

THE UNIVERSITY OF TEXAS AT AUSTIN  
Department of Government

GOV 330K  
American Presidency  
Unique #38680

Fall 2011  
M/W 5:30-7pm  
UTC 1.146

Professor Jeffrey K. Tulis  
Office: Mezes 3.152 Hours: M/W 1-2:30pm

Grader: Loren Rotner  
Office hours: TBA

Introduction and Overview:

This is a course on the place of the presidency in the American political order. In our lifetimes no American institution has been subject to more public attention, yet of the three major branches of government, the presidency may be the most perplexing and difficult to comprehend. In addition, today there is great skepticism regarding the ability of the entire national government to address pressing social problems. Is government prone to stalemate and inaction? Is government hopelessly paralyzed and unable to fashion responsible policy or are these worries misplaced and this characterization wrong? Can tough political challenges like terrorism, war, fiscal crisis and economic decline be addressed with political resources provided by our Constitution, or is our political system out of date and incapable of responding to contemporary crises? Presidential leadership is thought to be vital to the functioning of the government as a whole and the core of any answer to these systemic concerns. To what extent is the failure of government a failure of the presidency? Is the presidency strong enough to contend with modern challenges or has the presidency become too strong in recent decades and, therefore, has the presidency itself become a problem to be fixed? These are the larger questions that will animate our course.

How are we to assess these sorts of worries and concerns? We cannot do it by simply detailing the mechanics of the presidency or the history of the institution. Instead, we will draw upon political analyses, constitutional texts and history, and descriptive materials in order to elaborate contending *theories and diagnoses* of the presidency in the American political order.

Leadership and Statesmanship

This course also carries the “ethics and leadership” flag for the university’s new core curriculum. This means that a major purpose of the pedagogy of this class is to give students an understanding of, and practice in, moral reasoning. There are a number of very useful ways to teach ethics, and UT courses that carry the ethics and leadership flag

may take a variety of approaches. In this class, our focus is on two notions: “constitutional thinking” and “statesmanship.” Hopefully, the meaning of these core notions will become clearer over the course of the semester but a few points can be made here by way of introduction. It is common for courses on the presidency that do not have an ethical pedagogy to treat presidential power and leadership as the ability for a president to accomplish whatever objectives he or she might have – without interrogating the worth of the president’s goals. “Success” is simply getting legislation or policy that is preferred – whether or not those policies are good or bad for the country. Our concern to understand both the means of leadership (how presidents do or do not use power to accomplish their partisan purposes) and the goals of power (how good or bad for the polity are the president’s purposes) is the reason we seek to revive and understand the idea of statesmanship. Statesmanship is an inherently moral concept. We will try to elaborate its meaning and to emulate its best versions. Similarly, most courses on the presidency look at the larger political order from the perspective or vantage point of the presidency (over the shoulder, as it were, of the president). One could call this perspective institutional partisanship and it often leads to the idea that what is good for the president is good for the nation. In this class, we reverse the common way of studying this institution. We look at the presidency from the perspective of the larger political order, or, one might say, from the perspective of the Constitution. From this vantage point, we can discern a variety of political principles that are in tension or contradiction with each other (such as, for example, decisiveness and deliberation or secrecy and accountability) and ask how these tensions or contradictions can be productively reconciled. This is “constitutional thinking” and like the idea of statesmanship it too is an inherently ethical notion. We will develop these two ideas: constitutional thinking and statesmanship in ways that require students in the class to put themselves in the place of imaginary statesman and to also learn to think like a “founder” or “constitutional thinker” – that is, like one who takes responsibility for assessing the health of the polity and for planning its future.

Reading (books available at the University Co-op):

Richard Ellis and Michael Nelson eds., *Debating the Presidency*

Michael Nelson, ed., *The Presidency and the Political System*

Michael Nelson, ed., *The Evolving Presidency: Landmark Documents*

William Stevenson, *A Man Called Intrepid*

And selected additional required articles will be posted on Blackboard.

Recommended -- not required reading:

Jeffrey K. Tulis, *The Rhetorical Presidency*

Emergency evacuation:

Students should familiarize themselves with the building’s exits and stairways and be prepared to follow direction in the event of an emergency. While sending text messages, checking email, or surfing the internet are generally not permitted during lecture – students should inform the instructor of any official university emergency messages when received and noticed.

Grading:**Participation 25%**

Regular attendance at class is required (three unexcused absences are permitted).

Oral quizzes during class which take the form of questions regarding the reading. One can successfully answer these questions about important points or themes in the day's reading by making sure to read assigned material before class.

Students who regularly prepare for, and attend class, will receive at least a grade of 85 for the participation component of their course grade.

Constructive interventions in class discussion can enhance the participation grade.

