### *3 Class Discussion (15%)*

You should participate in class discussions in an intelligent and informed way, showing familiarity with the case study and an understanding of the material in the required readings. How can the material in the lecture and required readings be applied to the case study? Being helpful to the Case Study Presenter is a good idea, since you will be one yourself.

### *4 Final Exam or Paper (30%)*

You may choose either one. However, if you choose to write a paper, you must meet with me early in the semester to discuss your topic and lay out a plan for carrying it out. And, I must approve the paper topic (this is to protect you from undertaking a paper that cannot succeed). For the case

studies that require some research, I am willing to consider a paper expanding on the case study, but this is putting a lot of eggs in one basket.

The exam will be an open book take-home final in which you use the concepts in the class to analyze one or more concrete problems facing a President: How should he think about this problem? What should he do? What should he not do? Using lessons from recent administrations, what should he think about “best practices”? How should he craft an integrated governing strategy, using several tools in tandem?

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### BOOKS FOR PURCHASE

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Copies of the following have been ordered at Labyrinth Books on Nassau Street.

Barton Gelman, *Angler* (2008)

David Lewis, *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance* (2008)

Michael Nelson and Russell Riley (eds) *Governing at Home: The White House and Domestic Policymaking* (2011)

Richard Neustadt, *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (any edition is fine, you can easily buy this used)

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### CLASS SCHEDULE

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Fall 2014

Week	Date	Topic	Cases	Lecture	Reading
1	9/11	Introduction	---	This Course	Iglesias, Weber
2	9/18	Neustadt’s “Modern” Presidency	Deputy Pres. Cheney	Neustadt’s Vision: Personality and Preparation	Neustadt, Sperlich
3	9/25	The Strategic Presidency	Cuban Missile Crisis (Film: <i>13 Days</i> )	The Job, the Tools	Moe, Cameron
4	10/2	Transitions/Strategy/Organizing the WH	*Reagan, *Clinton, *Obama	Priorities/The WH as Organization	Conley, Wood, Hult
5	10/9	Opinion Leadership	The Economy* Grenada* War on Terror*	Presidents, Voters & The Media	Edwards, Zaller, Gentzkow
6	10/16	The Legislative Program	Bush Tax Cut * Clinton deficit red.* Clinton Health* Obamacare*	Theory of Legislation (Leg entrep., Pivots, agendas)	Beckmann, Cameron, Cohen, Rudalevige
7	10/23	Going Public	Bush Tax Cut* INF Treaty* Boosting Bork*	Outside Lobbying and Opinion Contests	Canes-Wrone Cameron & Park Jacobs & Shapiro
NO CLASS (Fall Break, week of 10/27)					

8	11/6	Appointments 1: Executive Agencies	FEMA Terror Presidency * Bush's EPA* Anne Gorsuch* Obamacare rollout*	Principals, Agents, & Politicization	Lewis
9	11/13	Appointments 2: Supreme Court	Rehnquist * Bork (again) *	The Politics of SC Nominations	Yalof, Cameron et al
10	11/20	Central Clearance	The Life of a Regulation*	Regulatory Auditing	CRS, Acs & Cameron, Sunstein
NO CLASS (Thanksgiving 11/27)					
11	12/4	Executive Orders	Early term orders* Late term orders*	Direct Action	Howell
12	12/11	Constitutional Stability	Torture*, Wire Taps*, Drones*	The Ratchet & Equilibrium Constitutional Order	Posner & Vermuele, Ferejohn, Goldsmith

\*Available for Case Study Presenter

## READINGS

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### 1. INTRODUCTION

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Limited resources, infinite expectations. The sources of presidential power. The power ratchet. Who is scored "great"? What this course is about.

The Green Lantern Theory of the Presidency <http://www.vox.com/2014/5/20/5732208/the-green-lantern-theory-of-the-presidency-explained>

Roberto Weber, Colin Camerer, Yuval Rottenstreich, and Marc Knez. 2001. "The Illusions of Leadership: Misattribution of Cause in Coordination Games," *Organization Science* 12(5): 582-598. (skim)

Cameron, "'Bargaining and Presidential Power,'" in *Presidential Power: Forging the Presidency for the 21st Century*, Larry Jacobs, Martha Kumar, and Robert Y. Shapiro (eds), Columbia University Press, 2000. (just the last part on rating presidents)

Discussion Questions

- Is the president weak or strong? How could you tell?
- How does a president become powerful? How has this changed over time?
- How does a president become highly rated by historians?

