**Presidential Power**

**Four Factions of Focus**

* 1: Base
* 2: Cross-pressured partisans
* 3: Cross-pressured opposition
* 4: Opposition base

**One: Building Coalitions through Elections**

* Help get people into office (coattails)
* Presidents also make efforts at the midterm
* Go public to mobilize voters

**Two: Leading the Party**

* Co-partisans reluctant to embarrass president
* We say president has “strategic position” as party leader
* Constantly reinforce shared policy goals
* Deputize leaders in Congress to keep party members in line
* **Leadership Pursuit**
  + Some leaders are loyal
  + Michel: “servant of the president”
  + Baker: “president’s spear carrier”
  + Rayburn: “haven’t served *under* any presidents, but I’ve served *with* several”
* **Dealing with Opposition Strategy**
  + Constructive opposition (proposes alternatives)
  + Obstructionism (defeat president without own ideas)

**Three: Using Personal Support**

* Congress might respond when they fear public backlash
* Popular presidents may get a small boost in success rates
* Success: “at the margins” according to George Edwards
* 10 points of approval = 2 percent of legislative success

**Four: Treat Successful Elections as Mandates**

* Mandate: authority granted by voters to act
* Presidents: portray elections as messages
* The message: voters want what winner proposed
* Directive: enact the winner’s ideas
* **Using the Mandate**
  + President tries to convince Congress mandate exists
  + Studies show: Congress enters “mandate state”
  + Power of mandate dissipates though, and quickly
  + As such: pressure of “first hundred days” (honeymoon period)
  + Act when election outcome is still fresh in minds
  + Mandates: claimed no matter what the outcome
* **Famous Mandates**
  + 1964: Johnson (Great Society, Civil Rights)
  + 1968: Nixon (Vietnam, Crime)
  + 1980: Reagan (international vision)
  + 1992: Clinton (economics and health care)

**State of the Union**

* **Article II, Section 3**
  + “He shall from time to time give to Congress information of the State of the Union and recommend to their Consideration such measures as he shall judge necessary and expedient”
* Once written, now delivered very publicly
* Full of ceremonial flourishes
* “the state of the union is strong”
* Use of “Lenny Skutniks” to illustrate points about America/accomplishments
* After it’s over: opposition responds

**Today’s Presidents**

* Today’s President: has extensive policy ideas, policy infrastructure
* Today’s President: proactive rather than reactive
* Taking advantage of what GOVT calls “vaguely described power”
* We might ask: is this what the Founders intended

**Early Questions**

* The president appoints, but who removes (and for what?)
* Can the President declare American neutrality?
* Can the appointment power be a reward power?
* When and how often should the veto be used?

**Lincoln: A First Clear Turning Point**

* First inaugural: “you have no oath registered in Heaven to destroy the government, while I shall have the most solemn on to preserve, protect, and defend it”
* Acts of questionable constitutionality (can he? Timing?): increase military, buying military supplies, blockades, suspending habeas corpus, banning treasonous correspondence
* Later: Emancipation Proclamation
* Belief: preserving the Union is the ultimate purpose of the Constitution

**The Dormant Presidency Revived**

* Lincoln: an exception to the rule across the first 100 or so years
* Many 19th century presidents: literalists
* Teddy Roosevelt (and a good number of 20th century presidents): stewards
  + “I acted for the public welfare, I acted for the common well-being of all our people, whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition”
  + TR, FDR: use public as weapon to reinforce questionable actions

**Congress: Undermining Itself?**

* Great Depression (and early failures to turn things around): a panicked federal government
* FDR offers active presidency and ideas, Congress jumps aboard with many
* Brownlow Committee (1937): “the president needs help”
* Congress funds the Executive Office of the President
  + Think of this as millions spent on people whose job it is to bolster the president
* Another issue: as world becomes more complicated, Congress punts on details within Laws
* Bureaucracy with greater discretion, under presidential umbrella
* Second half of the 20th, early 21st: Congress struggling to find its footing

