

Political Science 408
Professor Mayer (krmayer@wisc.edu)
Office: 201D North Hall, 263-2286

II, 2018- 2019
Syllabus
4 credits

Lecture: TR 11am-12:15 pm. 5231 Social Science
Office Hours: W 10-11am, or by appt.

TA: Timothy Williams (tvwilliams3@wisc.edu)

The American Presidency
(or, What do We Know and How do We Know it?)

I. Course Description

There is no such thing as a bad time to study the American presidency. But some times (now, for instance) are better than others. We are 2 years into the most (how shall we put it?) *unconventional* presidency in American history, with a president who gleefully flouts the norms of governing and presidential behavior that have structured the office since George Washington.

To his supporters, this is not a bug, but a feature, and they rejoice in his contempt for what they insist is a corrupt D.C. establishment. If elites are against it, Trump's supporters are for it.

To others, he is a spectacularly unqualified and catastrophically unfit egomaniac who poses an overt threat to the Republic. And this was before U.S. intelligence agencies concluded that Russian operatives, with the approval of Putin himself, hacked DNC computers and carefully leaked embarrassing emails as a way of damaging Clinton, all with the goal of helping Trump; before multiple campaign officials pled guilty to lying to the FBI or to other crimes; before federal prosecutors said in a court filing that Michael Cohen was acting at Trump's direction to violate campaign finance laws by making payoffs to multiple women who said they had affairs with Trump in order to buy their silence during the campaign, or that Cohen lied about ongoing efforts during the campaign to build a Trump Tower in Moscow. Other shoes are almost certain to drop, and evidence continues to emerge of ongoing contacts and engagement between Trump Campaign officials and Russian intelligence assets and government officials.

We will leave space in the schedule in case the report from the Special Counsel (Robert Mueller) is released sometime in the semester.

This is a course about a peculiar American political institution, the Presidency. Throughout the course, we will focus on four fundamental questions about the President's role as formal head of the executive branch of government and head of state, but also as the focal point of public attention:

- (1) What are the sources of presidential power? In Harry Truman's formulation, presidential power is little more than convincing other people that what the president wants from them is in fact what they should want in order to further their own interests. The president sits atop a vast bureaucracy, filled with actors whose interests will not

always coincide with his. The president must continually bargain with members of Congress, each of whom has his or her own independent base of political support. And, as every president learns, public evaluations can be fickle.

On the other hand, presidents retain substantial amount of statutory and constitutional authority, and there is little doubt about the president's ability to act almost at will with respect to war powers and foreign affairs. We will investigate the importance of these formal and informal sources of presidential power, and devote considerable attention to the historical development of presidential power, examining key presidencies and eras in close detail.

Many constitutional grants are ambiguous, or have never been definitively interpreted. And some questions of presidential power are actually impossible to answer. We will consider one of the contradictions of the office – the existence of the prerogative power, or the inherent authority to go outside the Constitution (or even violate it) in order to achieve a higher goal, such as saving the Republic. But there are others. Can Trump pardon himself? Can a sitting president be indicted? Nobody knows, in part because the questions have never seriously arisen. But we may find out.

- (2) How are presidents elected? The presidential election process is long, complex, and difficult to navigate (and it doesn't always produce what most people think are particularly strong candidates). Critics contend that the process is flawed, because presidential campaign skills have little to do with presidential governing skills. Some observers maintain that the election process deters quality leaders from seeking the office; historian James Bryce made the same argument in 1888. We will investigate presidential primaries, the politics of getting to the convention, the general election campaign, and the relationship between the politics of campaigning and the politics of governance.

We will pay close attention to the 2012 and 2016 elections. 2012 because of what the results seemed to indicate about the long term prospects of the parties, 2016 because of how unusual it was (among other things, there is no question that Russia was actively involved in using social media and other strategies to influence the outcome). With few exceptions, presidents emerge from existing political networks and have links to networks of political elites. There are some who did not (Andrew Jackson comes to mind), but Trump is the first president to have no previous government or military experience.