Note: the reading for next week is heavy. So you may want to start this week.

### 2. THE POINT OF DEPARTURE: NEUSTADT'S CONCEPTION OF THE PRESIDENCY

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Richard Neustadt's conception of the presidency – the foundation of modern presidential studies. Skill and will. NOTE: The reading this week is heavy, start early!

### *Required Reading*

U.S. Constitution, Article II.

Richard Neustadt, *Presidential Power*, Chapters 1-7. Any edition of the book will do. \*

Peter Sperlich, "Bargaining and Overload: An Essay on Presidential Power," Sections 1-3 (only) pp 168-177 in *The Presidency*, (ed) Aaron Wildavsky (1969) (reprinted in Wildavsky *Perspectives on the Presidency*).

### *Required Case Study*

Barton Gellman, *Angler: The Cheney Vice President*. \*Try to read as much as can from: 1) re-wiring the VP (Chapter 2), 2) 1<sup>st</sup> tax cut, economy, Chafee, Jeffords (pp. 67-80), 3) walking away from global warming (pp. 81-91), 4) OLC, FISA (pp. 131-154), 5) environment, science (195-213), 7) emails (pp. 188-190), 8) daily CIA briefing (pp. 244-246), 9) warrantless wiretaps (pp. 277-326), 10) an evaluation (pp. 388-395) (about 165 pages)

Optional but recommended: 91-99 (Energy task force, unitary executive), 174-193 (torture, Gitmo), 215-222 (intelligence and selling the war), 259-275 (budget review board, 2<sup>nd</sup> tax cut), 338-342 (trials for detainees).

### Discussion Questions

- From Neustadt's perspective, was George Bush well-suited for the presidency? Why or why not?
- How about Dick Cheney?
- How about Barack Obama?
- What advice would Neustadt have given George Bush at the beginning of his presidency? Would it have helped him? Would he have taken it? Could he have taken it?
- What goals does Neustadt assume the president wishes to meet? What goals are actually on display in *Angler*? Does this make any difference for Neustadt's framework? If yes, what would look different about the framework?

### *Optional*

Charles Jones, 2003, "Richard E. Neustadt: Public Servant as Scholar," *Annual Review of Political Science*. Vol. 6, pp. 1-22.

Fred Greenstein, *The Presidential Difference: Leadership Style from FDR to George W. Bush* (2004), Chapter 14 ". The bibliographic essay (pp. 282-301) is itself brilliant and invaluable.

### 3. THE GAMES PRESIDENTS PLAY: DISCOVERING THE STRATEGIC PRESIDENCY

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The rational choice revolution comes to presidential studies. Three mechanisms: Proposal power, veto power, strategic pre-commitment. A simple explication. The strategic context: polarization, divided party government, war, economic crises. The presidential power racket.

### *Required Reading*

Terry Moe, "The Politicized Presidency," pp. 235-271 in Chubb and Peterson (eds) *The New Direction in American Politics* (1985).

----. "Presidents, Institutions, and Theory," pp. 337-385 in Edwards, Kessel, and Rockman (eds) *Researching the Presidency: Vital Questions, New Approaches* (1993).

Charles Cameron, "Rational Choice and the Presidency," Chapter 3 in *Veto Bargaining* (2000).

----. "The Political Economy of the U.S. Presidency," *The Oxford Handbook of Political Economy*, Barry Weingast and Donald Wittman editors, Oxford University Press, (2006).

*Required Case Study: The Cuban Missile Crisis*

View the film *Thirteen Days* (OK, its Hollywood and the Boston accents are terrible– but it is based on transcripts of recordings and memoirs and illustrates many genuine dilemmas of governing facing presidents.)

DISCUSSION QUESTIONS.