**Checks and Balances in 2015**

* President Obama may have the shopping list, but what will end up in the pantry
* Items in SOTUs become bills, but bills rarely become laws
* Check: a Republican Congress
* Check: middling approval

**Why Bureaucracy?**

* Congress doesn’t have time, expertise, ability to do everything
* Agencies created with clerar purposes, given authority to make policy decisions
* Congress gives general guidelines, bureaucracy works out the details
* Executing these guidelines: implementation

**Bureaucratic Power: Supreme Court Nominees**

**Holding Bureaucrats Accountable**

* President: appoint and remove heads, reorganize
* Congress: abolish programs, refuse to fund, investigate, compel testimony, write legislation to limit action
* Court: rule if bureaucrats are acting within the law, if decisions are constitutional
* In total: this is oversight
* Two oversight strategies:
  + Police patrols: regularly checking in on bureaucrats
    - Think of a policeman walking a beat and hitting the same spots at regular intervals
  + Fire alarms: only checking in when something goes wrong
    - Think of firemen waiting in a firehouse for a fire and jumping into action when they get the call

**Media Investigation as Oversight**

* Write stories to gain a public reaction
* Write stories to appeal to elites
* Work with elites to create awareness
* **A history of Muckraking**
  + Origins lie in early 1900’s
  + Key: shift in journalism meant independent, fact-based investigation, not sensationalized and partial
  + Primarily in magazines (e.g. McClure’s) at the time: allowed for long form approach and made magazines stand out
  + Major stories: exposing business conditions, corruption in government
  + Results: breakdown of corporations, new laws to protect citizens, new strategies of campaigning
  + Journalism in the 20th century: full of major muckrakers (Carson and pesticides, Nader and automobiles, Woodward/Bernstein and Watergate)
* **The Simple Muckraking Model**
  + Journalistic investigation
  + Publication
  + Public opinion
  + Policy initiatives
  + Policy consequences
  + **Variations:**
    - Leaping impact: when we see a step skipped
    - Truncated: when we see a breakdown in the model (don’t get to the end)

**Supreme Court Nominations**

**June 27, 1992**

* Supreme Court issues surprising 5-4 decision in Planned Parenthood v. Casey
* Result: Roe v. Wade upheld, abortion remains a right
* Why the surprise? 2 Reagan nominees voted to uphold Roe
* Nominated Supreme Court justices: an important presidential duty
* Takeaway: also a difficult duty

**Nominating Justices**

* A way for presidents to leave a lasting legacy
* The dilemma: selecting a nominee that can be confirmed
* The fear: high profile rejection leaves its mark
* Tension between focusing on the legacy and the here and now
* Bork: an example of considering the legacy

**Paths to the Bench**

* All modern justices have law degrees
* Virtually all today have judicial experience
* Many from federal courts of appeals

**Yalof’s Variables Shaping who gets Nominated**

* Timing: when during a presidency?
* Composition of the Senate
* Public approval of the President
* Attributes of the outgoing justice
* Pool of viable candidates
* **How might Presidents decide?**
  + Open framework: open debate once a vacancy appears
  + Single candidate framework: have an idea in your back pocket
  + Criteria framework: know what you want from a potential justice

**An Increasingly Public Process**

* Hearings start in 1873, open to media by 1916
* Since 1955, all nominees testify in front of Senate Judiciary Committee
* Hearings televised since 1981
* Result: have to consider who will play well on TV as well
* Creates forum for senators to make a name for themselves

**Outsiders Step in**

* Bar associations offer counsel
* Interest groups lobby
* Media increase coverage (and scrutiny)
  + Legal research databases offer further insight

**Rejections**

* Prior to 1900: one quarter of nominees rejected
* Until 1968: rejections almost always for lack of qualification
* Modern rejections: about ideology (Haynsworth, Bork) or scandal (Carswell)
* Some nominations never get off the ground (Ginsburg, Miers)

