

**POLS 494: Presidential Power
Fall 2024**

Instructors: Alex Bolton and Benjamin Kinnard

Class Information: Thursday, 1:00-3:45

Office: Tarbutton 317 (Bolton); Tarbutton 116 (Kinnard)

Office Hours: Friday, 3:00-4:30 PM (Bolton); Wednesday, 10:00-11:30 AM (Kinnard); or, by appointment.

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Course Description

In this course, students will study the dynamics of power surrounding the United States presidency. While the office is often considered one of the most powerful in the world, its occupants often fail to achieve even their most central goals and bitterly complain about the obstacles they face as they navigate the political environment. Throughout the semester, we will consider the aspects of the legal and political environments that both facilitate and inhibit the power presidents can wield. We will do this by considering the power endowed in the presidency by the Constitution, the development and construction of presidential power throughout American history, how presidents deploy the prerogatives of their office to advance their agendas, and the aspects of the political environment (including other institutional actors and the public) that cabin presidential ambitions. In doing so, we will develop a working understanding of the opportunities and constraints that shape presidential action and ultimately the ability of presidents to reshape policy and politics.

This course fulfills the research requirement for the political science department majors. As such, we will place significant emphasis both in class and in assignments on the development of a research question, identifying relevant literature, designing a study that can credibly contribute to the primary literature, and implementing that design.

Learning Objectives

By the end of this course, students will be able to:

- Understand and synthesize constitutional debates about presidential power
- Describe the major ways presidents exercise power over policymaking in the United States
- Understand and describe how the political environment shapes presidents' ability to impact policymaking
- Critically analyze scholarly and popular arguments about presidential power
- Design and execute a research project that can meaningfully contribute to scholarly understandings of the presidency

Assignments and Grading

- **Participation (20%):** As this is a seminar, students are expected to actively participate in class discussions throughout the semester. Effective participation requires both completing the readings for each class AND reflecting on them prior to meeting. Students who come to class with questions and are ready to actively engage with others about the course materials will be best able to participate in meaningful ways.
- **Reflection Memos (15%):** Every student will be tasked with creating a reflection memo of the readings for two class sessions. There will be a sign-up sheet for students to pick the sessions they want to write memos for on the first session of class. The memos will include a summary of the main arguments and key findings of the week's readings as well as a discussion on the week's reflection question informed by the week's readings. These memos will be 2-3 double-spaced pages long with 12-point font and will be graded on the quality of the summary and the discussion of the week's reflection question. Each memo will be due on 5 PM the Wednesday before class and should be submitted to the instructors via email.
- **Research Paper (65%):** The major assignment for this class will be the final research paper. Students will develop an original research question, identify relevant literature, and develop and execute a research design to answer their question. We will have several assignments throughout the semester that comprise this portion of the grade, including:
 - Research question and annotated bibliography (5%) (due Sep 27)
 - Theoretical argument (5%) (due Oct 18)
 - Research design (5%) (due Nov 15)
 - Final draft of paper (50%) (due Dec 15)

Course Readings

There are no required textbooks for this class. All readings will be posted or linked on Canvas. Some reading assignments may require students to access Emory library resources, either electronically or in person.

Course Outline

The schedule of topics and readings is indicated below. Changes to these readings will be communicated via Canvas. Students are advised to consult Canvas for the most up to date version of the syllabus.

August 29: Course Introduction

Readings:

- <https://www.cnn.com/2013/10/03/politics/shutdown-debt-ceiling-constitution/index.html>
- <https://www.nytimes.com/2011/07/22/opinion/22posner.html>

September 5: Unitary Executive Theory

Readings:

- [Article II, Section 1](#) (first sentence only)
- [Interpretation and Debate: The Vesting Clause](#) (National Constitution Center); be sure to read the tabs “Common Interpretation,” “The Most Compelling Reading of the Vesting Clause,” and “The Significance of Executive Power”
- [Decision of 1789 and Removals in Early Republic](#)
- Edited case excerpts:
 - *Myers v. United States* (1926) and *Humphrey’s Executor v. United States* (1935)
 - *Seila Law v. Consumer Financial Protection Bureau* (2019)

September 12: Executive Privilege and Presidential Immunity

Readings:

- *US v. Nixon* (1974) [excerpts]
- [House Republicans sue Attorney General Garland for access to audio from Biden’s interview with special counsel Hur](#)
- *Trump v. United States* (2024) [excerpts]

September 19: Presidential War Powers

Readings:

- [War Powers Resolution: Concepts and Practice \(Congressional Research Service\)](#)
- [SAP: S. 316 – To Repeal the Authorizations for Use of Military Force Against Iraq](#)
- Howell, William G. and Jon C. Rogowski. “War, the Presidency, and Legislative Voting Behavior.” *American Journal of Political Science* 57(1):150–166.
- Howell, William G. and Jon C. Pevehouse. 2005. “Presidents, Congress, and the Use of Force.” *International Organization* 59: 209-232.

