

GOVT 94RO

Positive Theories of the Presidency and the Separation of Powers

Spring 2017

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Course time: Wednesdays, 4-6pm
Location: CGIS Knafel 107
Office hours: Thursdays, 2-4pm and
by appointment

Course description.

The president is the single most powerful and visible individual in the American political system. It has not always been this way. Writing at the turn of the twentieth century, British academic Lord James Bryce dedicated an entire chapter to explaining why, as he saw it, “Great Men Are Not Chosen President” but instead tend to be so ordinary and commonplace. Fifty years later, Richard Neustadt, aide to President Harry Truman and subsequent academic, wrote that the Constitution reduces presidents to “mere clerks.” Today, political power is as salient as it has ever been in our country’s history. Rarely does a day pass without finding an editorial in a major U.S. newspaper that laments the concentration of power in the presidency. And after one of the most divisive elections the U.S. has experienced, understanding the president’s powers and constraints is as important as it ever has been.

This course surveys the politics of presidential power in a system where power is separated between but also *shared by* adjoining branches of government. At the macro level, increased presidential power would be expected to result in diminished power and influence for other political institutions, including Congress and the courts. What powers *do* presidents have? For what aims do presidents use them? When do presidents succeed and when do they fail? What are the implications of presidential power for policy outcomes and the American political system? Ultimately, is presidential power a good thing or a bad thing – and if the latter, can anything be done to provide a course correction? Through answering these questions, the course’s primary goal is to provide a deeper understanding of the factors that shape presidential power, its exercise, and the nature of the American system of government.

The course’s second goal is to engage students with practices of social science research. To that end, the course will introduce students to the basics of hypothesis development, research design, data collection and analysis, and writing, and will help students develop comfort with communicating social science findings with both public and academic audiences.

Course meetings.

This is a discussion-based seminar that meets once per week. Attendance at all lectures is a natural expectation of the course, and students are responsible for all assigned readings. Students are expected to be active participants in the class discussion, and will frequently be called upon to lead discussion. The bad news is that the reading load is heavy; each week you will be responsible for approximately one book's worth of material. The good news, however, outweighs the bad; there are only nine required weeks of readings, and the readings you complete for these classes will help you write your research papers. Book chapters can be obtained via Canvas unless noted otherwise. All readings should be completed **prior** to that course meeting.

Course requirements.

Your evaluation for the course will be based on the following components:

- **Short papers (3)** **25%**

Between weeks 2 and 10, each student should identify three articles from major news sources on some aspect of presidential power. In 500-1000 words, students should use the material from the course to engage the claims made in the articles. Based on the readings from the course, do you believe the author is right or wrong? What has the author missed, overlooked, or misunderstood? What have the authors of our readings missed, overlooked, or misunderstood? The goal for these assignments is to use and apply the material from the course to understand real-world politics. These assignments should be posted to the Discussions section of Canvas by 12PM on the day of class.

- **Class discussion leading/participation** **20%**

Each student will co-lead the discussion in one of our class sections. In 10 to 15 minutes, students should identify the main themes from the reading and points of agreement and disagreement between that week's readings. Students should also interrogate how well the readings explain observed political phenomena. **Students should not summarize the readings.** By the end of the discussion, students should identify a set of questions to motivate our conversation for the class. In addition, each student is expected to come to class fully prepared and actively participate.

- **Research paper targets (3)** **15%**

Students are expected to submit three sets of materials related to their final project. First, by **Friday, March 10, 6PM**, students should submit a brief description of a paper topic and their interest in studying it. Second, by **Friday, March 24, 6PM**, students should submit a statement of their paper topic along with a specific hypothesis and a one-paragraph description of the approach they will use to study it. Third, by **Friday, March 31, 6PM**, students should submit a list of **at least** five bibliographic references that are relevant for their paper topic. Materials should be sent to the instructor's email address.

- **Research paper and presentation** 40%

In addition to developing and applying analytical skills in the context of U.S. political institutions, a key goal of the course is to introduce students to the practice of social science research. As such, each student is expected to complete an original research paper of approximately 15-20 pages (double-spaced). The research papers will develop a testable hypothesis related to the presidency and/or the separation of powers, identify a suitable research strategy for doing so, and use appropriate data to test the hypothesis. Students will be responsible for preparing a short presentation on their research for the class. Students are encouraged to work closely with the instructor in designing their study. Additional details on the mechanics of the assignment will be distributed in class.