**Supreme Court Knowledge**

**2015 – 2016 Docket**

* Affirmative action
* Voting
* Union dues
* Death penalty
* Abortion
* Contraception

**Americans and the Courts**

* Little knowledge of the players, the decision and their meanings
* Feeling that much of what courts do doesn’t affect daily life
* Media coverage: should be especially important given this

**Difficulties with the Court**

* Decisions tough to understand, tough to make relevant
* Court doesn’t help the media out (technical writing, no PR wing)
* Justices vary widely in public nature
* Calendar driven nature of Court leads to uneven stream of information, competition for coverage
* **Blame the media?**
  + Avoiding grappling with details of decisions
  + Focusing on litigant, political, local reaction
  + Are journalists equipped to understand courts?

**The Effect of Reality Courts**

* Late 1900s survey: 2 in 5 Americans said shows like these helped inform them about legal systems
* Same survey: 3 in 5 Americans said legal dramas had same effect
* Pros
  + Build trust and confidence in legal system
* Cons
  + False advertising about what the judiciary looks like
* **The CSI effect**
  + At its peak: CSI had around 30 million viewers in the US
  + Judges: note increase juror knowledge, standards for making a case
  + Citizens expect investigators to use sophisticated methods, have perfect evidence
  + Reality: falls short
* **Why do we Care? Legitimacy!**
  + We want people to comply with laws, rulings
  + If we don’t know how courts work, will we accept them as legitimate?
  + If we think courts are biased, will we accept them as legitimate?

**Domestic and Foreign Policy**

What arguments can be made in favor of shrinking the size of the government (in terms of government workers on budget)? And vice versa?

**A Growing Government**

* Expansion of government = expansion of domestic policy
* Covers every stage of life
* Often times: help for citizens who need help

**Before the 20th Century**

* Today: we take social services for granted
* Most programs: product of the 20th century
  + Before then, no expectations

**Transition to Social Policy**

* Society becomes urban, industrial
* People more interdependent
* People reliant on system of production
* Depression: a signal that hard work isn’t enough
* Desire for hands-off approach by government diminished, approval of safety net rises

**New Deal Policies**

* Civil Works Administration: puts 4 million to work, but not doing anything lasting
* Works Progress Administration: replaces it, considers the future
* Absorbs 20 percent of unemployed, constructs playgrounds, schools, hospitals, etc.

**Social Security: A Permanent Legacy**

* Intent: provide minimum of security
* Established old age insurance
* Also: assistance for the needy, children
* Also: unemployment insurance

**Health Care Policy**

* Local governments establish public health departments
* Deal with: sanitation, water, immunization, disease
* National health insurance considered as part of New Deal
* 1960s: Medicare (elderly) and Medicaid (poor)
* Today: programs like CHIP (Children’s Health Insurance Program) insure children in low-income, non-Medical families

**Social Welfare Policy**

* Programs helping poor are less generous, often come with strings attached
* Examples: TANF (Temporary Assistance for Needy Families), Supplemental Nutrition Assistance Program (SNAP), Section 8 housing, school lunch programs

Should the United States serve as the world’s policeman? Why or why not?

**This is**

* Isolationism: put American concerns first, not interfere
* Internationalism/Interventionism: be actively engaged in shaping the global environment

**In the Beginning**

* United States is weak, on margins of the world
* Had resources though and industrious people
* Philosophy was isolationist
* Involved in trade
* Fear: Europe would try to assert itself in West
  + Monroe Doctrine: US will oppose such attempts

**Modifying Monroe**

* US becomes powerful as it expands and develops
* Roosevelt Corollary: we will ensure stability in our hemisphere
* World War 1: a test between isolation vs international
  + Originally neutral, but drawn in
  + Afterward: push for multinational organization for peace falls flat
* **World War II as Transformative**
  + US becomes leader of most powerful coalition
  + Also: only major power not decimated