

The President



February 28, 2024

POLS 101: American Politics & Policy

Dr. Isaac Hale
Spring Semester, 2024

OXY Occidental
College

Outline

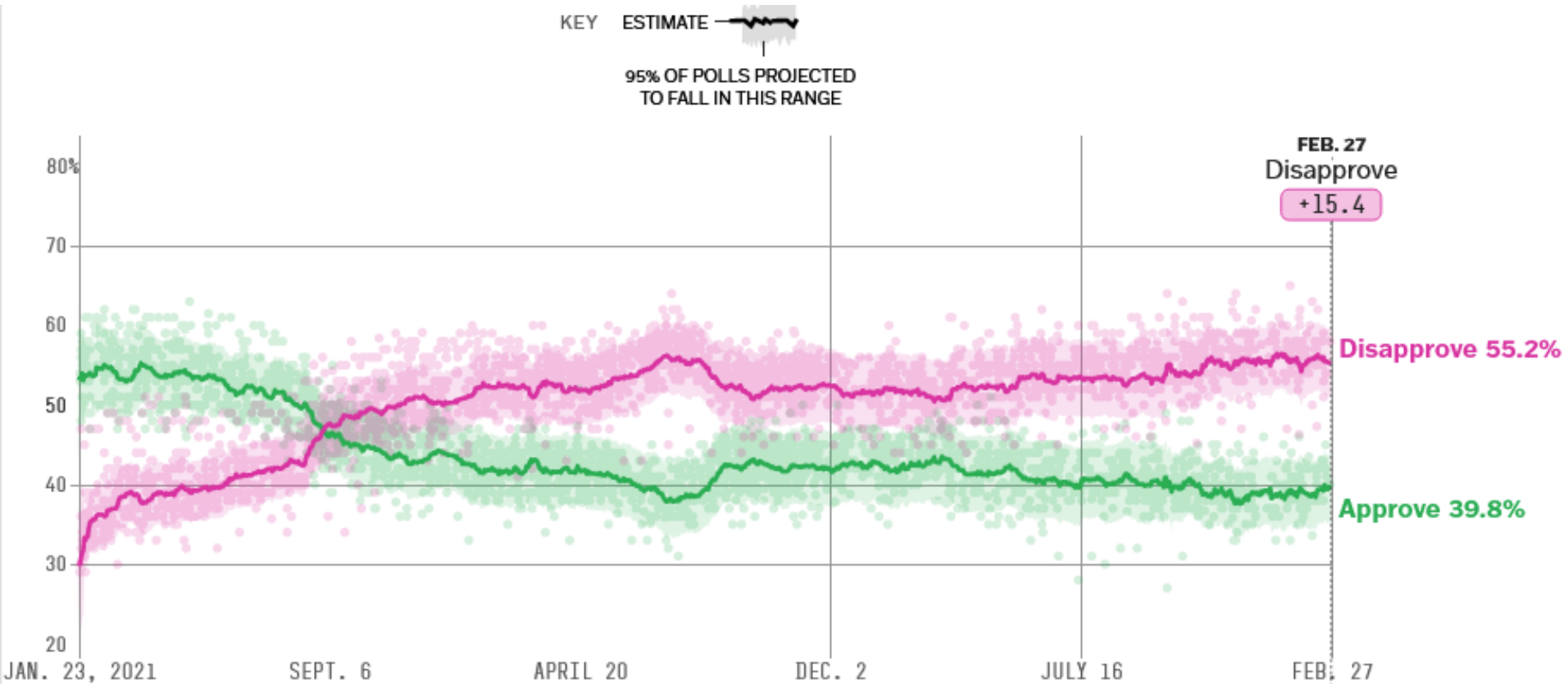
1. The state of the presidency
2. Formal presidential powers
3. The “textbook” presidency
4. Going public
5. The unilateral presidency
6. The trend transcends party
7. 2024 California Election Preview

The State of The Presidency

The Basics of The Presidency

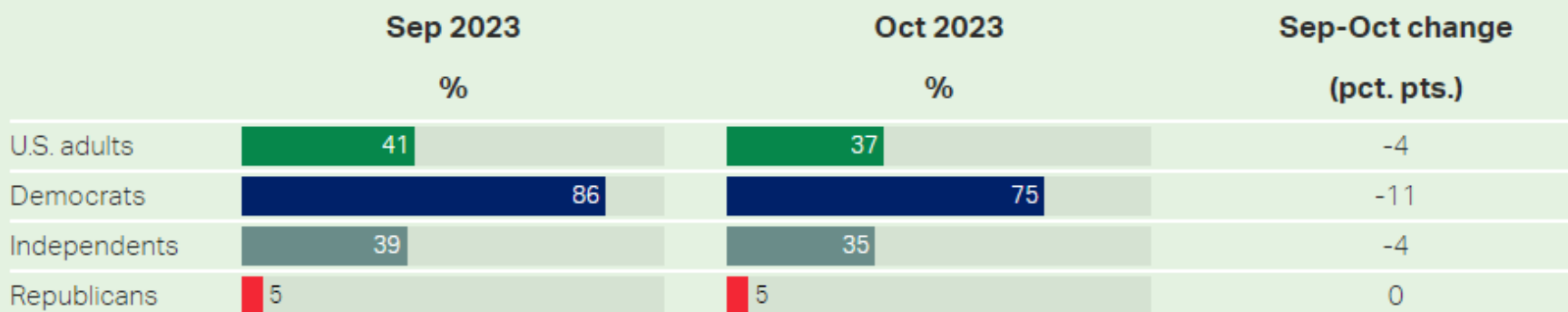
- Four-year terms
- The president is elected via the *electoral college*
 - This sometimes produces anti-majoritarian outcomes
- Presidents have both:
 - *Formal* powers, granted to them by the Constitution
 - *Informal* powers, accrued to the presidency over time
- As Congressional gridlock has increased, would you expect that the presidency has become **more** or **less** powerful as a branch of government?

President Biden Is Very Unpopular at 40% Approval



But It Varies by Party! Why?

President Joe Biden's Job Approval Ratings, September vs. October 2023



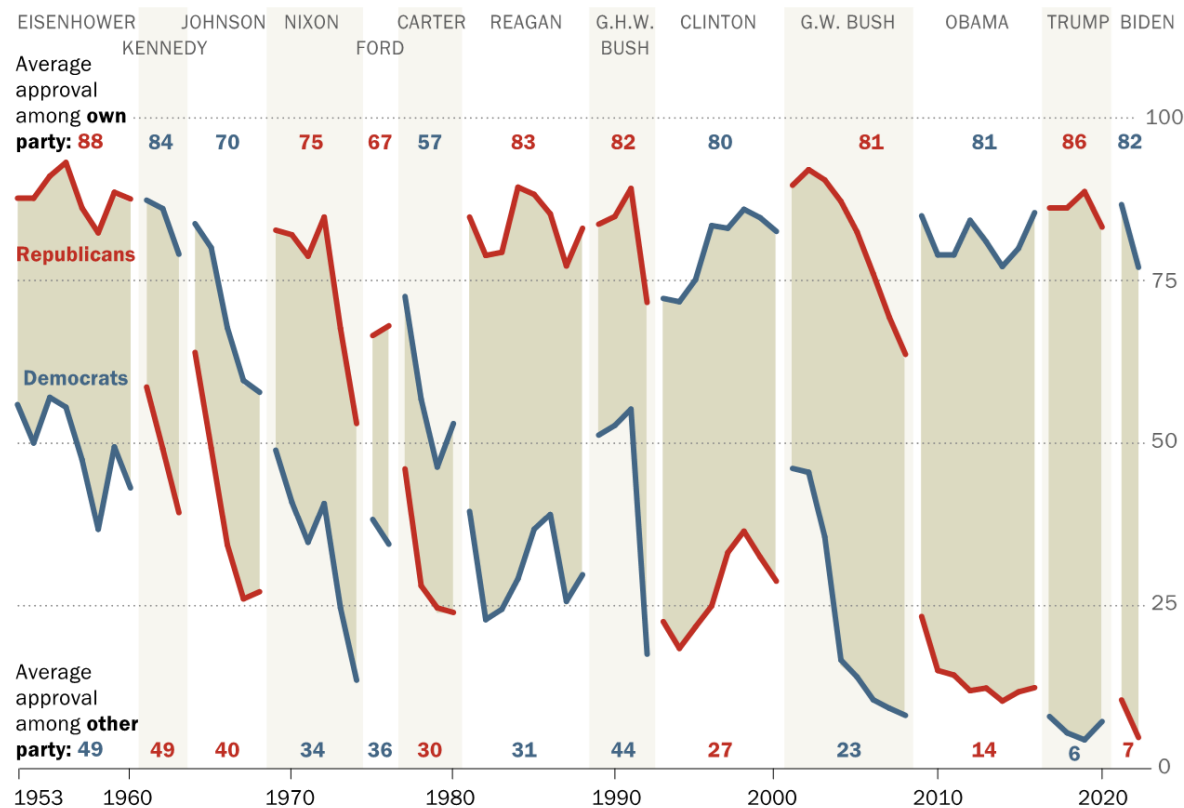
[Get the data](#) • [Download image](#)