1. What prevents experts from giving fair and objective advice to the President? How can Presidents arrange advice-giving to get fair and objective advice from experts? Provide examples from the film.
2. When policy must be carried out by bureaucratic agents who may not understand the President's wishes or share his goals, how can he assure they execute his desires faithfully? What motivates bureaucratic agents? What can the president do to them? Provide examples.
3. What techniques can the President use to lead public opinion? When will these techniques be effective and when not? Can the President manipulate the press – when yes and when no? How is the media different today from the early 1960s? Provide examples.
4. How should the President deal with Congress in matters of national security? Can Congress keep secrets? Can Congress be effective in overseeing presidential power, especially during crises?
5. What sort of people occupy the policy-making jobs closest to the President? What is their background and experience? How effective are they likely to be? Provide examples.
6. Can the President conduct secret negotiations with foreign powers? Can he make secret deals and then lie about them in public? In other words, what limits does American democracy place on presidential foreign policy-making? Provide examples.
7. Do crises lead to a one-way ratchet of presidential power? Is public opinion and electoral competition sufficient to counter-balance a plebiscitary presidency?

*Optional*

Nolan McCarty, Keith Poole and Howard Rosenthal, *Polarized America*, chapters 1 & 2 (2006). Part of the president's strategic context.

<http://site.ebrary.com/lib/princeton/docDetail.action?docID=10173604>

Richard Skinner, "George W. Bush and the Partisan Presidency," *Political Science Quarterly*, Winter 2008-09, pp 605-622. Some perspective on strategy.

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## 4 TRANSITIONS/STRATEGY/ORGANIZING THE WHITE HOUSE

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What will my presidency be about? The strategic context. Impact of the campaign: from campaigning to governing. "Mandates." Events. Public opinion. Presidential agency and prioritizing. President's allocation of time. Organizing the White House. Defining jobs. Defining process. Hiring, firing, promoting, supervising.

Required Reading

B. Dan Wood, *The Myth of Presidential Representation*, Chapter 4 “Evaluating the Centrist versus Partisan Models of Presidential Representation,” pp. 81-119. Who do presidents represent?  
David Lewis, “The Personnel Process in the Modern Presidency,” *Presidential Studies Quarterly* 2012 <https://my.vanderbilt.edu/davidlewis/files/2011/12/personnel-process>.  
Roundtable on “White House Domestic Policymaking Symposium: From Campaigning to Governing,” Available at <http://millercenter.org/scripps/archive/conference/detail/5471>  
(skip the first 10 minutes)  
Charles Walcott and Karen Hult, “White House Structure and Decision Making: Elaborating the Standard Model” <http://www.jstor.org/stable/27552684>  
David Cohen, Charles Walcott, Shirley Ann Warshaw, Stephen Wayne, “The Chief of Staff,” White House Transition Project 2008  
<http://whitehousetransitionproject.org/resources/briefing/WHTP-2009-21-Chief%20of%20Staff.pdf>

#### Optional

Patricia Conley, *Presidential Mandates: How Elections Shape the National Agenda*, Chapter Four “Presidential Mandates Since 1828” pp. 51-76. When do presidents claim mandates?

#### *Case Study: Bill Clinton’s Train Wreck (transition)*

Elizabeth Drew, *On the Edge: The Clinton Presidency*, Chapters 1-6. An extremely important transition as it is taken as the model of how not to do it. As such it is a kind of touchstone.

#### *Case: Early Obama Administration (transition & strategy)*

*Confidence Men*, Chapter 7 “The B Team” (about the transition, picking economic advisors, first steps on stimulus).

Much of the same material is covered in Noam Scheiber *The Escape Artists*. You may be able to find other sources too.

#### *Case: Reagan (strategy)*

William Greider, *The Education of David Stockman*, sections. Crafting the Reagan Revolution.

#### *Case: Clinton and the Gingrich Revolution (strategy)*

Elizabeth Drew, *Showdown: The Struggle between the Gingrich Congress and the Clinton White House*. Presidential response to a dramatic reversal in the mid-term election.

Cameron, *Veto Bargaining*, sections on Clinton, esp. welfare reform vetoes.

#### Optional

Bruce Miroff, “Domestic Policy-making: Politics and History,” pp. 278-302 in Nelson and Riley. This is an excellent summary of the entire book and well worth reading.

Mayhew on events as causes.

