

Introduction to the American Political Process

Class 9: The Presidency

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1. Readings

Neustadt, “Presidential Power and the Modern Presidents”

Cameron, “Veto Bargaining”

Howell, “Power Without Persuasion”

Canes-Wrone, “Who Leads Whom?”

Readings

The Paradox of Presidential Power

Single most prominent office in U.S. government, but few and weak formal powers:

1. Executive orders
2. The veto
3. Appointments
4. Control over executive agencies/the bureaucracy (more next time)

Meanwhile, many restrictions on presidential power:

- Congress, the courts, the Constitution, federalism, the press...

Hamstrung by formal restrictions, yet expected to lead: “Much like Shakespearean kings, marked by more tragedy than grandeur”?

Readings

Neustadt, “Presidential Power and the Modern Presidents”

How powerful is the President?

Note that *separation of powers* is really *separated institutions sharing powers*. How do successful presidents navigate this system?

Old view: *Power of persuasion* (Neustadt)

- “The Personal Presidency”: manipulating and compromising with actors that have actual formal power
- Resort to formal powers a sign of weakness

Contemporary view: Presidents creatively wield their formal powers + expansive informal powers

1. Strategic use of formal powers (Cameron, Howell)
2. Public opinion (Canes-Wrone)

Readings

Cameron, “Veto Bargaining”

How to think about presidential power

***Power** is not an attribute of an individual, like her height or weight. Instead, “power” describes something about the outcome of a strategic interaction (a “game”). In particular, a president has power in a game when its outcome resembles what the president wants and he causes the outcome to be that way.*

How to think about power

The **first face** of power:

1. Congress writes legislation
2. President vetoes it

The **second face** of power:

1. Congress writes legislation that they know the president will approve
2. The president signs it into law

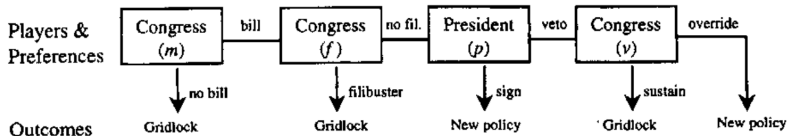
The **second face of power** is power operating through anticipated response

- Notoriously difficult to detect.

How can we trace the second face of power?

1. **Direct approach:** How policy outputs conform to actor's preferences (*circumstantial*)
2. **Indirect approach:** An explicit model of the policymaking process
 - “Vetoes do not speak for themselves”
 - Additional data: initial vetoes, final vetoes, veto threats, Congressional concessions...

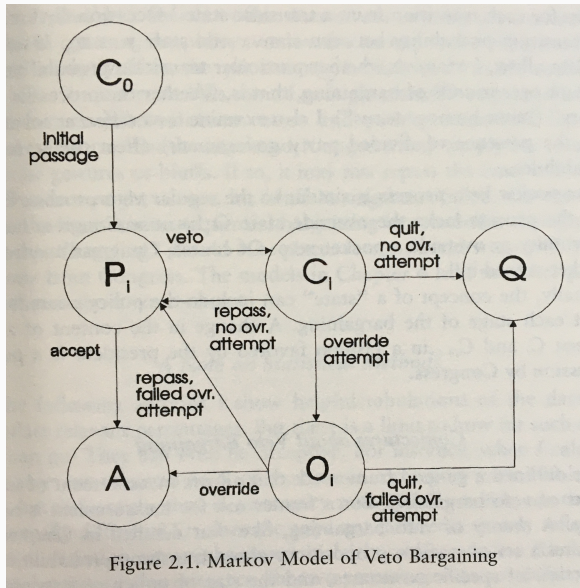
Extending Pivotal Politics: Veto Bargaining (Cameron)



The game proceeds as follows:

1. Median legislator proposes a bill or accepts the status quo
2. Filibuster pivot (3/5) decides whether to invoke cloture
3. President can sign bill into law or veto
4. Congress can override presidential veto (2/3)
5. (If no override) Congress can pass a new bill
6. President can veto once more

Sequential Veto Bargaining



What is different from the Pivotal Politics model?

- Initial uncertainty about the President's veto point
- Veto threats reveal more information about the President's preferences
- Public opinion shifts in the bargaining process

What insights do we gain from this richer model?

1. Unified vs. divided government matters
 - For important legislation, veto threats rarely occur under unified government
 - They occur **very often** under divided government: 34% of the time
2. Presidents almost always threaten before they veto
3. Presidents often (but not always) veto after a threat
4. Threats usually bring about concessions
5. Concessions usually deter vetoes

Thus, vetoes enhance the power of the president *even if they are not actually used*.

Readings

Howell, “Power Without Persuasion”

Policies Enacted by Unilateral Presidential Action

1. Japanese internment (FDR)
2. Desegregation of the military (Truman)
3. First affirmative action policy (LBJ)
4. Creation of the Peace Corps (Kennedy)
5. Establishing the EPA as an executive agency (Nixon)
6. Federalizing the National Guard and using it to quell LA riots (Bush Sr.)

The President's Powers of Unilateral Action

Unlike any other actor in the system, the president can **act alone**.