GALLUP®

Party Is Increasingly Important in Presidential Approval

Partisan gap in presidential job approval has increased steadily in recent decades

% who approve of president's job performance, by party



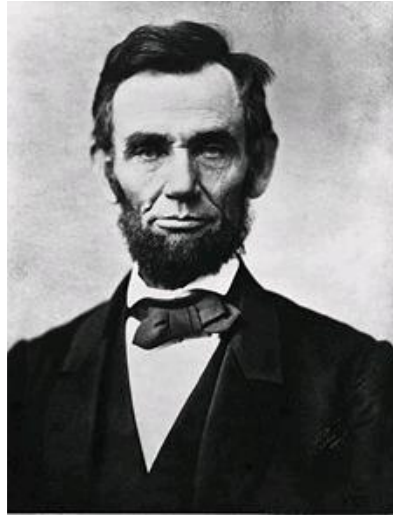
Notes: Lines show yearly approval averages; data labels show administration averages. Because some earlier data did not include partisan leaning, Republicans and Democrats in this graphic do not include those who lean to each party.

Source: Annual totals of survey data from Pew Research Center American Trends Panel (2017-2022), Pew Research Center phone surveys (1993-2017) and Gallup organization (1953-1993).

PEW RESEARCH CENTER

Breaking Down Formal Presidential Powers

The Constitution's Vision of Presidential Power



- Presidents can rarely lead by command
- Presidents have to share power with other branches
- Neustadt: presidential power is “the power to persuade.”

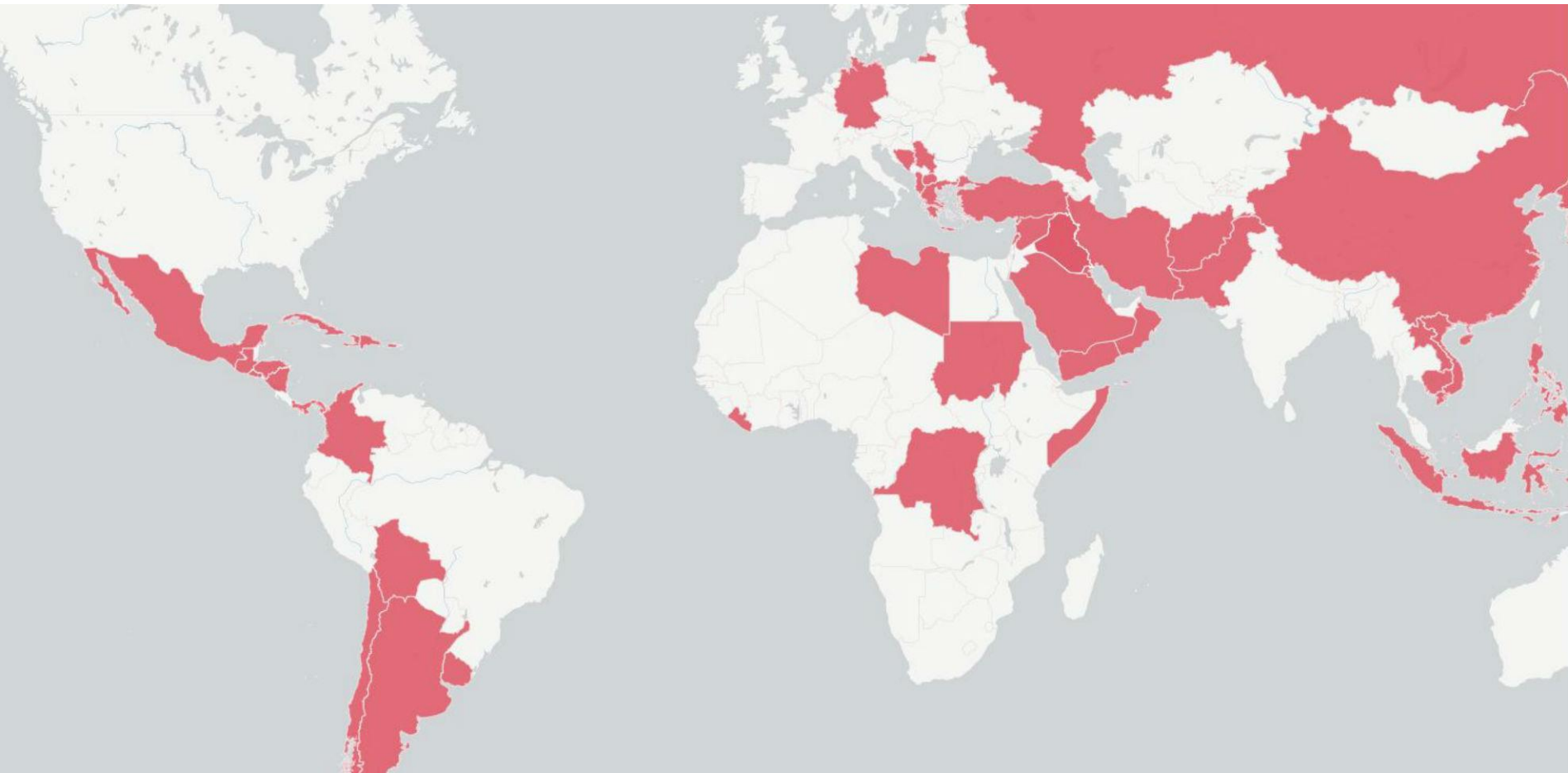
The President as Chief Administrator

- The president gets to pick Federal Court Justices
- The president gets to nominate cabinet heads
- The president gets to staff the bureaucracy
 - DOJ
 - Treasury
 - FBI/CIA/NSA
 - DHS
 - EPA
 - CFPB
 - etc.