Bradley Patterson, James Pfiffner, David Lewis, “The White House Office of Presidential Personnel,” White House Transition Project 2008

<http://whitehousetransitionproject.org/resources/briefing/WHTP-2009-27-Presidential%20Personnel.pdf>



- MaryAnne Borrelli, Karen Hult, Nancy Kassop, "White House Counsel" White House Transition Project 2008 , <http://whitehousetransitionproject.org/resources/briefing/WHTP-2009-29-Counsel.pdf>
- John Burke, "National Security Advisor," White House Transition Project 2008, <http://whitehousetransitionproject.org/resources/briefing/WHTP-2009-02-National%20Security%20Advisor.pdf>
- Martha Kumar, "The Office of Communications," White House Transition Project 2008, <http://whitehousetransitionproject.org/resources/briefing/WHTP-2009-33%20Communications.pdf>
- Burke, *Institutional Presidency*
- Hess, *Organizing the Presidency*
- Patterson, *The White House Staff*
- Richard Neustadt, "Memo 13: Historical Problems in Staffing the White House," [Memo to James Baker], pp. 107-119 in *Preparing to be President: The Memos of Richard E. Neustadt*, Charles O. Jones (ed). 2000.

## 5. OPINION LEADERSHIP

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Leading public opinion. How, whether, and what voters learn from Presidents. The Zaller model. Does opinion leadership work in practice? When yes and when no? The media. The median and the President. Media bias.

### *Required Reading*

- George Edwards, *On Deaf Ears: The Limits of the Bully Pulpit*, Chapter 3 "Presidential Persuasion: Does the Public Respond? Part II – Ronald Reagan" pp. 49-75. The Great Communicator?
- John Zaller, *The Nature and Origins of Mass Opinion*, pp. 97-113, 122-124, 132-149.
- Jeffrey Cohen, "The Presidency and the Mass Media," in *The Oxford Handbook of the American Presidency* (2009).
- John Zaller, *A Theory of Media Politics: How the Interests of Politicians, Journalists, and Citizens Shape the News* pp. 11-29. (1999)  
<http://www.sscnet.ucla.edu/polisci/faculty/zaller/media%20politics%20book%20.pdf>
- Matthew Gentzkow and Jesse Shapiro, "What Drives Media Slant? Evidence from U.S. Daily Newspapers," *Econometrica* 78(1):35-71 (2010).

### *Optional*

- Martha Joynt Kumar, *Managing the President's Message: The White House Communications Operation* (2007). Pp xxii-xxxii (history); 1-32 (what the communications office does); 71-118 (how Bush did it); 158-161 (Bush table of organization).
- John Zaller, "What Nature and Origins Leaves Out," *Critical Review* 24(4): 569-642 (2012)  
<http://www.tandfonline.com.ezproxy.princeton.edu/doi/pdf/10.1080/08913811.2012.807648>
- Jeffrey Cohen, *The Presidency in the Era of 24-Hour News*. Princeton: Princeton University Press. (2008).
- Dan Wood, *The Myth of Presidential Representation* (2009). Chapters 3 and 5.
- Brandon Rottinghaus. *The Provisional Pulpit: Modern Presidential Leadership of Public Opinion* (2010).

Tim Cook and Lynn Ragsdale, "The President and the Press: Negotiating Newsworthiness in the White House," pp. 323-57 in *The Presidency and the Political System*, Michael Nelson (ed) (1998)

James N. Druckman and Lawrence R. Jacobs, "Presidential Responsiveness to Public Opinion" in Edwards and Howell (eds) *The Oxford Handbook of the American Presidency* (2009).

George C. Edwards III, *On Deaf Ears*

Mathew Baum and Samuel Kernell, "Has Cable Ended the Golden Age of Presidential Television?" *American Political Science Review* pp. 99-114 (1999).

#### *Case Study 1: Talking up the Economy*

Dan Wood, *The Politics of Economic Leadership: The Causes and Consequences of Presidential Rhetoric* (2007). Case study parts of the book. See if you can find video clips of some of the actual speeches referred to, and show in class. What was the media response?

Brandon Rottinghaus, *The Provisional Pulpit: Modern Presidential Leadership of Public Opinion* Ford and "Whip Inflation Now," pp. 119-126.

#### *Case Study 2: Beating the Drum for Foreign Policy: Reagan, Grenada, and Lebanon*

Alan J. Rosenblatt, "Aggressive Foreign Policy Marketing: Public Response to Reagan's 1983 Address on Lebanon and Grenada," *Political Behavior* 20(3): 225-240 (1998)

<http://www.jstor.org/stable/pdfplus/586529.pdf>

See if you can find the speeches, TV and newspaper coverage.