- (3) How do presidents govern? This may seem like an obvious question, akin to asking how fish swim or birds fly (the easiest answer is, well, that's just what they do). But it is perhaps the key question about presidential behavior. Every modern president has tried to use campaign-type techniques to generate support for their policies. It rarely works, in part because the two tasks – campaigning and governing – are vastly different. Can you recall an instance where a president

overcame congressional or public opposition by making a public appeal? Bush attempted this with Social Security reform, with dismal results. Obama did the same with gun control, using the families of the children murdered in Newtown, CT to push Congress to enact new gun control legislation, to no effect. Trump did it with a 1/8/2019 national address intended to generate support for a border wall and blame Democrats for the 2019 government shutdown. It did not work.

Where does Trump fit into this picture? His presidency poses questions that we have never faced before and presents challenges to what we think we know. Trump is contemptuous of traditional governing practices and famously uninterested in policy details. From what we can observe, there are no policy processes in the White House and what emerges seems largely the result of presidential whims. Trump's leadership of public opinion is a combination of tweets (many of which can, quite fairly, be characterized as unhinged) and campaign-like rallies in front of enthusiastic supporters. Is this the new standard?

- (5) And, finally, we must consider the question of how presidencies end (or are ended). Two presidents have been impeached but not convicted (Andrew Jackson and Bill Clinton), and one forced from office (Richard Nixon). Impeachment is an extraordinary remedy. Are we in that territory?

II. Course Readings

You should purchase the following anywhere you can get a good deal:

George C. Edwards, III, Kenneth R. Mayer, and Stephen J. Wayne, *Presidential Leadership: Politics and Policy Making*, 10th edition. (Lanham, MD: Roman & Littlefield, 2018). Hereafter *EMW*

Michael Nelson, ed., *The Presidency and the Political System* 11th edition (New York: Sage/CQ Press, 2018)

Laurence Tribe and Joshua Matz, *To End a Presidency: The Power of Impeachment* (New York: Basic Books, 2018)

I will also assign some more specialized readings, which will be posted on Canvas. The reading load is moderate, and at times the assignments can be demanding. It is important that you stay current, because I guarantee that you will not be able reel everything in two days before the exams.

I have shortened the reading list, because we will undoubtedly spend a lot of time on current events, applying the accumulated knowledge of the presidency literature to contemporary events.

You are also required to read a national newspaper of record, either in paper or online. The *New York Times* and the *Washington Post* are the easiest to get here, and discounted student subscriptions are available. Television news and major media web sites are not an adequate substitute.

III. Credit and Grade Components

This course is 4 credits, reflecting 150 minutes of lecture and 50 minutes of section each week over approximately 15 weeks. The expectation is that you will spend a minimum of 8 hours each week outside of class on reading, studying, section assignments, and other forms of preparation.

Your grade will be based on the following: a final (30%), a two midterms (20% for the 6 week, 25% for the 12 week), and section attendance and participation (25%).

There will be two midterms, a take home 6 week due on February 28th, and a take home 12 week due on April 11th. The final exam will be a take home exam, due at 12:05 pm on May 7th.

IV. Important Policies

1. The University of Wisconsin-Madison supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin state statutes (36.12), and UW-Madison policy require that students with disabilities be reasonably accommodated in instruction and campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility.

If you have a McBurney VISA, please check in with me and/or Tim at the beginning of the semester so we can ensure that appropriate accommodations are in place.

2. Please use your wisc.edu email address when you communicate with me or Tim. We cannot respond to non-university email accounts, as it is impossible to verify identities.
3. Tim and I will always be willing to talk with you about your exam and assignment grades, explain how we evaluated your work, and suggest ways for you to improve your performance. We do our best to be fair and consistent in our grading. However, we do not haggle over grades or points, or provide extra credit assignments. Period. Barring clerical error, grades are final.