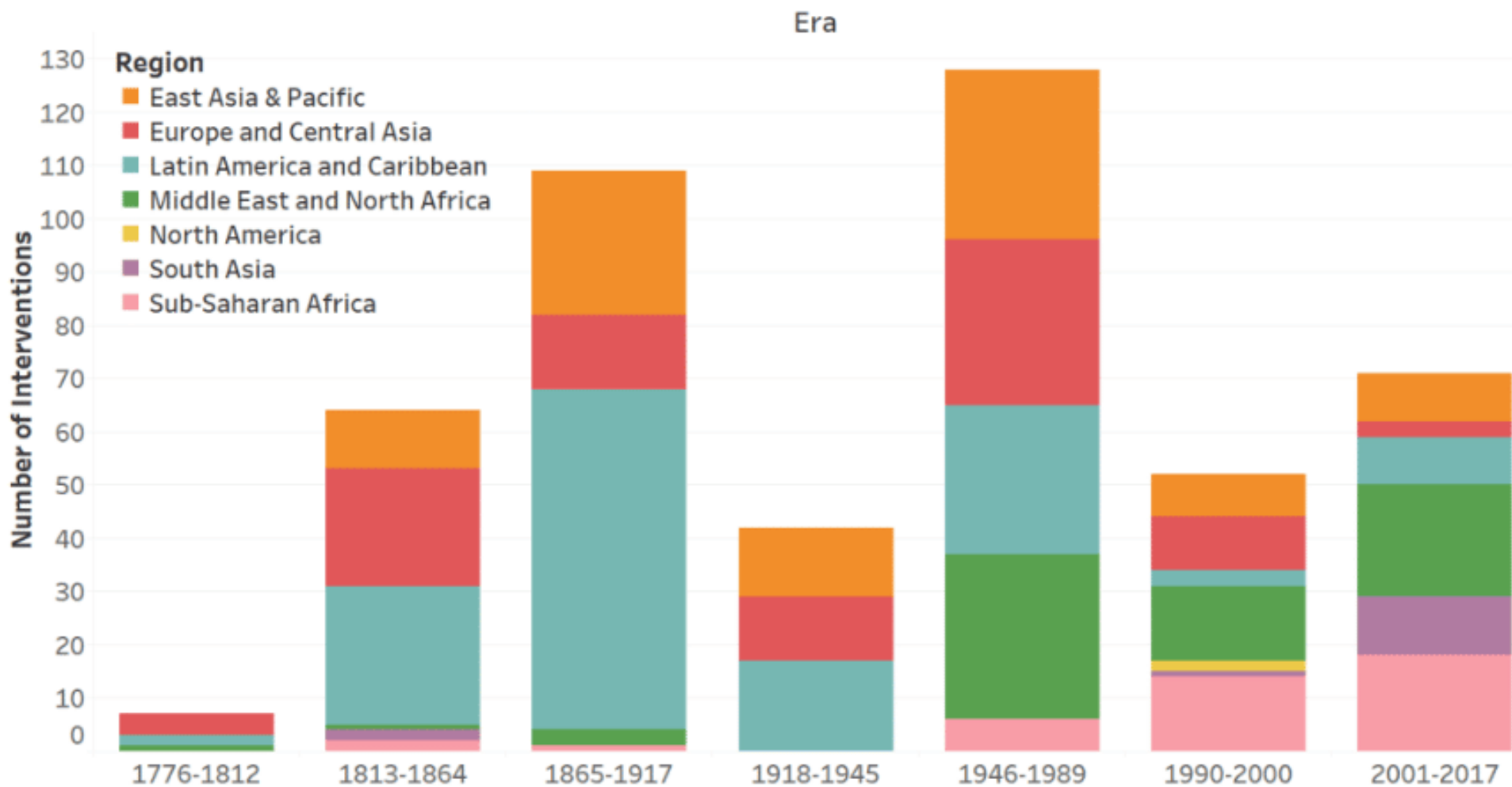
The President as Commander in Chief

- The Constitution declares the president to be commander in chief of the nation's armed forces
- Can the president declare war?
- Not in theory!

Non-humanitarian U.S. Military Interventions



U.S. Interventions by Era and Region, 1776 - 2017



The President as Head Diplomat

- The president is “to receive Ambassadors and other public Ministers.”
- Can the president make unilateral international agreements?
- Formal treaties require a 2/3 vote
- Non-binding agreements can be entered into by presidents... but the next president isn't bound by them
 - What are some recent examples?

The President As Legislator

- How much authority does the Constitution give the president in terms of legislation?
- Not much!
- They can:
 - Call Congress into special session
 - Veto laws
- And they must report “from time to time” to Congress on the state of the union
 - This has evolved into an annual event

The “Textbook” Presidency

A Traditional View of the Presidency

- Richard Neustadt's *Presidential Power* is a classic perspective on presidential behavior
- Starting with FDR, Neustadt argues that presidents were expected to do much more
- Neustadt argues that the formal Article II powers granted to the president aren't adequate for this role
- A president thus needs "the power to persuade"
 - Bargaining with other actors/institutions is the means of presidential influence

Neustadt On Presidential Power

- Article II powers
- Logical argument & debate with congress
- Command
- Persuasion



“The Power to Persuade”

- Persuasion is the...

“... ability to convince [other leaders]... that what the White house wants of them is what they ought to do for their own sake and on their own authority” – Neustadt, *Presidential Power*

- And:

“persuasion deals in the coin of self-interest with men who have some freedom to reject what they find counterfeit” – Neustadt, *Presidential Power*

How Can a President Persuade?

- In the US system of *checks and balances*, members of Congress are elected separately from the president and have their own policy goals
- What do members of Congress care about?
 - Winning reelection
 - Policy
 - Advancing their careers
- What leverage does this give the president when trying to persuade Congress?

What are a President's “Persuasion” Tools?

- Public prestige
- Party leadership
- “Going public” via the media
- Presidential reputation

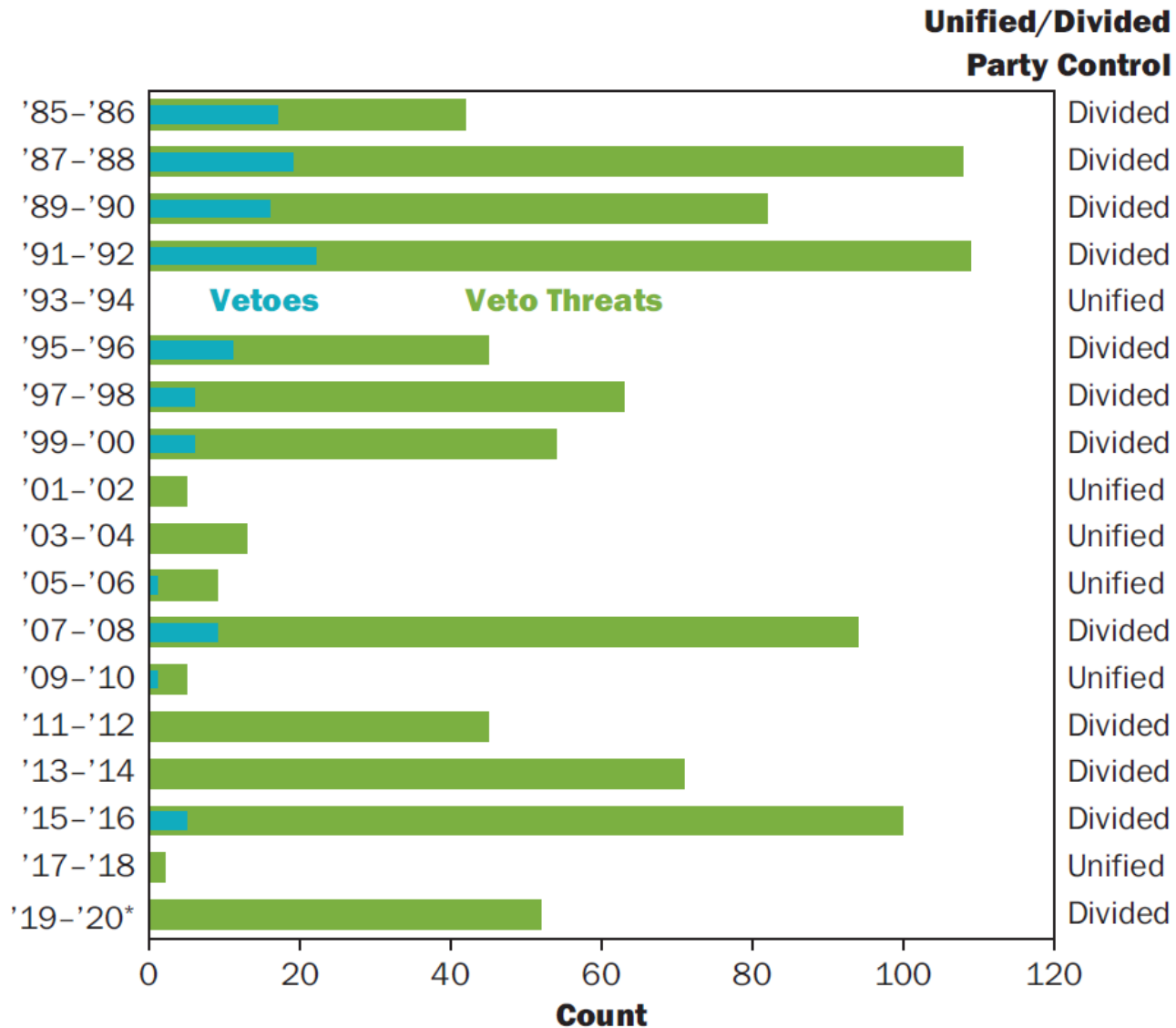
Playing Hardball



What Is Presidential Success?