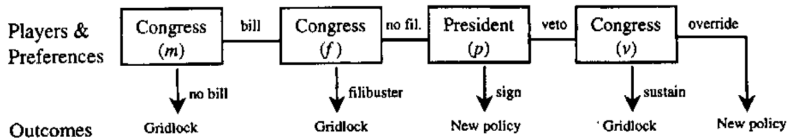
Unilateral powers have largely been **invented by presidents**: an expansive reading of Article 2 of the Constitution

1. **Executive orders**
2. Proclamations, administrative directives, memoranda
3. National security directives

Use of these tools has skyrocketed since the 1930s:

1. Series of court rulings fortifying executive authority (1930s)
2. Expansion of the administrative bureaucracy

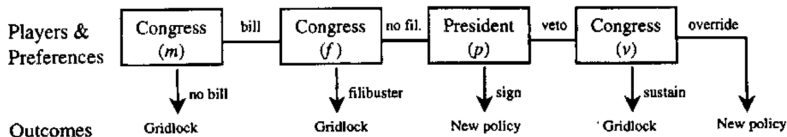
Extending Pivotal Politics: Executive Orders (Howell)



The game proceeds as follows:

1. Median legislator proposes a bill or accepts the status quo
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Extending Pivotal Politics: Executive Orders (Howell)



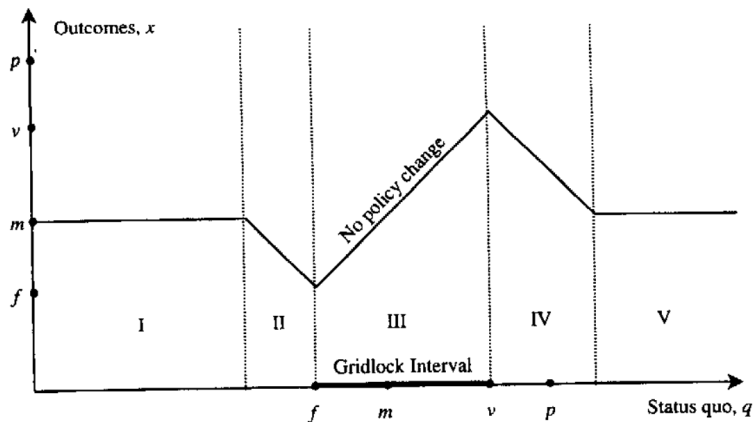
The game proceeds as follows:

1. The President unilaterally moves the status quo
2. The judicial branch checks that this move was within reason
3. Median legislator proposes a bill or accepts the status quo
4. Filibuster pivot (3/5) decides whether to invoke cloture
5. President can sign bill into law or veto
6. Congress can override presidential veto (2/3)

What is different from the Pivotal Politics model?

- Recall that the status quo determines the final outcome
- So by changing the status quo, the president can **push Congress into legislating**
- Or, he can **prevent Congress from legislating**

(From Krehbiel)



Trump's Use of Executive Orders

Presidential Executive Order on Protecting America Through Lawful Detention of Terrorists

— NATIONAL SECURITY & DEFENSE | Issued on: January 30, 2018

EXECUTIVE ORDERS

Affording Congress an Opportunity to Address Family Separation

— IMMIGRATION | Issued on: June 20, 2018

Executive Order: Border Security and Immigration Enforcement Improvements

— IMMIGRATION | Issued on: January 25, 2017

Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak

— IMMIGRATION | Issued on: June 22, 2020

Recent Presidents' Use of Executive Orders

George Bush	Total	166
William J. Clinton	Total	364
	I	200
	II	164
George W. Bush	Total	291
	I	173
	II	118
Barack Obama	Total	276
	I	147
	II	129
Donald J. Trump	Total	181

Structure vs. Agency

Note that the debate between the *persuasion* view (Neustadt) and the *power without persuasion* view (Cameron/Howell) implies not only different **philosophies** of presidential power, but different **methodologies** for studying it.

What methodological tools are appropriate in each case?

Readings

Canes-Wrone, “Who Leads Whom?”

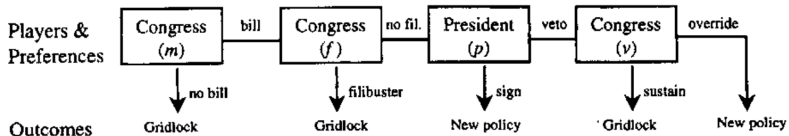
The President and the Public (Canes-Wrone)

Recall the **delegate** and **trustee** models of substantive representation.

Which one is the President? Does he **lead** or **follow** public opinion?

- Sometimes the President can sway public opinion through public appeals
- Other times the President **panders** to public opinion
 - Pandering: adopting a popular policy despite having strong reasons to believe it is misguided

Extending Pivotal Politics: Public Appeals (Canes-Wrone)



The game proceeds as follows:

1. The President can make **public appeals** to move the legislators' ideal points
2. Median legislator proposes a bill or accepts the status quo
3. Filibuster pivot (3/5) decides whether to invoke cloture
4. President can sign bill into law or veto
5. Congress can override presidential veto (2/3)

Conditional Pandering Theory (Canes-Wrone)

President has incentives to lead when he believes the public is misguided AND:

- **Policy leadership from ahead:** when President is very popular
- **Policy leadership from behind:** when President is very unpopular
- **Policy leadership early in term:** when voters have a chance to learn whether President's choice produced a good outcome before the next election
- **Policy leadership absent electoral motivations:** when President doesn't have to worry about reelection

Conditional Pandering Theory (Canes-Wrone)

President has incentives to pander when he believes the public is misguided AND:

- When President is marginally popular
- When President has electoral motivations
- When there is not enough time before the next election for consequences of policy to be observed

How can we tell?

Effective pandering just looks like changing your mind.

But, if we see Presidents reversing course more often under these conditions, the theory seems plausible.

Case studies:

- Carter and foreign aid: pandering at election time
- Bush Sr. and unemployment: policy leadership from ahead → pandering
- Reagan and the contingency tax proposal: policy leadership from behind