#### *Case Study 3: Shifting the Public's Attention to More Favorable Grounds: Bush and Terror*

Jamie Druckman and Justin Holmes, "Does Presidential Rhetoric Matter: Priming and Presidential Approval," *Presidential Studies Quarterly* 34(4): 755-778 (2004)

<http://users.polisci.wisc.edu/kmayer/828/Druckman%20and%20Holmes%20PSQ.pdf>

See if you can find the speeches, TV and newspaper coverage

#### *Case Study 4: Carter's Energy (MEOW) Speech*

Find the speech, polls, newspaper coverage

## 6. THE LEGISLATIVE PROGRAM

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Formulating the President's legislative program. Presidential legislative activism. Measuring presidents' legislative success. Congressional agenda setting.

#### *Required Reading*

Charles Cameron and Jee-Kwang Park, "A Primer on the President's Legislative Program," in *Presidential Leadership: The Vortex of Power*, Bert Rockman and Richard Waterman (eds), Roxbury Press, 2007. What we know (except Cohen!), plus the burden sharing model.

Jeffrey Cohen, *The Presidents Legislative Policy Agenda 1789-2002* (2012). Chapter 4, "The Size of the President's Agenda 1789-2002," pp. 77-110, and Chapter 7 "From the White House to Capitol Hill: The Congressional Fate of the President's Legislative Proposals, pp. 166-204.

Matthew Beckmann, *Pushing the Agenda: Presidential Leadership in US Lawmaking 1953-2004*, (2010)\* Chapter 2. Note emphasis on early vs. late strategy.

Karen Hult and Charles Wolcott, "Domestic Policy Development in the White House," pp. 84-107 in Michael Nelson and Russell Riley (eds) *Governing at Home: The White House and Domestic Policymaking* (2011).

Andrew Rudalevige, *Managing the President's Program*. Chapter 5, pp. 86-112. Chapter 7, pp. 134-151. In house or out-house?

#### *Case Study 1: Bush Tax Cut*

Beckmann, *Pushing the Agenda: Presidential Leadership in US Lawmaking 1953-2004*,\* Chapter 3 "Case Study: Pushing President Bush's 2001 Tax Cut" pp. 68-105.

Supplement with Barton Gelman, sections on the tax cut. Focus here should be on the tax cut as a centerpiece of domestic policy, less on the lobbying effort with Congress and the public per se.

#### *Case Study 2: Clinton and Deficit Reduction*

Woodward, *The Agenda*, chapters TBA (but especially 11, 12, 14, 15 ...) (use the Index to get the key sections).

Supplement with: Elizabeth Drew, *On the Edge*. Again, use the Index.

#### *Case Study 3: Obama and Financial Reform*

Ron Suskind, *Confidence Men*, middle third of book.

#### *Optional Reading*

Jeffrey Cohen, "Strategy and the President's Legislative Policy Agenda: From Proposing Legislation to the Congressional Response, 1789-2002," manuscript, Department of Political Science, Fordham University (August 2010). A statistical test of the burden sharing model.

Andrew Busch, "Domestic Policy: From Campaigning to Governing," pp. 24-48 in Nelson and Riley.

Richard Neustadt, "Presidency and Legislation: The Growth of Central Clearance," *APSR* 48(3): 641-671 (1954).

Stanley Kelly article on presidential bribes.

Roger Larocca *The Presidential Agenda: Sources of Executive Influence in Congress*, sections. The program as lobbying (darn clever but not easy reading).

Paul Light, *The President's Agenda*.

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## 7. GOING PUBLIC

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How to connect opinion leadership with legislative strategy. The Canes-Wrone attention-focusing model. Going public in an opinion contest. The case of SC nominations. Evidence: how effective is the bully pulpit? Going local.

#### *Required Reading*

Brandice Canes-Wrone, *Who Leads Whom? Presidents, Policy, and the Public* (2006), selections  
Robert Y Shapiro and Larry Jacobs, *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness* (2000) pp. 44-55.

Cameron and Jee-Kwang Park, "Going Public When Opinion Is Contested: Evidence from Presidents' Campaigns for Supreme Court Nominees, 1930-2009," *Presidential Studies Quarterly* (2011)

George Edwards, *On Deaf Ears: The Limits of the Bully Pulpit*, Chapter 3 "Presidential Persuasion: Does the Public Respond? Part II – Ronald Reagan" pp. 49-75. The Great Persuader?