- Per Neustadt, a successful president is one who relies *little* on his/her formal powers
 - Why?
- A president who has failed at persuasion must resort to formal obstacles, like the veto
- A president who must frequently resist Congress through formal measures is probably failing to use persuasion to advance their agenda

Modern Presidents Threaten Vetoes Frequently



Going Public

The President As an Agenda-Setter

- The president has unparalleled power to set the national agenda as a “first-mover.” How?
- What is “going public”?
- *Going public* on specific policies can mobilize citizens to pressure Congress on the president’s agenda. Examples?
- *Going public* is limited in power. Presidents tend to only go public on policies that are **popular** and which need **congressional action**
- Why do presidents go public more often under *divided government*? Why?

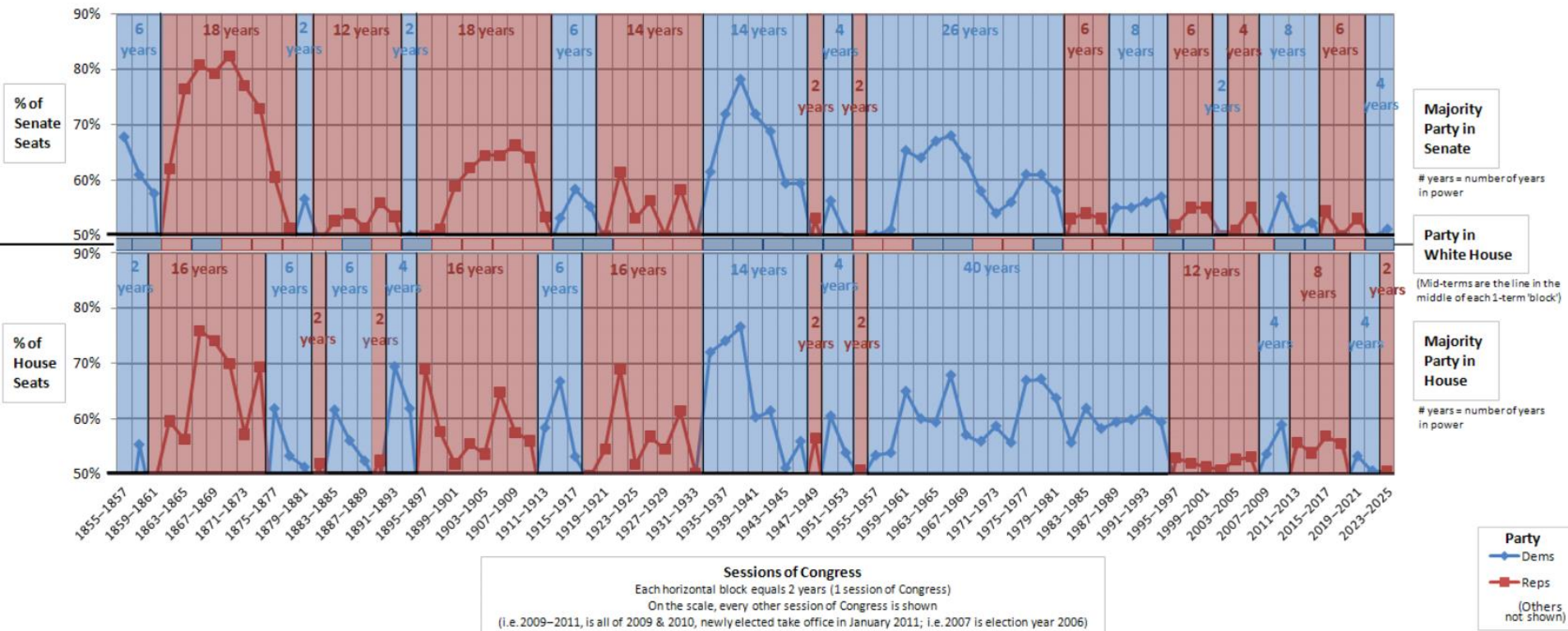
An Example of “Going Public”



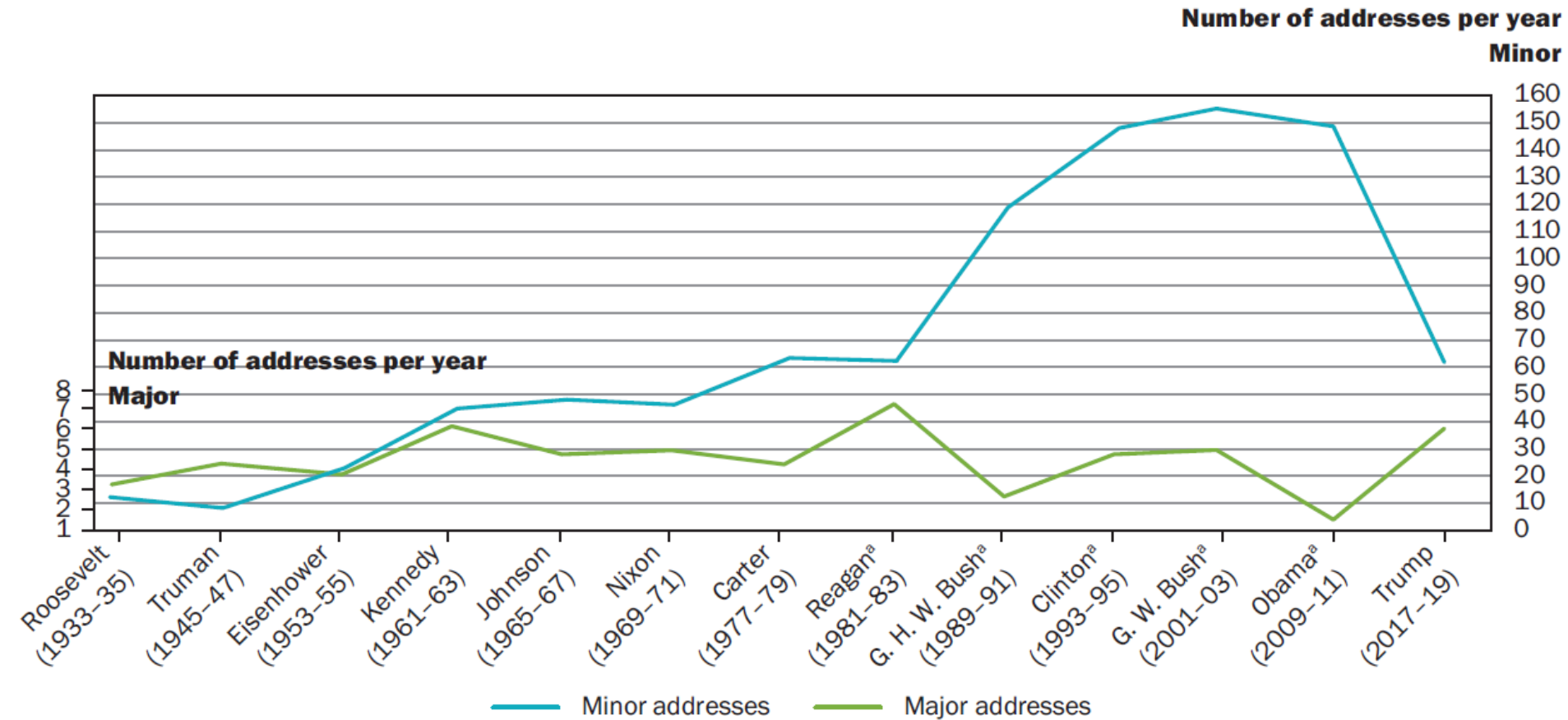
Another Example of “Going Public”



Divided Governments Are Increasingly Common



Presidents Are Going Public More Often



The Unilateral Presidency

Questioning the “Textbook” Presidency

- Neustadt’s “textbook” model of presidential power has fallen out of favor. Why?
- Neustadt’s model presumes that the *personality* of the individual president is the most important factor in their success
- However, the power of the executive has expanded near constantly for over 150 years
- A different model is needed to explain the systematic *expansion* of presidential power