V. Discussion Sections

Discussion section time and location are as follows:

Day	Time	Location	TA	email
M	9:55-10:45AM	6125 Social Science	Timothy Williams	twilliams3@wisc.edu
T	3:30-4:20PM	6105 Social Science	Timothy Williams	twilliams3@wisc.edu
W	1:20-2:10PM	225 Ingraham	Timothy Williams	twilliams3@wisc.edu

Tim's office hours are 1:00-3:00PM in 122 North Hall.

Section attendance is required, and your participation (as well as some specific exercises assigned in section) will be 25% of your grade. The sections are a critical part of the course:

they are a useful way to stay current with the class material, and are also a good place to seek help if you have questions. Tim will provide more information in in section.

VI. Old Man Yells at Internet

You probably rely heavily on a laptop or tablet to take notes in class. What you probably don't realize is that this is a suboptimal educational strategy. Students who take notes longhand retain and understand more *and get higher grades* than students who use laptops, mostly because when you use a laptop you put more effort into transcribing everything verbatim than trying to understand what the speaker is saying (and research shows the laptop is the problem). Taking notes longhand forces you to process and analyze what is important as you go. The evidence has become indisputable,¹ and the distraction element is impossible to ignore. Few people can resist the temptation to check email, shoot a text about how boring Article II is, or drop in on Instagram, Snapchat, Facebook, Twitter, ESPN, or whatever site is your favorite. You may think you can multitask, but you can't. What's even more compelling: when you use a laptop or go online during class, *you distract and lower the performance of everyone sitting around you.*

So, I am banning laptop and tablet use in this class. You must take notes longhand. I will post full lecture notes prior to every class so you can print them out and use them as a template.

HOWEVER, I understand that some of you may have a legitimate educational reason to use a laptop to take notes. There are a variety of circumstances that can justify this, but rather than specify what those are I will leave it to your judgment. You get the final say on whether or not you have a legitimate reason. The only condition is that if you decide that you will use a laptop in either lecture or section (or both), you must use it exclusively for note taking (and not multitasking or surfing) and you must notify me and Tim in an in-person meeting of your decision.

I will also ask you to put away your phones and other electronic devices at the beginning of lecture unless you are using them to take notes as outlined in the previous paragraph. Going offline will seem impossible at first, and your friends may worry that you have fallen into a well when you don't respond immediately to their text messages. But I assure you that you will not actually die from disconnecting, even though it might feel that way initially. You may even come to realize that you aren't paying attention in class when you are online, and that you don't *really* need to know what's up with the *Westworld* map, or whether Brienne of Tarth and Sandor Clegane are ever going to hook up. At least not right this second.

Remember what the Dalai Lama says (or probably would say) about this kind of thing: *if you're here, be here.*

¹ Cindy May, "Students are Better Off without a Laptop in the Classroom," *Scientific American*, July 11, 2017. F. Sana et al, "Laptop Multitasking Hinders Classroom Learning for Both Users and Nearby Peers," *Computers & Education*, March 2013. P. Mueller and D. Oppenheimer, "The Pen is Mightier than the Keyboard: Advantages of Longhand over Laptop Note Taking," *Psychological Science*, April 2014.

VII. Some web sites that will be useful:

[The American Presidency Project \(website run out of UC Santa Barbara\)](#)

[Lawfare blog](#)

[The Take Care blog](#)

[The Miller Center for Public Affairs, University of Virginia](#)

[The White House Transition Project](#)

[National Archives Presidential Documents Guide](#)

[Links to Presidential Libraries, National Archives](#)

[The National Security Archive, The George Washington University](#)

[List of Presidential Vetoes, U.S. Senate](#)

Schedule

NOTE: I have not assigned specific dates here, in part because how much time we spend on each section will depend on what happens in the coming months and weeks. However, every Thursday I will set the schedule for the following week, and provide specific details about which readings we will cover in lecture and section.

