

POL 742: The American Presidency

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Office Hours: M-W 10:00-11:00am, 3:30-4:30pm
T-Th 9-10am
By Appointment

This course is an in-depth examination of the American presidency and the executive power vested in it by the Constitution. We begin by investigating the nature of executive power which the Constitution vests in the Presidency. We then turn to the Constitution itself. Therein, we will examine the structure and powers of the office that document creates. Our discussions will focus on the tension between necessity and the rule of law which the executive power most directly confronts. We will also look at the relationship between the President as a Constitutional officer and a political figure within a popular regime. While doing so, we shall read and discuss the writings, speeches, and other documents of many of the men who have served in this office.

Academic Integrity

Academic dishonesty in any form will not be tolerated. Such dishonesty includes, but is not limited to, any form of cheating on exams or plagiarism on essays. Doing so will result in failure of the course and referral to the College for other possible academic punishment.

Participation

This course will involve close readings of texts and significant amounts of class discussion of those texts. Students are expected to read the assignment for the class in a careful manner before coming to class. This requirement does not mean students cannot come to class with concerns and questions. Those should arise. However, they should come from a serious attempt prior to class to understand the readings. Furthermore, once in class, students are expected to participate in the discussions. I will call upon those not participating. If in doing so I find that students have not read the assignment in a sufficiently careful fashion, I may ask the student to leave the class. Finally, absences should be kept to a minimum. If any student misses more than 25% of class sessions, that student will fail the course.

Assignments

Paper: 15-20 pages (45%) or 2 papers 7-10 pages (20% each)

Exam II: (40%)

Participation: 15%

Please note that assignments turned in late will be penalized five points for every day late.

Grading Scale

A	93-100	C	73-77
A-	90-92	C-	70-72
B+	88-89	D+	68-69

B 83-87
B- 80-82
C+ 78-79

D 63-67
D- 60-62
F 0-59

Readings

Nelson, *The Evolving Presidency: Landmark Documents, 1787-2008*, 4th ed. (EP)

Reading Packet (RP)

Blackboard Readings (BB)

Arthur M. Schlesinger, Jr., *The Imperial Presidency*

David K. Nichols, *The Myth of the Modern Presidency*

Jeffrey K. Tulis, *The Rhetorical Presidency*

Stephen Skowronek, *The Politics Presidents Make*

The Executive Power

8/31: Introduction

Readings: Lincoln, "Lyceum Address" (BB); Bryce, "Why Great Men are not Chosen President"
(RP 3-7)

9/2: Executive Power

Readings: U.S. Constitution, Article II, Sec. 1; Harvey C. Mansfield, "The Ambivalence of
Executive Power" (BB); *Federalist 1* (excerpt) (RP: 7).

9/5: Executive Power

Readings: State Constitutions Prior to Constitutional Convention (RP: 7-17); Articles of
Confederation (RP 17-22).

9/7: Executive Power

Readings: Hamilton, "Letter to James Duane" (RP 22-25); *Federalist 70*
(RP 25-28)

Article II, Sec. 1: Choosing a President

9/9: Choosing a President: How to Choose

Readings: Virginia and NJ Plans at Constitutional Convention (RP 29-30); Convention Notes on Presidential Selection (RP 30-40).

9/12: Choosing a President: How to Choose

Readings: U.S. Constitution, Article II, Sec. 1, Amendment XII; *Federalist 68* (RP 40-42).

9/14: Choosing a President: How to Choose—Party Selection

Readings: Ceaser, “Political Parties and Presidential Ambition” (BB); “Tennessee General Assembly Protest Against Caucus System” (EP 72-75); “The McGovern-Fraiser Commission Report” (EP 194-199).

9/16: Choosing a President: Electoral College Today

Readings: *New York Times*, “Flunking the Electoral College” (RP 42-43); Herbert Storing, “In Defense of the Electoral College (BB).

9/19: Presidential Terms/Re-Election

Readings: U.S. Constitution, Article II, Sec. 1, 22nd Amendment; *Federalist 71* (RP 43-46); *Federalist 72* (RP 46-49).

9/21: View of the Presidency I

Readings: Schlesinger, Chs. 1-3

9/23: View of the Presidency II

Readings: Schlesinger, Chs. 4, 11

Article II, Section 2: The Institutional Presidency

9/26: Presidency as Institution

Readings: U.S. Constitution, Article II, Sec. 1 (Oath of Office); U.S. Constitution, Art. II, Sec. 2; TR on the Presidency (EP 116-119); Taft on the Presidency (EP 119-121)

9/28: Foreign Affairs: Outlines

Readings: *Pacificus I*; *Helvidius I* (EP 47-54)

9/30: Foreign Affairs: Commander-in-Chief—War Powers

Readings: Prize Cases (RP 49-55); *U.S. v. Curtiss-Wright* (EP 142-145)

10/3: Foreign Affairs: Commander-in-Chief—War Powers

Readings: *Youngstown Sheet & Tube*

v. Sawyer (EP 163-171); “*War Powers Resolution*” (EP 200-2005).