The Formal Presidency

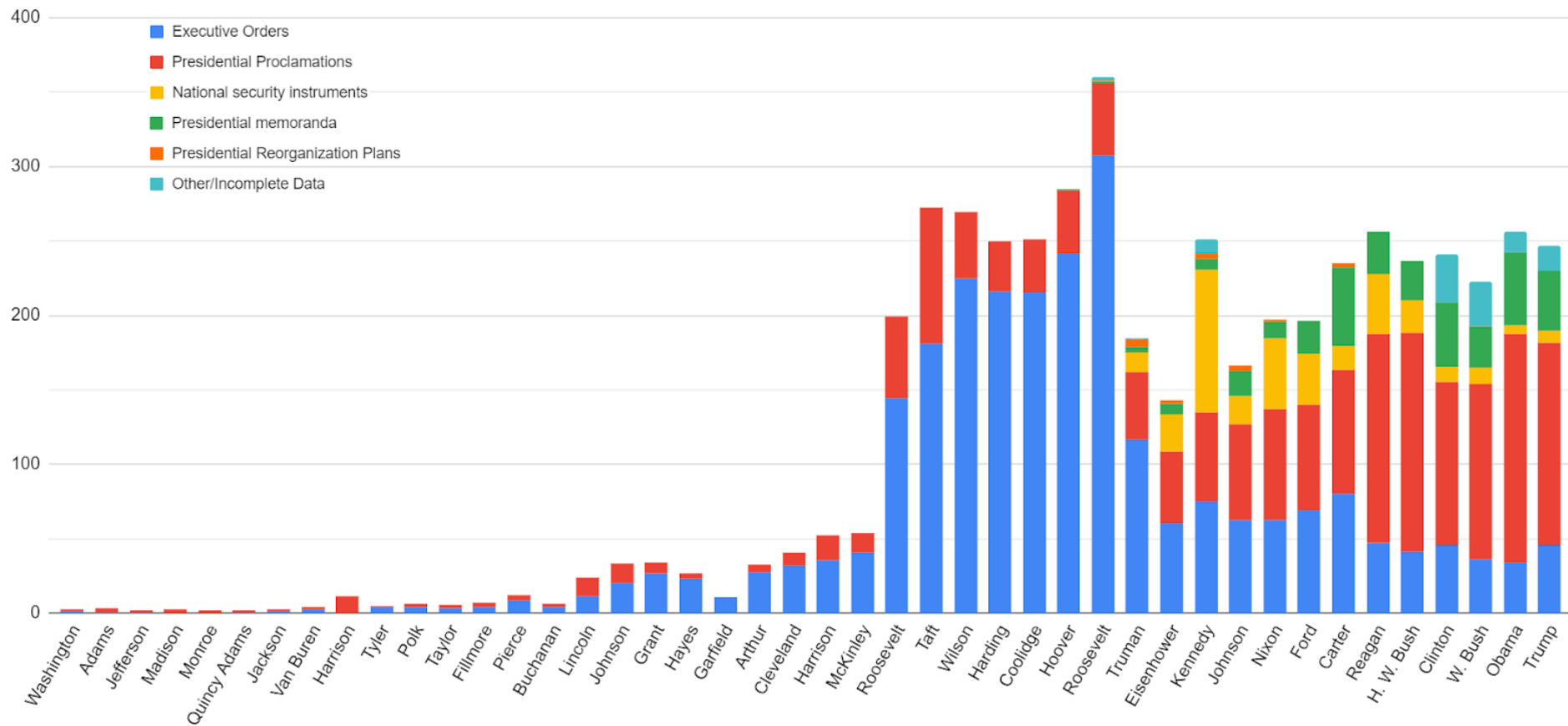
- Presidents have limited formal power granted to them by the Constitution (specifically Article II)
- What are those powers?
- What are some common powers/duties that we attribute to the president that are NOT in the Constitution?
- What means do presidents have to implement policy outside of the legislative process?

Means of Unilateral Action

- Presidents use:
 - Executive orders
 - Memoranda to agency heads
 - National security directives/instruments
- The use of all of these has exploded in the modern presidency

Modern Presidents Frequently Use EOs

Presidential Directives by Administration (Adjusted by Time in Office)



An Explainer From a Country With No President



The Unitary Executive

- In Howell's model, the president need not compromise with adversaries, interest groups, or the other branches
- While bureaucrats *can* resist the president if they disagree, doing so is unusual
- Unlike congressional leaders, the president is the final word in the executive branch
- These unilateral powers exercised by the president emerge from the institutional advantages of the executive over the legislative and judicial branches

The Unilateral Presidency

- Why does the public expect the president to behave *unilaterally*?
- The Constitution is designed so that dramatic policy changes are hard

“But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. **Ambition must be made to counteract ambition.**” – Madison, *Federalist 51*

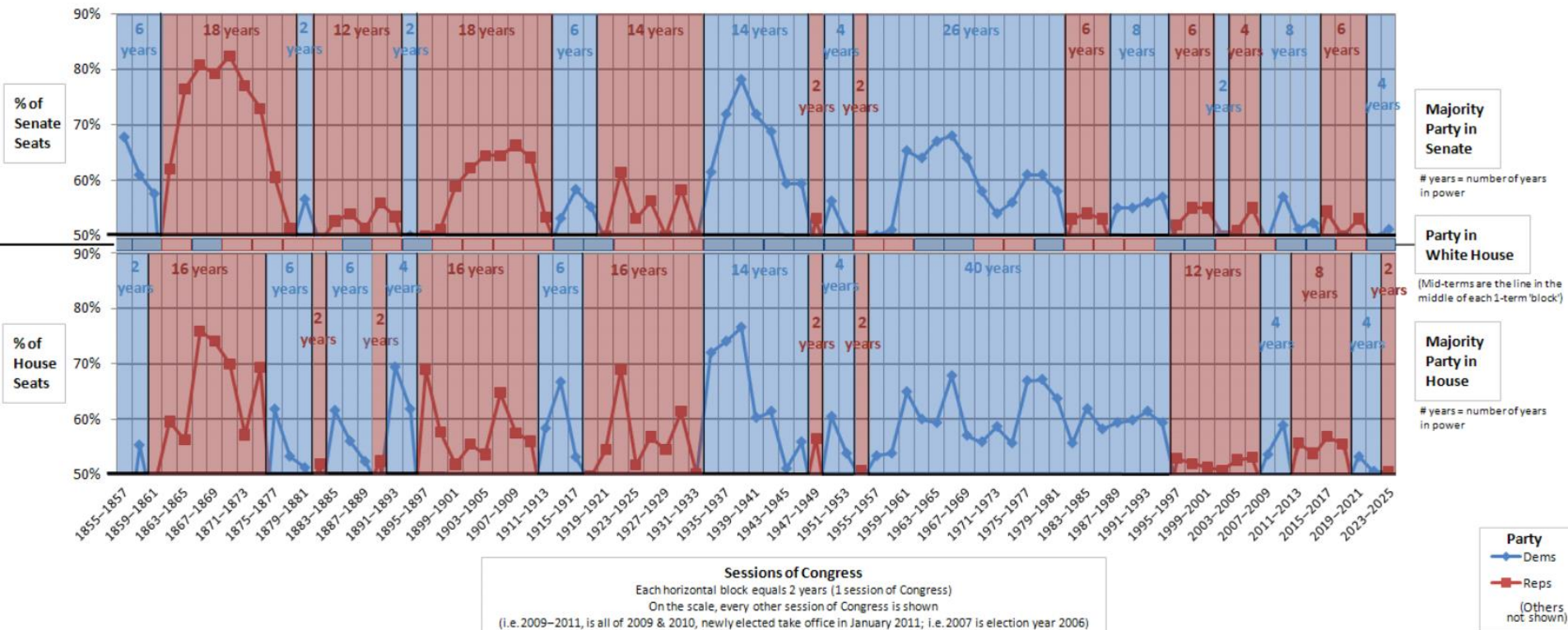
Just a Few Examples of Major Unilateral Actions

- The Emancipation Proclamation
- Desegregation of the military
- The internment of Japanese Americans during WWII
- Creation of the Environmental Protection Agency (EPA)
- Suspension of Habeas Corpus in the Civil War
- Deferred Action for Childhood Arrivals (“DACA”)
- The “Muslim ban”
- The Trail of Tears
- The detention & torture of prisoners at Guantanamo Bay
- Military intervention in Libya
- Selling arms to Iran and using the proceeds to fund rebels in Nicaragua
- Establishment of the Peace Corps
- Desegregation of public schools
- Invasion of Kosovo
- Support for The Bay of Pigs Invasion
- Creation of the Arctic National Wildlife Refuge (ANWR)
- Sale of ANWR oil drilling permits
- Suspension of ANWR oil drilling permits
- Entry into Paris Climate agreement
- Withdrawal from Paris Climate agreement
- Reentry into Paris Climate agreement

The Source of Unilateral Powers

- If these powers are not found in the Constitution, what is their justification?
- *Ambiguity*: Over time, the presidency has accrued many of the powers not specified by the Constitution
- What are the downsides of unilateral action for the president?
- If the downside is so large, why use executive orders?
- Why might this incentive increase under divided government?