Part I: Introduction. - Studying the presidency, and the nature of the office. Historical patterns

- Overview

Readings: *EMW*, chapter 1
Ragsdale, “Studying the Presidency: Why Presidents Need Political Scientists,” *The Presidency and the Political System*, chapter 2.

- Constitutional Origins and Historical Development; Formal Powers

Readings: *EMW*, chapter 2
Jeffrey Tulis, “The Two Constitutional Presidencies,” *The Presidency and the Political System*, chapter 1.
Stephen Skowronek, “The Development of Presidential Power,” *The Presidency and the Political System*, chapter 3.
Marc Landy and Sidney M. Milkis, “The Presidency in History,” *The Presidency and the Political System*, chapter 4
Tribe and Matz, *To End a Presidency*, chapters 1-2.

Primary Documents

Federalist [67](#), [70](#), [71](#), [72](#).

Joseph Story, *Commentaries on the Constitution*, [sections 1485-1486](#).

[George Washington Inaugural Address, April 30, 1789](#).

- Legitimacy, Norms, and Institutional Robustness

Readings: Norman L. Eisen, Richard Painter, and Laurence H. Tribe, *The Emoluments Clause: Its Text, Meaning, and Application to Donald J. Trump*.
Brookings Institution, Governance Studies. December 16, 2016.
Charles R. Kesler, “Breaking Norms Will Renew Democracy, Not Ruin It,” *New York Times*, August 23, 2018.
Catherine Padhi, “Emergencies Without End: A Primer on Federal States of Emergency,” *Lawfare*, December 8, 2017.
Margaret Taylor, “Declaring an Emergency to Build a Border Wall: The Statutory Arguments,” *Lawfare*, January 7, 2019.

- Constitutional Crises and Worst-Case Scenarios

We will spend whatever time we need to on this section. Much will depend on the timing of the Special Counsel report, how much is made public, and what it says.

- Readings: Jack Goldsmith, “Will Donald Trump Destroy the Presidency?” *Atlantic Monthly*, October 2017.
Michale Nelson, “The Firing, Retiring, and Expiring of Presidents: Impeachment, Disability, Resignation, and Death: From the Constitutional Convention to Donald Trump,” *The Presidency and the Political System*, ch. 20.
Tribe and Matz, *To End a Presidency*, chapters 3-6.

Part II: The Politics of Presidential Elections

- Nominations and Presidential Primaries

- Readings: *EMW*, ch. 3
Lara Brown, “The Presidency and the Nominating Process,” *The Presidency and the Political System*, chapter 7

-The General Election and the Electoral College

- Readings: *EMW*, chapter 4
[Nate Silver, “There Is No Blue Wall,” *FiveThirtyEight.Com*, May 12, 2015](#)
George C. Edwards, III, “The Faulty Premises of the Electoral College,” *The Presidency and the Political System*, chapter 10
John Sides, Michael Tesler, and Lynn Vavreck, “The Electoral Landscape of 2016. *Annals of the American Academy of Political and Social Sciences*, September 2016.
Jane Mayer, “Russia Won,” *The New Yorker*, October 1, 2018.
Connecticut Courant, September 15, 1800

-The 2016 Election

- Readings: Mark D. Brewer and Richard J. Powell, “Donald Trump and the ‘Other’: How an Unconventional Campaign Defeated the State of the Art Establishment,” in *The 2016 Presidential Election: The Causes and Consequences of a Political Earthquake*, Amnon Cavari, Richard J. Powell and Kenneth R. Mayer (eds.), 2017,
Brian F. Schaffner, Matthew MacWilliams, and Tatishe Nteta, “Hostile Sexism, Racism Denial, and the Historic Education Gap in Support for Trump,” in *The 2016 Presidential Election: The Causes and Consequences of a Political Earthquake*,
Peter D. Hart, Corrie Junt, and Annie Norbitz, “Understanding Trump’s Voters: How He Pulled it Off and What Lies Ahead,” *2016: The Voice of the Voters*. Annenberg Public Policy Center, December 13, 2016.

