The American Presidency (or, What do We Know and How do We Know it?)

Course Description
There is no such thing as a bad time to study the American presidency. But some times (now, for instance) are better than others. Consider the following:

Donald J. Trump, to almost universal surprise (there is a good deal of evidence that not even he saw this coming), won the 2016 presidential election. It was the 5th time in U.S. history, and the 2nd in 16 years, a candidate won the presidency while losing the popular vote. Every well-known forecaster predicted that Hillary Clinton would win, and one was so confident in a Clinton victory he promised to eat a bug if Trump got more than 240 Electoral College votes.¹

And there has never been a more controversial winner. To his supporters he is the one who will obliterate a corrupt D.C establishment, give voice to people who have been ignored for decades by crooked party and governmental elites, and Make America Great Again. They rejoice in his flouting of the political and governing norms, such as his phone call with Taiwanese President Tsai Ing-Wen, which broke with the diplomatic protocol that the U.S. does not formally recognize Taiwan as a sovereign nation, or his threat to evict the White House Press Corps from the West Wing. If elites are against it, Trump’s supporters are for it.

To others, he is a catastrophically unqualified and dangerously unfit egomaniac who poses an overt threat to the Republic. His Cabinet of billionaire nominees is wildly inconsistent with his populist message. And this was before U.S. intelligence agencies concluded that Russian operatives, with the approval of Putin himself, hacked DNC computers and carefully leaked embarrassing emails as a way of damaging Clinton, all with the goal of helping Trump.

Nearly everything about Trump’s candidacy and - so far - governing strategy is unconventional (which is putting it mildly). From his appointments, to his policy reversals, his post-election victory tour, his lack of enthusiasm for moving from Trump Tower to the White House, his continuing tweets, his lack of interest in policy details, his dismissal of conflict of interest concerns, his casual attitude toward the Presidential Daily Brief – and that’s just a few post election tidbits and doesn’t count anything from the campaign. You’d exhaust yourself writing down every norm that he has blown through. Surely it has to hit at some point that presidents are expected to actually, you know, do stuff that goes beyond random tweeting and assurances that everything is going to be great.

¹ Trump won 306. On November 12, down the hatch! it was:
In the meantime, the rest of the country’s (and world’s) problems have not gone away. ISIS, Syria, Iran, Russia, terrorist attacks in Paris and San Bernardino, in Egypt and Israel and Turkey, the refugee crisis, North Korea, the European Union, China, climate change, drones, Guantanamo Bay, income inequality, gun violence, immigration, the economy, the deficit, entitlement reform, health care, are all hanging around – the full range of issues that Trump will confront.

It is fair question – given how wrong informed opinion was about the election, and how Trump has, so far, at least, faced few consequences for doing just about the opposite of what experts said he should do – to ask what do we really know, and how do we know it?

This is a course about a peculiar American political institution, the Presidency. Throughout the course, we will focus on four fundamental questions about the President's role as formal head of the executive branch of government and head of state, but also as the focal point of public attention:

(1) What are the sources of presidential power? In Harry Truman's formulation, presidential power is little more than convincing other people that what the president wants from them is in fact what they should want in order to further their own interests. The president sits atop a vast bureaucracy, filled with actors whose interests will not always coincide with his. The president must continually bargain with members of Congress, each of whom has his or her own independent base of political support. And, as every president learns, public evaluations can be fickle.

On the other hand, presidents retain substantial amount of statutory and constitutional authority, and there is little doubt about the president’s ability to act almost at will with respect to war powers and foreign affairs. We will investigate the importance of these formal and informal sources of presidential power, and devote considerable attention to the historical development of presidential power, examining key presidencies and eras in close detail.

Many constitutional grants are ambiguous, or have never been definitively interpreted. Consider one current controversy over Donald Trump’s wide-ranging business empire, with operations all over the world. Trump leases the Old Post Office – a government building – and operates a hotel under contract with the federal government. Many observers, including lawyers with White House experience, insist that divesting himself of his operations is the only way to avoid conflict of interest problems. Even more significant, the Constitution prohibits gifts or payments to any federal officer (which includes the President, even if conflict of interest statutes do not) from any foreign government. The “emoluments clause” has never been fully analyzed by federal courts, in part because there hasn’t been a president like Trump. But it raises all manner of difficult questions – what happens if foreign embassies hold events at a Trump property? If a foreign national leases office space? If a Russian oil magnate offers to purchase one of Trump’s golf courses at 5 times what Trump spent developing it? Who determines if this violates the constitution? Who decides how to enforce the law (or even whether it is enforceable in the normal course of government operations)? Is it an impeachable offense?

And if you conclude that Trump must divest himself of his holdings, how would that work? Would a “blind trust” address concerns, given that the much of the value of the
Trump Organization is the brand (which is “Trump”)? If you think he must sell his holdings, how do you determine what they are worth (difficult for closely held companies)? Would you allow him to profit from the sale? By how much? Is it even possible to untangle all of this?