Roundtable on "Selling Domestic Policy from the White House," Miller Center Conference Chapter 7 pp. 167-202 in Michael Nelson and Russell Riley (eds) *Governing at Home: The White House and Domestic Policymaking* (2011).\* Available online at <http://millercenter.org/scripps/archive/conference/detail/5471>

*Optional*

Larry Jacobs, "Irrational Exuberance: Selling Domestic Policy from the White House," pp. 147-166 in Nelson and Riley.

*Case Study 1: Bush Tax Cut*

Beckman, *Pushing the Agenda* \*, outside lobbying for Bush tax cut, including the going local portion. Again, supplement with Gelman, add video clips, news stories, CQ Weekly.

*Case Study 2: Bush and Privatizing Social Security*

Find speeches, newspaper coverage, public opinion polls

*Case Study 3: (Value of Unexpected Information from a Biased Source): Reagan and the INF Treaty*

Lee Sigelman, "Disarming the Opposition: The President, the Public, and the INF Treaty," *Public Opinion Quarterly* 54(1):37-47 (1990). Supplement with speeches, documents, news stories esp from conservative sources.

*Case Study 4: Boosting Bork*

Martha Joynt Kumar, *Managing the President's Message*, pp. 168-177 (In depth on Bork)

Note: use the *Public Papers* to read Reagan's actual comments, see if you can find audio or visual clips. Find the subsequent media coverage, if any. Check the Bork case studies, e.g., Ethan Bronner's book. Try to find opinion polls, any impact?

*Optional Reading*

Jeffrey Cohen, *Going Local: Presidential Leadership in the Post-Broadcast Age* (2010)

William Muir, *Bully Pulpit: The Presidential Leadership of Ronald Reagan* (1992).

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## 8. EXECUTIVE APPOINTMENTS: POLITICIZING THE BUREAUCRACY

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History of the civil service. The spoils state. Importance of politicization to the president. How to (and how not to) politicize an agency. Presidential patronage. Strategic allocation of SES personnel. The culture of in-and-outers. The consequences for bureaucratic capacity.

*Required Reading*

Gary Liebcap, "The Federal Bureaucracy: From Patronage to Civil Service," Chapter 12 pp. 364-383 in Price Fishback (ed) *Government and the American Economy: A New History* (2007)

David Lewis, *The Politics of Presidential Appointments* \*, pages 11-74

Gary Hollibaugh, Gabriel Horton, and David Lewis, "Presidents and Patronage" *American Journal of Political Science* doi: 10.1111/ajps.12083 (2014)

<http://onlinelibrary.wiley.com/doi/10.1111/ajps.12083/full>

Glen Krutz, Richard Fleisher, and Jon Bond. "From Abe Fortas to Zoe Baird: Why Some Presidential Nominations Fail in the Senate," *American Political Science Review* 92:871-81.

*Required Case: The Sad History of FEMA*

Dave Lewis, *Politics of Presidential Appointments*, Chapter 6 (pp. 141-171).

*Case Study 1: Bush and the Terror Presidency\**

Jack Goldsmith, *The Terror Presidency: Law and Judgment Inside the Bush Administration* \*

Parts of Gelman, *Angler* (the parts that go with Goldsmith) \*

*Case Study 2: Bush and the EPA\**

George Krause and Brent Dupay, "Coordinated Action and the Limits of Presidential Control over the Bureaucracy: Lessons from the Bush Presidency," pp. 81-101 in Provost and Teske (eds) *President George W. Bush's Influence over Bureaucracy and Public Policy* (2009). Especially pages 87-94, 99-100

Barton Gellman, *Angler: The Cheney Vice President*. 1) Walking away from global warming (pp. 81-91), 2) environment, science (195-213), 3) Energy task force, unitary executive, 91-99. \*

*Case Study 3: Ronald Reagan and Anne Gorsuch at the EPA*

"Mutually Assured Corruption: The Justice Department and Anne Burford," *Washington Monthly* (1986)

<http://www.thefreelibrary.com/Mutually+assured+corruption%3B+the+Justice+Department+and+Anne...-a04080006>

Patricia Sullivan, "Ann Gorsuch Burford Dies, Reagan EPA Director," *Washington Post* July 22, 2004, <http://www.washingtonpost.com/wp-dyn/articles/A3418-2004Jul21.html>

Anne Burford with John Greenya, *Are You Tough Enough? An Insider's View of Washington Power Politics, Sections* (esp Rita Lavelle) (1986)

Contemporary news accounts (incl. CQ).