September 26: Presidential Representation

Readings:

- Dearborn, John A. 2021. *Power Shifts : Congress and Presidential Representation*. Chicago: The University of Chicago Press. [Ch. 2, 3, and 7]
- Kriner, Douglas L., and Andrew Reeves. 2015. “Presidential Particularism and Divide-the-Dollar Politics.” *American Political Science Review* 109(1): 155–71.

October 3: Politicizing the Bureaucracy

Readings:

- Moe, Terry M. 1985. “The Politicized Presidency.” In *The New Direction in American Politics*, eds. John E. Chubb and Paul E. Peterson. Washington, DC: Brookings Institution Press, 235–71.

- Richardson, Mark D. 2019. "Politicization and Expertise: Exit, Effort, and Investment." *The Journal of Politics* 81(3): 878–91.
- Gordon, Sanford C. 2011. "Politicizing Agency Spending Authority: Lessons from a Bush-Era Scandal." *American Political Science Review* 105(4): 717–34.

October 10: Centralizing Power in the White House

Readings:

- [OIRA 101: The Most Powerful Government Agency You've Never Heard Of](#)
- Benn, Annie. 2023. "Presidential Partisanship and Regulatory Review." *Presidential Studies Quarterly* 53(3): 316–33.
- Acs, Alex, and Charles M. Cameron. 2013. "Does White House Regulatory Review Produce a Chilling Effect and 'OIRA Avoidance' in the Agencies?" *Presidential Studies Quarterly* 43(3): 443–67.

October 17: The President and the Courts

Readings:

- [Biden administration urges Supreme Court to reinstate student loan relief plan in emergency appeal](#)
- Whittington, Keith E. 2005. "'Interpose Your Friendly Hand': Political Supports for the Exercise of Judicial Review by the United States Supreme Court." *American Political Science Review* 99(4): 583–96.
- Gardner, Paul J., and Sharece Thrower. 2023. "Presidential Constraints on Supreme Court Decision-Making." *The Journal of Politics* 85(1): 139–52.

October 24: Presidential Veto Power and Appointment Power

Readings:

- [Federal agencies are ramping up efforts to prepare for a presidential transition](#)
- Cameron, Charles M. 2009. "The Presidential Veto." In *The Oxford Handbook of the American Presidency*, eds. George C. Edwards and William G. Howell. Oxford University Press, 362–382.
- Cameron, Charles M., and Jonathan P. Kastellec. 2023. *Making the Supreme Court : The Politics of Appointments, 1930-2020*. New York, NY: Oxford University Press. [chapter 9]

October 31: Unilateral Action

Readings:

- Cooper, Phillip J. *By Order of the President: The Use and Abuse of Executive Direct Action*. Lawrence, KS: The University of Kansas Press. [chapter 2]
- Chiou, Fang-Yi, and Lawrence S. Rothenberg. 2014. "The Elusive Search for Presidential Power." *American Journal of Political Science* 58(3): 653–68.
- Christenson, Dino P., and Douglas L. Kriner. 2019. "Does Public Opinion Constrain Presidential Unilateralism?" *American Political Science Review* 113(4): 1071–77.

November 7: Election Day

No readings for this week- we will be discussing the election as a class and also spending time discussing your research papers for the class.

November 14: Persuading the Public

Readings:

- Edwards, George. 2003. *On Deaf Ears: The Limits of the Presidential Bully Pulpit*. New Haven, CT: Yale University Press. [Chapters 1-2]
- Druckman, James N. and Justin W. Holmes. 2004. "Does Presidential Rhetoric Matter? Priming and Presidential Approval." *Presidential Studies Quarterly* 34(4):755-778.