10/5: Foreign Affairs: Commander-in-Chief

Readings: Emancipation Proclamation (RP 55-57); *Ex Parte Milligan* (EP 95-100);

Korematsu v. U.S. (RP 57-59)

10/7: Foreign Affairs: Treaty-Making power/The Doctrines

Readings: *Federalist 64* (RP 59-63); *U.S. v. Belmont* (RP 63-65); Monroe, “The Monroe Doctrine” (EP 68-71); Truman Doctrine (RP 65-69); Bush Doctrine (EP 256-260).

10/10: Foreign Affairs: Executive Privilege

Readings: Washington on Executive Privilege (RP 69-71); *Nixon v. U.S.* (EP 210-214);

Clinton v. Jones (RP 71-78).

10/12 View of the Presidency II

Readings: Nichols, *Myth of the Modern Presidency*, Intro-Ch. 2

10/14 Fall Break

10/17 Views of the Presidency II

Readings: Nichols, Ch. 6-7

10/19 Domestic Affairs: Faithfully Execute the Laws—Executive Orders

Readings: Jefferson, “Letter to Breckinridge on the Louisiana Purchase” (RP 78-80);
Eisenhower, “Little Rock Executive Order” (EP 171-174); OLC on President
Obama’s Immigration Order (2014) (BB).

10/21 Domestic Affairs: Faithfully Execute the Laws—Signing Statements

Readings: Alito on Presidential signing statements” (BB); G.W. Bush, “Statement on
Signing the Bipartisan Campaign Reform Act of 2002”; (RP 80-81)

10/24 Domestic Affairs: Faithfully Execute the Laws—Pardoning Power

Readings: *Federalist 74* (RP 81-83); *Ex Parte Garland* (RP 83-85)

10/26: Domestic Affairs: Appointment/Removal Power

Readings: Madison on the Removal Power (RP 85-92); *Federalist 77* (excerpt)(RP 92);
Jackson, “Message to the Senate Protesting Censure Resolution” (RP 92-100);

10/28: Domestic Affairs: Appointment/Removal Power

Readings: Webster, “Reply to the Presidential Protest” (RP 100-107); *NLRB v. Noel
Canning* (RP 107-121).

10/31: The Cabinet/Bureaucracy

Readings: "Cabinet Opinion on Rules of Neutrality"

(RP 121-122); "The Pendleton Act" (EP 108-112); "Report of the Brownlow Committee" (EP 151-155).

Article II, Section 3: The Popular Presidency

11/2 Views of the Presidency III

Readings: Tulis, *The Rhetorical Presidency*, Chs. 1-3

11/4 Views of the Presidency III

Readings: Tulis, Chs. 4-5

11/7: Views of the Presidency III

Readings: Tulis, Chs. 6-7

11/9: Setting the Agenda: State of the Union/Legislative Recommendations

Readings: U.S. Constitution, Art. II, Sec. 3; Jackson, "First Message to Congress" (EP 75-79); Obama, State of the Union Address (2016)(RP 122-131).

11/11: Setting the Agenda: Portraits of Presidential Rhetoric

Readings: Washington, "Farewell Address" (EP 54-62); Thomas Jefferson, "First Inaugural" (EP 62-66)

11/14: Setting the Agenda: Portraits of Presidential Rhetoric

Readings: Lincoln, "Second Inaugural" (EP 92-95); TR, "Square Deal" (RP 131-138)

11/16: Setting the Agenda: Portraits of Presidential Rhetoric

Readings: Wilson, "The Fourteen Points" (EP 121-125);

Coolidge, "Address at the Celebration of the 150th Anniversary of the Declaration of Independence" (RP 138-144).

11/18: Setting the Agenda: Portraits of Presidential Rhetoric

Readings: FDR, First Inaugural (EP 132-137); FDR, Fireside Chat March 9, 1937 (EP 146-151); FDR, "Four Freedoms" (RP 144-147).

11/21: Setting the Agenda: Presidential Rhetoric

Readings: Kennedy, First Inaugural (EP 174-177); Johnson, "Great Society" (EP 179-182);

Johnson, "Equality of Result" Speech (EP 186-192); Carter, "Crisis of Confidence" (EP 224-229).

11/28 Setting the Agenda: Presidential Rhetoric

Readings: Reagan, "First Inaugural" (EP 229- 234); GW Bush, Speech on Stem Cell Research (RP 147-150); Obama, "Second Inaugural Address" (RP 150-154)

Article II, Sec. IV

11/30 Impeachment

Readings: Constitutional Convention Notes on Impeachment (RP 154-157); U.S.

Constitution, Art. II, Sec. 4; "Articles of Impeachment Against Andrew Johnson" (EP 100-108); Jackson, "Protest (Censure edit)" (RP 157-162); Articles of Impeachment Against William Jefferson Clinton (EP 239-243).

Article I, Sec. 7

12/2: Veto Power

Readings: U.S. Constitution, Article I, Sec. 7; Convention Notes on Presidential Veto (RP 162-163); *Clinton v. NY* (EP 234-239); Washington, "Veto of Apportionment Bill" (RP 163); Madison, "Veto Message" (RP 164); *Federalist 73* (RP 165-167); Jackson, "Veto Message of the Bill on the Bank of the U.S." (EP 79-83).

12/5: Views of the Presidency IV

Readings: Skowronek, *The Politics Presidents Make*, Part I

12/7: Views of the Presidency IV

Readings: Skowronek, Ch. 4, 6

12/9: Views of the Presidency IV

Readings: Skowronek, Ch. 7-8