Kathy Cramer, "How Rural Resentment Helps Explain the Surprising Victory of Donald Trump," *The Monkey Cage*, November 13, 2016.
Ronald Brownstein, "How Trump Won," *The Atlantic*, November 9, 2016
Kevin Baker, "What Trump Got Right About American Democracy," *New Republic*, December 2016.

- Is this any Way to Pick a President?

Readings: James Bryce, "[Why Great Men are Not Chosen President](#)," chapter 8 in *The American Commonwealth* (originally published 1888).

Part III: Presidential Governing -- Managing the Affairs of State, and Getting What You Want

- Campaigning is not Governing, and other Cautionary Tales

Readings: Martha Joynt Kumar, "Getting Ready for Day One: Taking Advantage of the Opportunities and Minimizing the Hazards of a Presidential Transition," *Public Administration Review*, July/August 2008.
David Lewis, Patrick Bernhard, and Emily You, "President Trump as Manager: Reflections on the First Year," *Presidential Studies Quarterly* 48:480-501 (September 2018)
[The White House Transition Project](#)

- The President and the Public and the Media; the rise of the "Public Presidency"

Readings: *EMW*, ch. 5-7
Marjorie Randon Hershey, "The Presidency and the Media: The Case of Donald Trump," *The Presidency and the Political System*, chapter 10

Here are some interesting examples:

[FDR's March 12, 1933 Fireside Chat](#)
[Ronald Reagan's July 27, 1981 Tax Speech](#)
[The official White House Twitter feed](#)
[Donald Trump's Twitter feed](#)

- The Presidency as an institution: The White House Office; organizational problems, managing the Executive Branch

Readings: *EMW*, ch 8
John Burke, "The Institutional Presidency," *The Presidency and the Political System*, chapter 13
[Kathryn Dunn Tenpas, Elaine Kamarck, and Nicholas W. Zeppos, *Tracking Turnover in the Trump Administration*, Brookings Institution, December 20, 2018.](#)
Stuart Eizenstat, Memorandum to President-Elect Carter, "Organizing the White House Staff," November 8, 1980

- Decision making in the White House

Readings: *EMW*, ch. 9

Peter Baker and Maggie Haberman, "For Trump, 'a War Every Day,' Waged Increasingly Alone, *New York Times*, December 22, 2018.

Part IV: Governing in a "Separated System." Relations with other governmental actors.

- Energy in the Executive: The question of initiative, from unilateral action to the prerogative

Readings: Andrew Rudalevige, "The Presidency and Unilateral Powers: A Taxonomy," *The Presidency and the Political System*, chapter 17

- relations with Congress and the Separation of Powers

Readings: *EMW*, ch. 11

Matthew Dickinson, "The President and Congress," *The Presidency and the Political System*, chapter 15

- relations with the Judiciary

Readings: *EMW*, ch. 12

David Yalof, "The President and the Judiciary," *The Presidency and the Political System*, chapter 16

- The President as Head of the Executive Branch

Readings: *EMW*, ch. 10

David Lewis and Terry Moe, "The President and the Bureaucracy," *The Presidency and the Political System*, chapter 14

Part V: Public Policies (note: we may skip this section, depending on events)

- Domestic and Economic Policy

Readings: *EMW*, ch. 12

Roger Porter, "Presidential Power and Public Policy," *The Presidency and the Political System*, chapter 18

- Foreign Policy and War Powers

Readings: *EMW*, ch. 14

Andrew Polsky, "The Presidency at War: The Window of Agency in Wartime Presidential Leadership," *The Presidency and the Political System*, chapter 19

Part VI: Summing it All Up.

- Assessing presidential leadership

Readings Paul Quirk, "Presidential Competence," *The Presidency and the Political System*, chapter 5