Late assignments.

Late assignments are extremely discouraged and will be heavily penalized without a note from a doctor or resident dean. Written assignments will be penalized two-thirds of a letter grade (e.g., from B+ to B-) for every day late. Students will be unable to make up discussion-leading and their final presentations without documentation from a doctor or resident dean.

Academic integrity.

The success of the course – and indeed, the quality of academic work more generally – depends on open discussion and the exchange of ideas. Students are encouraged to discuss the assignments for the course with others. For instance, students may wish to consult their peers for feedback on their ideas for the research paper or regarding their plans for leading the class discussion. Students may also wish to consult with the Writing Fellow about the mechanics of writing their research paper. These activities are welcomed and encouraged. However, students must ensure that all work submitted for the course is their own. Students are also required to properly cite and acknowledge sources by adhering to standard citation practices. Failure to do so may be considered plagiarism even if it is not intention. Students should consult the Harvard Guide to Using Sources (<http://usingsources.fas.harvard.edu/home>) for guidance on this topic.

Accessibility.

Students needing academic adjustments or accommodations because of a documented disability must present their Faculty Letter from the Accessible Education Office (AEO) and speak with the professor by the end of the second week of the term.

Resources for writing.

The Writing Fellow for our course is Shanna Weitz (sweitz@fas.harvard.edu), a fourth-year graduate student in the Department of Government. She is available to meet with students one-on-one for 30 to 45 minutes to provide feedback on full drafts of the course paper. She can assist with the

structure and style of the papers and help you develop a coherent and well-written argument. Meetings are by appointment at the email address listed above. Students are also encouraged to use the resources available from the Harvard College Writing Center (<http://writingcenter.fas.harvard.edu/>).

Course schedule and assigned readings.

All readings can be found on Canvas unless noted otherwise. The instructor reserves the right to modify the reading list and schedule if necessary given the pace of the course and significant current events.

January 25 Week 1: Introductory material

February 1 Week 2: The Nature of Presidential Power

- *Federalist Papers* #67, 69, and 70.
- Louis Fisher. 2014. *The Law of the Executive Branch: Presidential Power*, chapters 1 and 3.
- William Howell. 2013. *Thinking about the Presidency*, chapters 1-3.
- Richard Neustadt. 1960. *Presidential Power*, chapters 1-3.

February 8 Week 3: Veto Powers

- *Federalist Paper* #73, “The Provision for the Support of the Executive, and the Veto Power.”
- Charles Cameron. 2000. *Veto Bargaining: Presidents and the Politics of Negative Power*, chapters 1, 2, and 4.
- Tim Groseclose and Nolan McCarty. 2001. “The Politics of Blame: Bargaining Before an Audience.” *American Journal of Political Science*.

February 15 Week 4: The Unilateral Presidency

- Terry Moe and William Howell. 1999. “The Presidential Power of Unilateral Action.” *Journal of Law, Economics, and Organization*.
- William G. Howell. 2005. “Unilateral Powers: A Brief Overview.” *Presidential Studies Quarterly*.
- Dino P. Christenson and Doug Kriner. 2014. “Political Constraints on Unilateral Executive Action.” *Case Western Reserve Law Review*.
- Alexander Bolton and Sharece Thrower. 2015. “Legislative Capacity and Executive Unilateralism.” *American Journal of Political Science*.
- Sharece Thrower. Forthcoming. “To Revoke or Not Revoke? The Political Determinants of Executive Order Longevity.” *American Journal of Political Science*.
- Lisa Martin. 2005. “The President and International Commitments: Treaties as Signaling Devices.” *Presidential Studies Quarterly*.