November 21: Going Public as Legislative Strategy

Readings:

- Canes-Wrone, Brandice. 2006. *Who Leads Whom? Presidents, Policy, and The Public*. Chicago, IL: University of Chicago Press. [Chapters 1-3]
- Hassell, Hans J. G., and Samuel Kernell. 2016. "Veto Rhetoric and Legislative Riders." *American Journal of Political Science* 60(4): 845–59.

December 5: Do Presidents Need More Power?

Readings:

- Excerpts from Posner, Eric A. and Adrian Vermeuele. 2011. *The Executive Unbound: After the Madisonian Republic*. Oxford, UK: Oxford University Press.

Sundry Policies

The policies below will guide my decisions and our activities throughout the course. Most are adapted from the Office of Undergraduate Education and the Center for Faculty Development and Excellence. If you have any questions about them, or their application to this course or your circumstances, please do not hesitate to be in touch.

Academic Integrity

The Honor Code is in effect throughout the semester. By taking this course, you affirm that it is a violation of the code to cheat on exams, to plagiarize, to deviate from instructions about collaboration on work that is submitted for grades, to give false information to a faculty member, and to undertake any other form of academic misconduct. You agree that the instructor is entitled to move you to another seat during examinations, without explanation. You also affirm that if you witness others violating the code you have a duty to report them to the honor council.

Using an artificial intelligence program to generate any content for any assignment in this course (including, but not limited to examinations, papers, homework, and creative work) constitutes plagiarism and is a violation of the Honor Code. The use of an artificial intelligence program in this course without permission from the instructor may also constitute seeking unauthorized assistance or violate other provisions of the Honor Code. Any suspicion of academic misconduct will be reported to the Honor Council.

Accessibility and Accommodations

I endeavor to provide an inclusive learning environment. I want every student to succeed. The Department of Accessibility Services (DAS) works with students who have disabilities to provide reasonable accommodations. It is your responsibility to request accommodations. In order to receive consideration for reasonable accommodations, you must [register with the DAS](#). Accommodations cannot be retroactively applied so you need to contact DAS as early as possible and contact me as early as possible to discuss a plan for implementation of your proposed accommodations. For additional information about accessibility and accommodations, please contact the Department of Accessibility Services at (404) 727-9877 or accessibility@emory.edu.

Open Expression

Expressing your opinions freely is an important part of being a member of a university community. Emory is committed to fostering inquiry into the most important, pressing, and sometimes controversial issues society confronts. The values of open expression and academic freedom undergird this commitment. Sometimes this means members of our community will take positions and make statements you disagree with or even find repugnant. However, Emory's open expression policy ensures the rights of all to “an environment where the open expression of ideas and open, vigorous debate and speech are valued, promoted, and encouraged.” These

principles apply here in the classroom and all over campus. This is not, of course, an invitation to be rude or dismissive of others. Open expression is facilitated by a spirit of mutuality, respect, and empathy. I encourage you to let these standards and values guide you in our classroom.

Diversity & Inclusion

At its core, this course embraces a multiplicity of voices and perspectives. We respect people from all backgrounds and recognize the differences among ourselves, including racial and ethnic identities, religious practices, and gender expressions. Please let me know what name you like to be called and your gender pronouns.

Voting Information

This fall features important municipal and state elections around the country, including here in Atlanta. To learn more about elections and voting and make sure your voice is heard, check out resources from the [Emory Votes Initiative](#) and [TurboVote](#).

Stress management and mental health

As a student, you may find that personal and academic stressors in your life, including those related to remote study, COVID-19, economic instability, and/or racial injustice, are creating barriers to learning this semester. Many students face personal and environmental challenges that can interfere with their academic success and overall well being. If you are struggling with this class, please visit me during office hours or contact me via email at abolton@emory.edu. If you are feeling overwhelmed and think you might benefit from additional support, please know that there are people who care and offices to support you at Emory. These services – including confidential resources – are provided by staff who are respectful of students' diverse backgrounds. For an extensive list of well-being resources on campus, please go to: <http://campuslife.emory.edu/support/index.html>. And keep in mind that Emory offers free, 24/7 emotional, mental health, and medical support resources via TimelyCare: <https://timelycare.com/emory>.

Other Emory resources include:

- [Counseling & Psychological Services](#)
- [Office of Spiritual & Religious Life](#)
- [Student Case Management and Interventions Services](#)
- [Student Health Services Psychiatry](#)
- [Emory Anytime Student Health Services](#)