Divided Governments Are Increasingly Common



The Trend Transcends Party



Executive Power (and Outrage About it) is Bipartisan



Executive Power (and Outrage About it) is Bipartisan

The biggest problems that we're facing right now have to do with George Bush trying to bring more power into the executive branch and not go through Congress at all. And that's what I intend to reverse when I'm President...

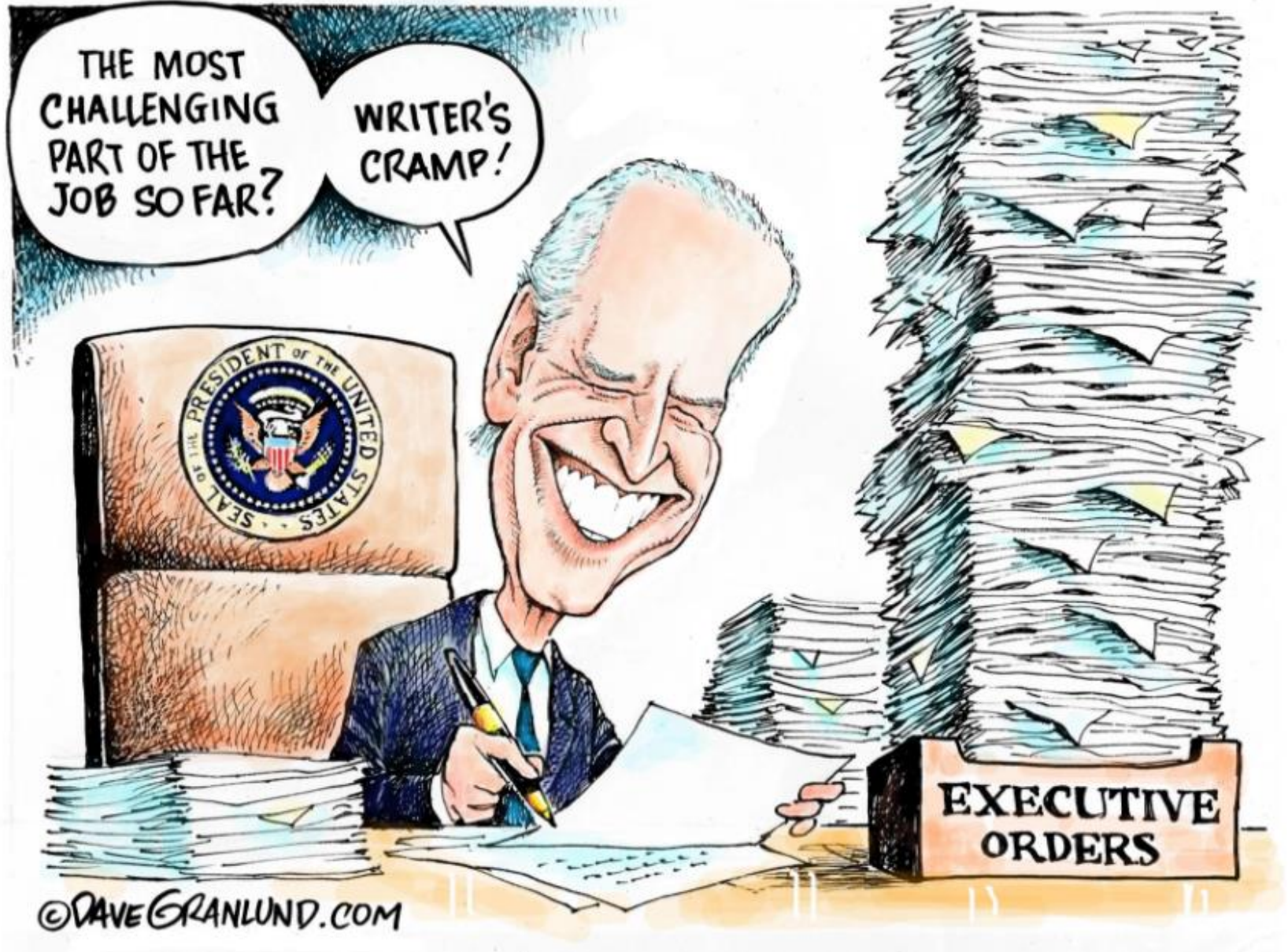


gary varvel
THE INDIANAPOLIS STAR
© 2014 CREATORS.COM

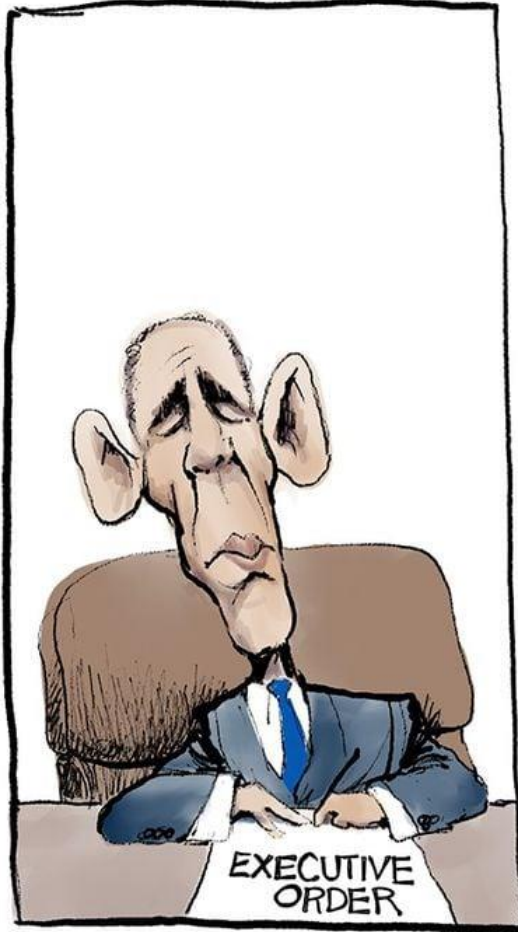








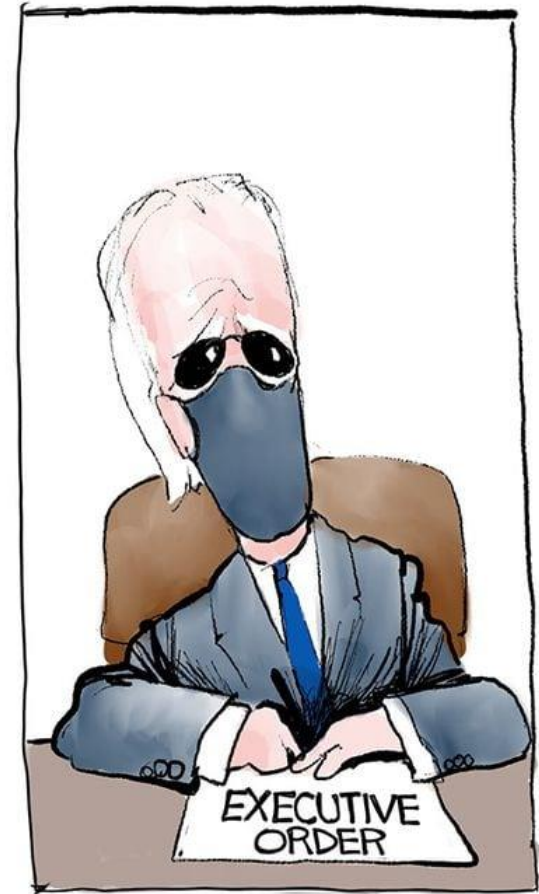
HIS LEGACY...