And, finally, some questions of presidential power are actually impossible to answer. We will consider one of the contradictions of the office – the existence of the prerogative power, or the inherent authority to go outside the Constitution (or even violate it) in order to achieve a higher goal, such as saving the Republic.

(2) How are presidents elected? The presidential election process is long, complex, and difficult to navigate (and it doesn’t always produce what most people think are particularly strong candidates). Critics contend that the process is flawed, because presidential campaign skills have little to do with presidential governing skills. Some observers maintain that the election process deters quality leaders from seeking the office; historian James Bryce made the same argument in 1888. We will investigate presidential primaries, the politics of getting to the convention, the general election campaign, and the relationship between the politics of campaigning and the politics of governance.

We will pay close attention to a the 2012 and 2016 elections. 2012 because of what the results seemed to indicate about the long term prospects of the parties, 2016 because of how unconventional it was. Most of the time, presidents emerge from existing political networks and have links to networks of social elites. There are some who did not (Andrew Jackson comes to mind), but Trump is the first president to have no previous government or military experience.

(3) How do presidents govern? This may seem like an obvious question, akin to asking how fish swim or birds fly (the easiest answer is, well, that’s just what they do). But it is perhaps the key question about presidential behavior. Every modern president has tried to use campaign-type techniques to generate support for their legislative initiatives. It rarely works, in part because the two tasks – campaigning and governing – are so different. Can you recall an instance where a president overcame congressional or public opposition by making public appeals? Bush attempted this with Social Security reform, with dismal results. Obama did the same with gun control, using the families of the children murdered in Newtown, CT to push Congress to enact new gun control legislation. Nothing happened, as even a mild change to background checks could not overcome a Senate filibuster.

Where does Trump fit into this picture? His presidency poses questions that we have never faced before. How will he manage the business of the presidency with the business of the Trump Organization? What role will his children play in his administration? Will he delegate policy decisions to his cabinet secretaries, VP Mike Pence, or Republican congressional leadership? Will he violate the constitution’s emoluments clause? Will he continue holding rallies as a way of demonstrating public support?

(4) How do Presidents make policy? Different presidents have different policy goals; how successful are they in implementing their ideas of government? Here we will pay particular attention to the relationship between the President and Congress, and the manner in which the White House manages public relations.
Course Requirements: You should purchase the following anywhere you can get a good deal:

Bruce Miroff, *Presidents on Political Ground: Leaders in Action and What They Face* (Lawrence, KS: University Press of Kansas, 2016)

I will also assign some more specialized readings, which will be posted on Learn@UW. The reading load is moderate to heavy, and at times the assignments can be demanding. It is important that you stay current, because I guarantee that you will not be able reel everything in two days before the exams.

You are also required to read a national newspaper of record. The New York Times and the Washington Post are the easiest to get here (the Washington Post offers unlimited access for UW ip addresses).

Your grade will be based on the following: a final (35%), a two midterms (20% for the 6 week, 25% for the 12 week), and online participation and organized activities (20%). While we have a TA – Michael Promisel – there are no mandatory sections. Instead, Michael will oversee a series of online discussions and activities, in which you will have an opportunity to engage with other students and participate in some specific analytical projects (such as preparing a mock daily briefing).

On Thursday, January 26, Michael will run the lecture, go over the organized activities, and help get you organized.

There will be two midterms, an short take home 6 week due on February 25th, and a longer a take home 12 week due on April 7th. The final exam will be a take home exam, due at 9:45AM on May 9th.

One feature of the class may be a surprise: lectures are a connectivity-free zone. You will have to go off the grid during class: no phones, no texting, no email, no browsing, no facebook/Instagram/Tumblr/ESPN/Twitter/TMZ/Buzzfeed/SnapChat/World of Warcraft, etc. This may be difficult at first – and your friends may worry that you’ve fallen down a well when you don’t respond to messages within 30 seconds – but I promise that you will not, in fact, die from disconnecting, though it may feel that way initially. You may also come to realize that you can’t pay attention in class when you are online, and that multitasking is a myth. The TA – Michael Promisel – will help me monitor this.

