

Gov 1539: Section 3

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February 26th, 2021

The goals for today

- **Unilateral action** - when the president acts alone.
 1. What is it? When can we expect president to act alone?
 2. Strengths, limitations, and trade-offs.
 3. Relationship with other models of presidential power that we've discussed.

Unilateral powers

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 - memoranda (similar to EOs, but a justification of legal authority is not required)
 - national security directives (generally directed only to National Security Council)
 - proclamations (generally non-govt. actors - private individuals, outside groups, etc.)
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- Legal **justification** can depend on policy area - generally comes from existing statutes, treaties, or the constitution (“take care” and “executive power” clauses).
- For this course, don’t worry about technical differences.

Warmup: Mini Decision Memo

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- Breakout rooms:
 1. Require most elementary schools to re-open by March 15th.
 2. Direct Department of Housing and Urban Development to “address the affordable housing crisis.”
 3. Require every US police officer to wear a body camera while working.

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 - **flexibility**: presidents can avoid limits by offering incentives for actions instead of requiring them (e.g. Obama's Race to the Top).

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Takeaway: presidents can act alone, but do not automatically get what they want.

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- How has this test influenced presidential power over time?
Increased executive power.

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 - **More:** when maj. party is small and internally divided.
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- **Takeaway:** presidents act unilaterally **most often** during periods of congressional **gridlock**. Declines when Congress is better equipped to legislate themselves.

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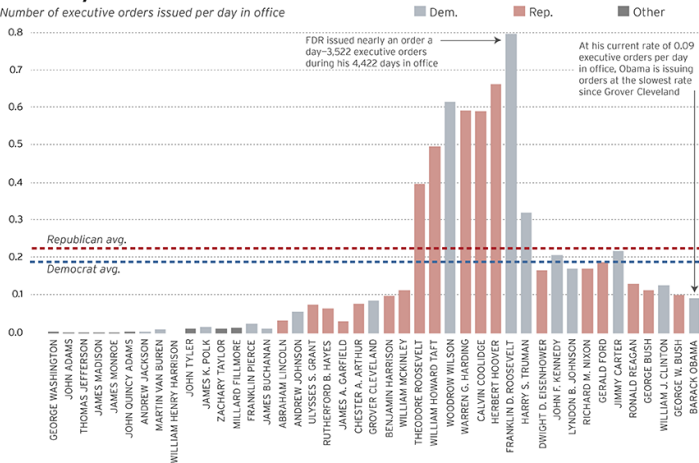
- Neustadt (1960) is a natural point of comparison here. Why?
- Remember Neustadt frames presidential power as the power to **persuade**.
- When acting unilaterally, presidents don't need to bargain.
- In reality, both bargaining and unilateral powers are part of the presidential toolkit. Presidents will differ in how they are used.

Executive Orders over time

Howell warns against using raw number of unilateral actions (like executive orders, even though unilateral action is increasing over time) taken for analyses. Why?

A History of Executive Orders

Number of executive orders issued per day in office



Executive Orders over time

Executive Order 12112

President Carter: January 1979

Establishes the Seal for the Executive Office of the President



"On a blue seal, the Arms of the United States proper above the inscription "OFFICE OF ADMINISTRATION," in gold raised letters, all within a white border edged gold"

Executive Order 12127

President Carter: March 1979

Creates the Federal Emergency Management Agency (FEMA).



Methodological issues in the study of presidency

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1. Measuring **policy content** / **significance** is difficult.
 - Common proxies: newspaper mentions, manual classification into "significance" categories.
2. **Small-N problem**: low sample size, have only been 46 presidents!
 - Common workarounds: change unit of analysis - maybe we study impact of presidential speeches rather than impact of individual's rhetorical power.
3. No institutional **variation**
 - Typical way to estimate effects (think medicine) is to compare people with treatment (i.e. took the medicine) to those who did not (i.e. control group). But all presidents have unilateral powers!