*Case Study 4: Appointing Ambassadors*

Gary Hollibaugh, Jr "Political Determinants of Ambassadorial Appointments"

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2405141](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2405141)

Supplement with some illustrative examples

*Case Study 5: The Obamacare Rollout*

The role of the Centers for Medicare and Medicaid Services in the webpage rollout. Various sources. Role of political appointees.

*Optional Reading*

Tony Bertelli and Sven Feldmann, "Strategic Appointments," *Journal of Public Administration Research and Theory* 17(1):19-28 (2007)

<http://jpart.oxfordjournals.org/cgi/content/full/17/1/19>

Patrick L. Warren, "Allies and Adversaries: The Roles of Appointees in Administrative Policymaking in a Separation of Powers System," *Journal of Law, Economics, and Organization*, (2010)

[http://people.clemson.edu/~pwarren/?page\\_id=3](http://people.clemson.edu/~pwarren/?page_id=3)

Hugh Hecl, *A Government of Strangers* (sections)

Nolan McCarty and Rose Razaghian, "Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996," *AJPS* 43:1122-43 (1999). Ability to stack agencies: death by delay.

Nolan McCarty, "The Appointments Dilemma" *AJPS* 48(3):413-428 (2004)  
<http://onlinelibrary.wiley.com/doi/10.1111/j.0092-5853.2004.00078.x/full>

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## 9. APPOINTMENTS TO THE SUPREME COURT

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How appointees affect Supreme Court policy making. Presidential objectives. The characteristics approach. Evolution of presidential vetting operations. Long-term consequences for the Supreme Court.

Cameron and Lauren Mattioli, "Presidential Selection of Supreme Court Nominees," manuscript Princeton University.

Cameron, "The Vetting Operation"

Cameron, John Kastellec, and Jee-Kwang Park, "Voting for Justices: Change and Continuity in Confirmation Voting, 1937-2010," *Journal of Politics*

Optional

Cameron, Park, and Deborah Beim, "Shaping the Supreme Court through Appointments: The Impact of a New Justice," *Minnesota Law Review*.

*Case Study 1: Selection of Rehnquist\**

John W. Dean, *The Rehnquist Choice* (2001). Focuses on the executive (incl. eye witness). \* Try to listen to the tapes that Dean quotes from.

*Case Study 2: The Battle over Bork\**

Mark Gittenstein, *Matters of Principle* (focuses on the Judiciary Committee – eye witness). (1992)

Michael Pertschuk, *The People Rising* (focuses on interest groups – eye witness) (1989)

Ethan Bronner, *The Battle for Justice* (solid journalism) (1989)

Optional

Nancy Scherer, book, selections. Insightful on lower court appointments.

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## 10. CENTRAL CLEARANCE

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Growth of the administrative state. The history of centralization. Growth of WH staff and functions. OMB. OIRA. How OIRA works. Political auditing. Coordination. The NSC.

*Required*

NPR Report on OIRA (reacting to Steinzor report) <http://kunm.org/post/obama-office-alters-more-federal-rules-bush> (11/28/2011) A quick listen.

Curtis Copeland, "Length of Rule Reviews by the Office of Information and Regulatory Affairs," Administrative conference of the United States. Has background on OIRA, but note sections on political delay of regulations and emphasis on cost-benefit analysis.

<http://www.acus.gov/sites/default/files/documents/Revised%20Draft%20OIRA%20Report%20110113%20CIRCULATED.pdf>

Alex Acs and Charles Cameron, "Does White House Regulatory Review Produce a Chilling Effect and 'OIRA Avoidance' in the Agencies?," *Presidential Studies Quarterly* 43(3):443-467 (2013).