...WIPE AWAY...



...WITH THE STROKE
OF A PEN



TO BE CONTINUED

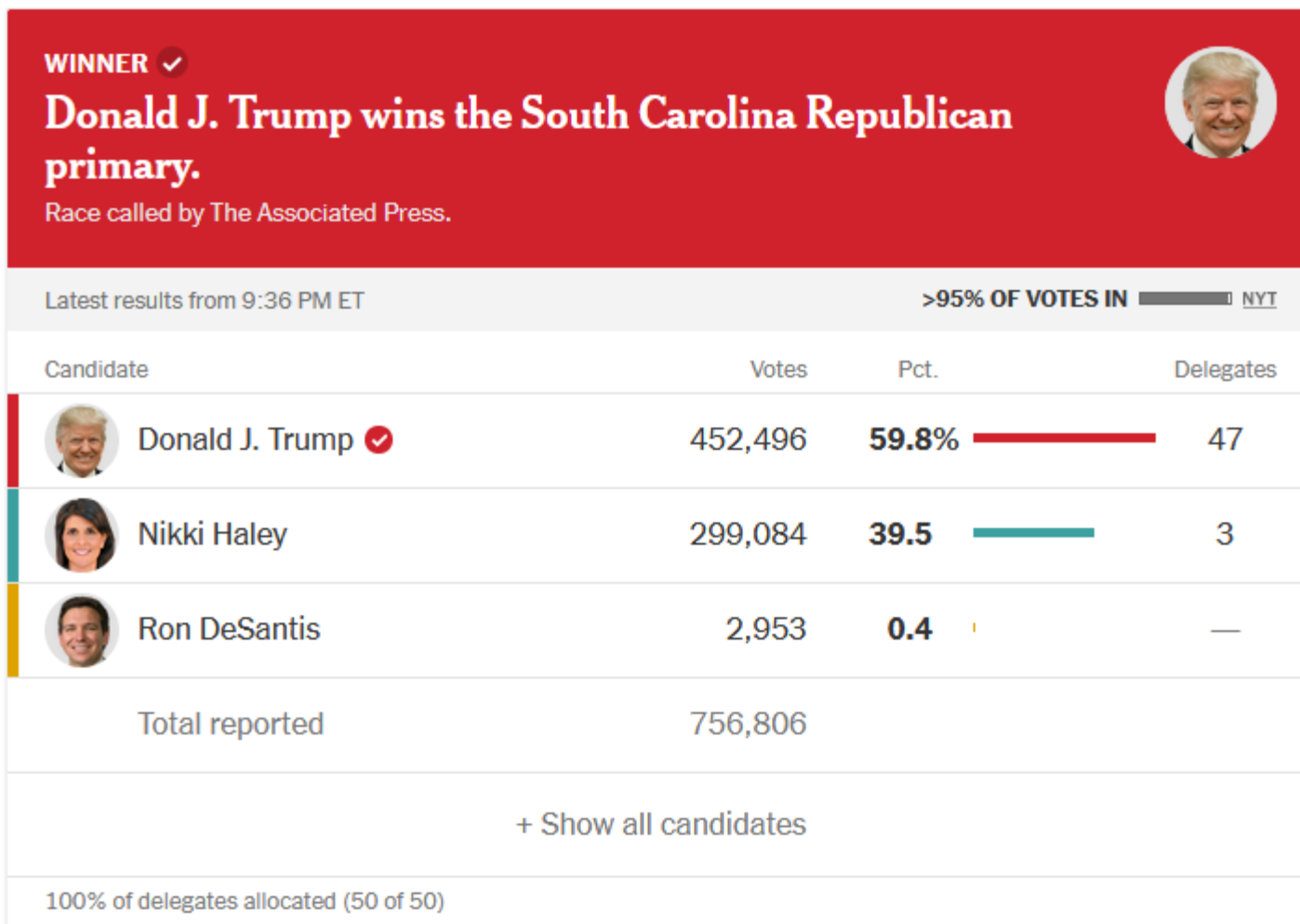
Gramhall
NY Daily News

2024 California Election Preview

Super Tuesday!

- California (and 14 other states) will have primary elections on Tuesday
- If you can, I encourage you to vote!
- There will be in-person voting on the ground floor of Herrick Chapel
- You can register and vote on the same day
- You are legally allowed to vote where you attend college

A Wrinkle: No Competitive Presidential Primary



The Main Event: the CA Senate Race



Christopher Cadelago  @ccadelago · 2h
UC Berkeley IGS Poll of California Senate

...

Steve Garvey — 27%
Adam Schiff — 25%
Katie Porter — 19%
Barbara Lee — 8%

Garvey & Schiff in statistical tie and poised to advance to November, where Schiff is all but guaranteed to win.

...

[Show more](#)



California's Senate Race

- Why were there 3 Democrats and 1 Republican in the same primary?
- California has *two-round + top-two* elections
 - Often shorthanded to the “top-two primary” in CA
- The top-two vote-getters, *regardless of party*, advance to the general election in November
- The first round is on March 5, 2024

What Distinguishes the Candidates?

- Garvey was evasive on his issue stances
- There are clear biographical and ideological differences between the Democrats and Garvey
 - The Democrats are all in the House
 - The Democrats all say they support M4A and abortion rights
 - Garvey is a former MLB star
- How do the Democrats differ? Harder to tell!
 - There were arguments about earmarks
 - Porter is the only one from a swing district
 - Lee is clearly ideologically distinct

Schiff (Burbank + WeHo) is a Relative Moderate

118th Congress (2023-2025) ▾ > Representatives




DW-Nominate Plot ⬇

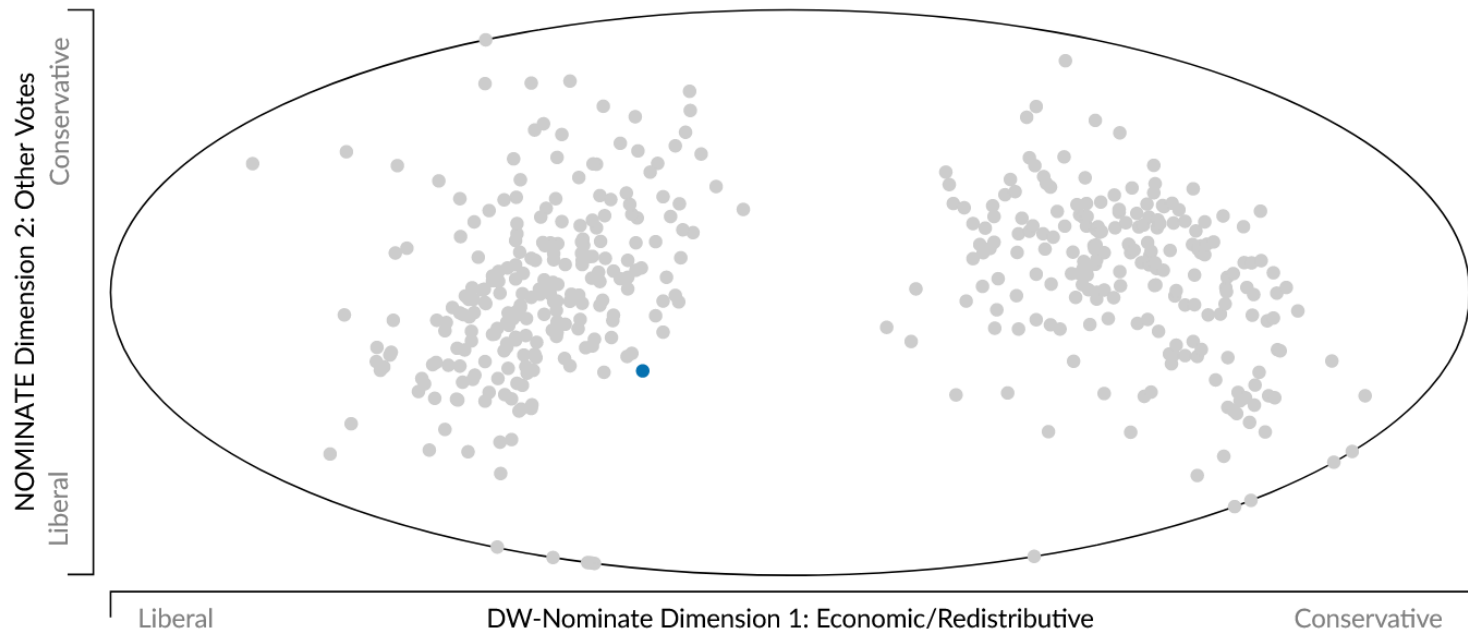


So is Porter (Irvine)