**Three in-class tests, 75% (25% each)**

**No final exam.**

Grading Scale:

A	95-100
A-	90-94
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D+	67-69
D	64-66
D-	60-63
F	0-59

Course averages will be rounded as follows: .5 and above up, .49 and below down. [For examples, 89.5 will receive the grade A-, 89.49 will receive the grade B+].

Accommodation for religious holidays will always be made with advance notice of at least two weeks.

Although accommodation for extra-curricular activities cannot be guaranteed, we will try very hard to work with students to accommodate important extra-curricular commitments if we are given advance notice of at least two weeks.

**There will be no make-up exams, except for documented medical emergencies, family emergencies documented by a dean's note, or for religious holidays arranged in advance.**

Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities, 471-6259 <http://www.utexas.edu/diversity/ddce/ssd/>

**NOTE WELL:** Dates of in-class essay tests

Monday, September 26

Wednesday, October 26

Wednesday, November 30

Major Course Themes and Topics

1. Founding and Constitutional Design
2. Presidential Selection
3. Separation of Powers
4. President and Congress
5. President and Bureaucracy
6. Emergency Power
7. War
8. Impeachment
9. Statesmanship and Character

## Schedule

Week 1 August 24	Introduction. No Reading
Week 2 August 29	Founding and constitutional design Debating, Chapter 1 “Resolved, the framers of the Constitution would approve of the modern presidency”
August 31	Evolving, Chaps. 1, 2, and 3 “The Constitution” “ Letters of Cato” “Federalist, Nos. 69-73”
Week 3 September 5	Founding and constitutional design Labor Day. No class.
September 7	Debating, Chapter 4, “Resolved, the Twenty-second Amendment should be repealed.”
Week 4 September 12	Founding continued, and Presidential Selection Pres & Pol System, Chap. 3, “Presidency in the Eye of the Storm,” (Landy and Milkis)
September 14	Pres & Pol System, chap. 6, “The Presidency and the Nominating Process” (Pious) Debating, chap.2, “Resolved, the political parties should nominate candidates for the presidency through a national primary.”
Week 5 September 19	Presidential Selection, continued. Pres & Pol System, chap. 7, “The Faulty Premises of the Electoral College” (Edwards) Debating, chap. 3, “Resolved: the president should be elected directly by the people”
	NOTE: Essay pool for first test distributed
September 21	Review
Week 6 September 26	Essay Test – in class

September 28	Separation of powers Pres & Pol System, “The Two Constitutional Presidencies” Pay extra attention to pages 10-17.
Week 7 October 3	Separation of Powers Pres & Pol System, chap. 16, “Unilateral Power” Debating, “Resolved: presidential signing statements threaten to undermine the rule of law and separation of powers”
October 5	Pres & Pol System, chap. 14, “The President and Congress”
Week 8 October 10	President, Congress, and Court Pres & Pol System, chap. 15, “The Presidency and the Judiciary”
October 12	Debating, chap. 10 “Resolved: the president has too much power in the selection of judges”
Week 9 October 17	President and Bureaucracy Evolving, Chap. 5, Madison’s defense of removal power Chap. 23 Myers v. United States Chap. 25, Humphrey’s Executor v. United States
October 19	Pres & Pol system, chap. 13 “The Presidency and the Bureaucracy” Evolving, chap. 28, Brownlow report.  Essay pool for Second Test distributed
Week 10 October 24	Review
October 26	Second In-class Test
Week 11 October 31	Emergency Power Locke on Prerogative. <a href="http://www.constitution.org/jl/2ndtr14.htm">http://www.constitution.org/jl/2ndtr14.htm</a>  Evolving, chap. 14 Lincoln letter to Hodges Chap. 17 Ex Parte Milligan Stevenson, <i>A Man Called Intrepid</i> (selections TBA)

November 2	Evolving, chap 8 “Resolved: fighting the war on terrorism requires relaxing checks on presidential power” Stevenson, <i>A Man Called Intrepid</i> , (selections TBA)
Week 12	War
November 7	Evolving, chap. 29 “Youngstown Sheet and Tube v. Sawyer” Chap. 38, War powers resolution
November 9	Pres & Pol System, chap. 17, “The Presidency at War”
Week 13	
November 14	Debating, chap. 7 “Resolved, presidents have usurped the war power that rightfully belongs to Congress”
November 16	Impeachment Evolving, chap. 18 articles of impeachment against Johnson Chap. 39 proposed articles of impeachment against Nixon To be posted on Blackboard: Tulis, “Impeachment in the Constitutional Order”
Week 14	Statesmanship and Character
November 21	Pres & Pol System, chap. 5 “The Psychological Presidency”  Essay pool for third in class test released
November 23	Optional class – review for test
Thanksgiving Break	
November 28	Two essays posted on Blackboard: Tulis, “The Possibility of Constitutional Statesmanship” Tulis, “Plausible Futures”
November 30	In-class Essay Test