Christopher DeMuth, "OIRA at Thirty," *Administrative Law Review* 63 (SE): 101-111 (2011) [http://www.ccdemuth.com/uploads/9/7/6/2/9762112/demuth\\_oira\\_at\\_thirty.pdf](http://www.ccdemuth.com/uploads/9/7/6/2/9762112/demuth_oira_at_thirty.pdf) (OIRA head under Reagan, outspoken conservative)

Cass Sunstein, "OIRA Myths and Realities," *Harvard Law Review* 126: 1838-1878 (). (Sunstein was the administrator of OIRA during the first Obama Administration.) <https://www.regblog.org/wp-content/uploads/2013/11/PPR-Regulation-Lecture-2013.pdf>

#### *Case Study*

Shelley Lynne Tomkin, *Inside OMB: Politics and Process in the President's Budget Office*. Sections on OIRA (1998).

Also see materials at: <http://www.thecre.com/ombpapers/centralrev.html>

#### *Optional*

William F. West, "The Institutionalization of Regulatory Review: Organizational Stability and Responsive Competence at OIRA," *Presidential Studies Quarterly* Vol. 35, No. 1 (Mar., 2005), pp. 76-93

Steven Croley, "White House Review of Agency Rulemaking: An Empirical Investigation," *The University of Chicago Law Review* Vol. 70, No. 3 (Summer, 2003), pp. 821-885

Kagan, Elena. 2001. "Presidential Administration," *Harvard Law Review* 114(8): 2245-2385. Narrowly legalistic and normative rather than analytic and positive but some interesting observations.

Curtis Copeland, "Federal Rule-making: The Role of the Office of Information and Regulatory Affairs," CRS 7-5700 (Order Code RL 32397) (2009) Skim for basic info. <http://www.fas.org/sgp/crs/misc/RL32397.pdf>

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## 11. EXECUTIVE ORDERS AND DIRECT ACTION

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Presidents and unilateral action. Executive orders. G.W. Bush's experiments with the "unitary executive."

#### *Required*

Andrew Rudalevige, "Executive Orders -- and MisDirection," *Washington Post* August 5 2014, <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/08/05/executive-directives-and-misdirection/>

William Howell, *Power Without Persuasion: The Politics of Direct Presidential Action* (2003).

Note comments by Reed in Roundtable on "Selling Domestic Policy from the White House," Chapter 7 pp. 167-202 in Michael Nelson and Russell Riley (eds) *Governing at Home: The White House and Domestic Policymaking* (2011). About 40 minutes into the discussion.

<http://millercenter.org/scripps/archive/conference/detail/5471>

#### *Optional:*

Harold Relyea, *Presidential Directives: Background and Overview*, CRS Report 98-611 <http://fas.org/sgp/crs/misc/98-611.pdf>

*Case Study: The First Executive Orders in an Administration*  
Research this topic – read over several administrations.

*Case Study: The Last Executive Orders in an Administration*  
William Howell and “The Last 100 Days,” *Presidential Studies Quarterly* 35(3):533-553. (2005)  
Research this topic – read over several administrations.

*Case Study: Presidential Memoranda*  
P.J. Cooper, “Presidential Memoranda,” *Presidential Studies Quarterly* (2002)

### *Optional*

Ken Mayer, “Going Alone: The Presidential Power of Unilateral Action,” in *Oxford Handbook*

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## 12. THE POWER RATCHET AND CONSTITUTIONAL STABILITY

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Has the presidential power ratchet killed the Madisonian system? Do we need a new constitutional order, or a new way to understand the present one? Should we try to repair Madison’s system? If we don’t, what will happen next? Where does it all lead?

Eric Posner and Adrian Vermuele, *The Executive Unbound*, selections.

Jack Goldsmith, *Power and Constraint*, selections.

Terry Moe and David Lewis, “The Presidency and the Bureaucracy,” pp. 367-400 in Michael Nelson (ed) *The Presidency and the Political System* 10<sup>th</sup> edition (2014).

John Ferejohn and Rick Hills, “Blank Checks, Insufficient Balances,” working paper, NYU Law School, May 2011. <http://www.law.uchicago.edu/files/files/Ferejohn-paper-new.pdf>  
<http://www.youtube.com/watch?v=GxbVr7wqZk> (see Ferejohn discuss the paper, always fun)

### *Case Studies*

The Torture Memos

Jack Goldsmith, *The Terror Presidency: Law and Judgment Inside the Bush Administration* (2007)

Warrantless wire taps

Drones

Bush vs. Lincoln/Wilson/FDR

Daniel Tichenor, “Historical Set Points and the Development of US Presidential Power,” *Perspectives on Politics* 11(3): 769-788 (2013). A review article but gives lots of sources.

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