116th Congress (2019-2021) ▾ > Representatives



DW-Nominate Plot 



Barbara Lee (Oakland) Is on the Party's Left Flank

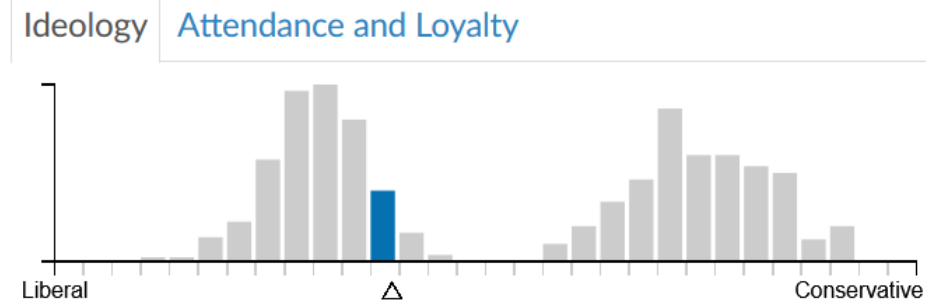
116th Congress (2019-2021) ▾ > Representatives



DW-Nominate Plot ⬇



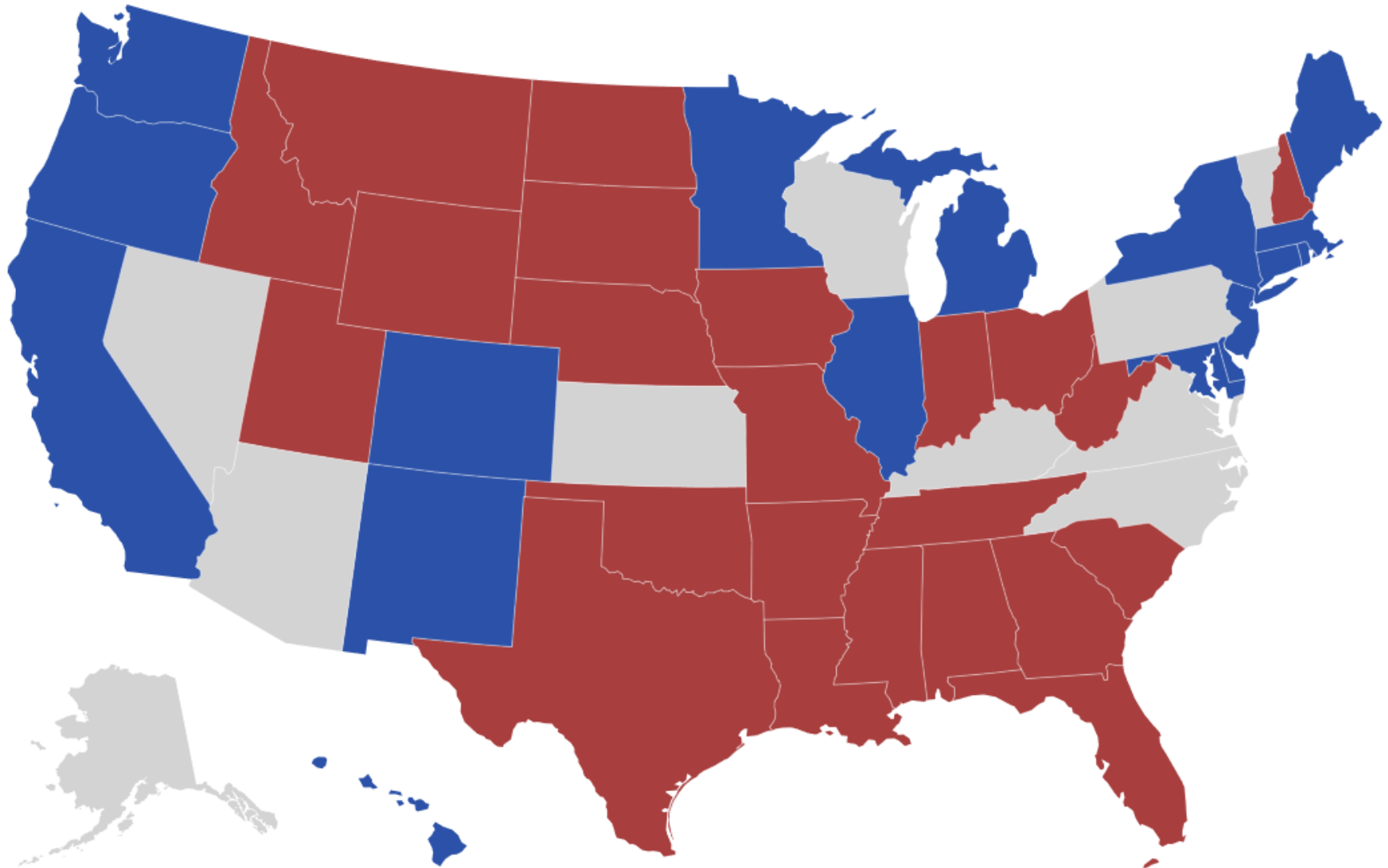
The Members' Ideological Positions (118th Congress)



What Distinguishes the Candidates?





- The Democrats are each trying to make round two
- Porter is positioning herself as anti-establishment
- Lee is trying to dominate the “progressive lane”
- Schiff is a moderate, but highlights his opposition to Trump
- Lee elected to House in 1998, Schiff in 2000, Porter in 2018
 - Lee opposed 2018 bank deregulation, Schiff supported
 - Lee opposed, Schiff supported US wars in Afghanistan, Iraq, Yemen, Libya, and Syria
 - Lee and Schiff also on opposite sides of death penalty, PATRIOT Act, military spending

Current Control of State Governments







No Mystery About Control of the CA Assembly or Senate

○ California State Senate elections, 2024

Party		As of February 2024
	Democratic Party	32
	Republican Party	8
	Other	0
	Vacancies	0
Total		40

○ California State Assembly elections, 2024

Party		As of February 2024
	Democratic Party	62
	Republican Party	18
	Independent	0
	Vacancies	0
Total		80

Key Ballot Measures

- There is one (1) ballot measure on the March ballot
 - Proposition 1: borrow \$6.4 billion, change mental health law
- Expect many more in Nov, including:
 - \$18 minimum wage
 - Repealing PAGA
 - Referendum on SB 1137, which regulates oil/gas wells
 - Repeal Costa Hawkins
 - Increase income tax for 10 years for pandemic prevention
 - Repeal Proposition 8 (2008)
 - End local voter approval requirement for public housing projects
 - Three different measures to lower/raise supermajority requirements at various levels
- We will talk about these at a later date! Expect polling on them on Monday.

THE 2024 ELECTION IN CALIFORNIA

Raquel Centeno, PhD Student at the
University of Southern California



**CHOI AUDITORIUM
MONDAY, MARCH 4TH
4:00-5:30PM**

**LEARN ABOUT NEW POLLING ON
KEY RACES AND TOP ISSUES**

*This event is generously supported by the Politics Anderson Fund
Poll sponsored by the CSU Long Beach Center for Urban Politics and Policy*

Q&A