February 22

Week 5: The President and the Courts

- Charles M. Cameron, Jonathan P. Kastellec, and Jee-Kwang Park. 2013. "Voting for Justices: Change and Continuity in Confirmation Voting 1937–2010." *Journal of Politics*.
- Bryon J. Moraski and Charles R. Shipan. 1999. "The Politics of Supreme Court Nominations: A Theory of Institutional Constraints and Choices." *American Journal of Political Science*.
- Gregory A. Caldeira. 1987. "Public Opinion and the US Supreme Court: FDR's Court-Packing Plan." *American Journal of Political Science*.
- William G. Howell and Faisal Ahmed. 2014. "Voting for the President: The Supreme Court During War." *Journal of Law, Economics, and Organization*.
- Ryan J. Owens. 2010. "The Separation of Powers and Supreme Court Agenda Setting." *American Journal of Political Science*.
- Keith Whittington. 2005. "'Interpose Your Friendly Hand': Political Supports for the Exercise of Judicial Review by the United States Supreme Court." *American Political Science Review*.
- Justin Fox and Matthew C. Stephenson. 2011. "Judicial Review as a Response to Political Posturing." *American Political Science Review*.
- Adam Liptak. January 23, 2017. "Why Obama Struggled at Court, and Trump May Strain to Do Better." *New York Times*.

March 1

Week 6: Bureaucratic Management

- Jennifer L. Selin. 2015. "What Makes an Agency Independent?" *American Journal of Political Science*.
- Terry M. Moe. 1989. "The Politics of Government Structure." In *Can the Government Govern?*, ed. John Chubb and Paul Peterson.
- Sanford Gordon. 2011. "Politicizing Agency Spending Authority: Lessons from a Bush-era Scandal." *American Political Science Review*.
- Elena Kagan. 2001. "Presidential Administration." *Harvard Law Review*.
- Joshua B. Kennedy. 2015. "'Do This! Do That! and Nothing Will Happen:' Executive Orders and Bureaucratic Responsiveness." *American Politics Research*.

March 8

Week 7: Two Presidencies and the Domestic Politics of War

- Brandice Canes-Wrone, William G. Howell, and David E. Lewis. 2008. "Toward a Broader Understanding of Presidential Power: A Reevaluation of the Two Presidencies Thesis." *Journal of Politics*.
- Benjamin Fordham. 1998. "The Politics of Threat Perception and the Use of Force: A Political Economy Model of U.S. Uses of Force, 1949-1994." *International Studies Quarterly*.
- William G. Howell and Jon C. Pevehouse. 2005. "Presidents, Congress, and the Use of Force." *International Organization*.

- William G. Howell, Saul P. Jackman, and Jon C. Rogowski. 2013. *The Wartime President: Executive Power and the Nationalizing Politics of Threat*. Chapters 1-4.

March 15 Spring recess – no class

March 22 Week 8: Presidential Leadership and Congress

- Frances Lee. 2008. “Dividers, Not Unifiers: Presidential Leadership and Senate Partisanship, 1981-2004.” *Journal of Politics*.
- Doug Kriner and Eric Schickler. 2014. “Investigating the President: Committee Probes and Presidential Approval, 1953-2006.” *Journal of Politics*.
- Brandice Canes-Wrone and Scott De Marchi. 2002. “Presidential Approval and Legislative Success.” *Journal of Politics*.
- George C. Edwards. 2012. *Overreach: Leadership in the Obama Presidency*, introduction and chapter 1.

March 29 Week 9: The President and the Public

- Samuel Kernell. 2006. *Going Public: New Strategies of Presidential Leadership*, chapters 1-2.
- Jeffrey A. Cohen. 1995. “Presidential Rhetoric and the Public Agenda.” *American Journal of Political Science*.
- Philip Potter and Matthew Baum. 2013. “Looking for Audience Costs in All the Wrong Places: Electoral Institutions, Media Access, and Democratic Constraint.” *Journal of Politics*.
- Donald R. Kinder. 1981. “Presidents, Prosperity, and Public Opinion.” *Public Opinion Quarterly*.
- Brandice Canes-Wrone. 2001. “The President's Legislative Influence from Public Appeals.” *American Journal of Political Science*.

April 5 Week 10: Presidential Power and the Political System

- David Easton. 1975. “A Reassessment of the Concept of Political Support.” *British Journal of Political Science*.
- Andrew Reeves and Jon C. Rogowski. Working paper. “The Public Cost of Unilateral Action.”
- Jon C. Rogowski and Andrew R. Stone. Working paper. “Presidential Appointments, Judicial Legitimacy, and the Separation of Powers.”
- William G. Howell and Terry M. Moe. 2016. *Relic: How Our Constitution Undermines Effective Governance – And Why We Need a More Powerful Presidency*. Chapters 3 and 4.

April 12 Student presentations

April 19 Student presentations

April 26 Student presentations

** Final papers due May 10, 6PM **