Some web sites that will be useful here:

The White House
The Miller Center for Public Affairs, University of Virginia
The American Presidency Project, UC Santa Barbara
The White House Transition Project
National Archives Presidential Documents Guide
Links to Presidential Libraries, National Archives
The National Security Archive, The George Washington University
List of Presidential Vetoes, U.S. Senate
NOTE: this schedule and organization may change, depending on events

Part I: Introduction. - Studying the presidency, and the nature of the office. Historical patterns
- Overview
Readings: Edwards and Wayne, chapter 1
Miroff, Introduction
Ragsdale, “Studying the Presidency: Why Presidents Need Political Scientists,” The Presidency and the Political System, chapter 2. The American Presidency Project (website run out of UC Santa Barbara)

- Constitutional Origins and Historical Development; Formal Powers
Readings: Mackenzie, chapter 1 and 2
Marc Landy and Sidney M. Miliks, “The Presidency in History,” The Presidency and the Political System, chapter 3

Primary Documents
Federalist 67, 70, 71, 72. (Learn@UW)
Joseph Story, Commentaries on the Constitution, sections 1485-1486. (Learn@UW)
George Washington Inaugural Address, April 30, 1789. (Learn@UW)

Special: Readings on the Emoluments Clause and Conflicts of Interest
Jack Maskell, Gifts to the President of the United States, Congressional Research Service, August 16, 2012. Learn@UW.

Part II: The Politics of Presidential Elections
-Overview
Readings: Mackenzie, chapter 3
Connecticut Courant, September 15, 1800. (Learn@UW)

- Nominations and Presidential Primaries
Edwards and Wayne, ch. 2

-The General Election and the Electoral College
Nate Silver, “There Is No Blue Wall,” FiveThirtyEight.com, May 12, 2015
- the 2016 election

**Preelection Readings:**

**Postelection Readings:**

- Is this any Way to Pick a President?
  Readings: James Bryce, *Why Great Men are Not Chosen President*, chapter 8 in *The American Commonwealth* (originally published 1888). Learn@UW.

**Part III: Presidential Governing – Managing the Affairs of State, and Getting What You Want**

- Campaigning is not Governing, and other Cautionary Tales
  The White House Transition Project
  Simulation: Crisis in the Fiery Cross Reef (transcript, video)

Other readings: Given that we will be observing the first months of the Trump Administration in real time, these readings will depend on events.

- The President and the Public and the Media; the rise of the “Public Presidency”
  Readings: Edwards/Wayne, ch. 4-5
  Mackenzie, chapter 4
  Miroff, chapter 1
  Elvin Lim, “The Presidency and the Media,” *The Presidency and the Political System*, chapter 10
  Here are a couple of interesting places:
  FDR’s March 12, 1933 Fireside Chat
  The official White House Twitter feed
  Donald Trump’s Twitter feed
Exercise: Group activity – you will select a Trump speech (not a Tweet, sorry) and analyze it to identify 1) the president’s goals and intended audience, and 2) whether it moved the public and/or achieved the goals you identified in (1). I will provide detailed information as we approach the exercise.

- The Presidency as an institution: The White House Office; organizational problems, managing the Executive Branch

readings: Edwards/Wayne, ch. 6, 8
John Burke, “The Institutional Presidency,” The Presidency and the Political System, chapter 11
Stuart Eizenstat, Memorandum to President-Elect Carter, “Organizing the White House Staff,” November 8, 1980. Learn@UW

- Decision making in the White House

readings: Edwards/Wayne, ch. 7

Exercise: how would you characterize Trump’s White House decision making and organizational structure? How is it consistent with what previous presidents have done, and how does it depart? Use a case study of a presidential decision or problem to evaluate whether these structures are effective in pursing presidential goals.

Part IV: Governing in a "Separated System." Relations with other governmental actors.

- Energy in the Executive: The question of initiative, from unilateral action to the prerogative
Readings: Miroff, chapter 3

- relations with Congress and the Separation of Powers
readings: Edwards/Wayne, ch. 9
Mackenzie, chapter 5
Matthew Dickinson, “The President and Congress,” The Presidency and the Political System, chapter 15

- relations with the Judiciary
readings: Edwards/Wayne, ch. 10
David Yalof, “The President and the Judiciary,” The Presidency and the Political System, chapter 16

- The President as Head of the Executive Branch
Readings: David Lewis and Terry Moe, “The President and the Bureaucracy,” The Presidency and the Political System, chapter 14

Exercise: You will simulate a presidential advising team with 4 or 5 of your colleagues. Your assignment is to review the news over a specified date range (I’ll give the dates to you), and write up a 4-5 page summary of the news, and then a 1 page summary of the
summary, which the president will rely on to know what is going on in the country and the world. You will submit both documents. I will provide detailed information as we approach the exercise.

**Part V: Public Policies**
- Domestic Policy
  readings: Edwards/Wayne, ch. 11
  Miroff, chapter 4

- Budget and Economic Policy
  Readings: Edwards and Wayne, ch. 12
  Miroff, chapter 2

- Foreign Policy and War Powers
  readings: Edwards/Wayne, ch. 13
  Mackenzie, chapter 6
  Miroff, chapter 5

**Part VI: Summing it All Up.**
- Assessing presidential leadership
  Readings Paul Quirk, “Presidential Competence,” *The Presidency and the Political System*, chapter 5
  Miroff, conclusion
  Mackenzie, chapter 7.