

THE UNIVERSITY OF TEXAS AT AUSTIN
Department of Government

GOV 330K
American Presidency
Unique numbers 38675 & 38680

Fall 2012
MEZ BO.306

Professor Jeffrey K. Tulis
Office Hours: M/W 1-2:30pm, Mezes 3.152
tulis@mail.utexas.edu

Teaching Assistant: Laura Rabinowitz

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and economic decline be addressed with political resources provided by our Constitution, or is our political system out of date and incapable of responding to contemporary crises?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.

In addition, we will be witnessing a presidential election this fall. The election offers a wonderful opportunity to study the presidency. Some elections are more important than others. Some mark change in the regime as a whole in addition to selection of executive leadership. We will try to understand the regime level significance of the election of 2012.

How are we to assess these sorts of questions 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.

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, *The Development of the American Presidency* (Routledge, 2012).

Richard Ellis and Michael Nelson, eds., *Debating the Presidency* (CQ Press, 2012)

*And selected additional required materials will be posted on **Blackboard**, or will be **linked** to an online source.*

Recommended reading -- not required:

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 and there will be six to eight pop quizzes on the reading. We will drop the grades of the two lowest pop quizzes. This means that any student may have two absences, for any reason, without penalty. There will be no make-up quizzes. Students with a **documented** medical excuse or a letter from a dean testifying to a family emergency will not be penalized for missed quizzes. Quizzes will be graded pass/fail. Students who receive a passing grade on all but two quizzes, who regularly attend class, and participate in discussion, will receive at least a grade of 85 for the “participation” component of the course. Active and informed participation could earn a grade higher than 85.

Constructive interventions in class discussion can enhance the participation grade.

Please Note: The heart of this course is the lectures, which usually will not review the material in the texts. Rather, I will use the material you read as background for a variety of arguments and analyses that you will not find in the books. Thus, in order to fully understand the lectures you need to prepare the reading in advance. But please understand that the reading alone will not substitute for the material covered in lecture.

Two take-home analytic essays - 50% (25% each)

Topics for these essays will be distributed a week before they are due. Each essay will be 1,000 words (or approximately 4 double spaced typed pages). They will be judged for care in composition as well as for substantive insight. Students are strongly advised to work their essay through several drafts. Although the final versions of these essays will be relatively short in length, they require substantial work to compose them well.

One in-class test - 25%

Study questions will be distributed approximately one week in advance.

No final exam.

Each graded component of the course, and the final course grade, will follow the following scale.

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. Unlike quizzes, a make-up for the test is required for excused absences.

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: Due Dates for analytic essays, AND date for in-class test
 Wednesday, October 3
 Wednesday, November 7
 Wednesday, December 5

Major Course Themes and Topics

1. Founding and Constitutional Design
2. Presidential Election
3. Separation of Powers
4. President and Congress
5. President and Bureaucracy
6. President and Judiciary

7. Emergency Power
8. War
9. Impeachment
10. Statesmanship and Character

Schedule

Week 1 August 29	Introduction. No Reading
Week 2 September 3	Founding and constitutional design Labor Day, no class
September 5	<i>Development</i> , Preface and Chapter 1. (beginning to page 19) <i>Debating</i> , Chapter 1 “Resolved, the framers of the Constitution would approve of the modern presidency”
Week 3 September 10	The Federalist and Anti-Federalists “The Constitution” http://www.archives.gov/exhibits/charters/constitution_transcript.html Anti-Federalist writings: http://www.infoplease.com/t/hist/antifederalist/ Letters of Cato IV & V The Federalist http://thomas.loc.gov/home/histdox/fedpapers.html “Federalist, Nos. 69-73”
September 12	Continued discussion of Sept. 10 reading & <i>Debating</i> , Chapter 4, “Resolved, the Twenty-second Amendment should be repealed.”
Week 4	Founding continued, and Presidential Selection
September 17	<i>Development</i> , pp. 23-62.

September 19 *Debating*, chap.2, “Resolved, the political parties should nominate candidates for the presidency through a national primary.”

Week 5 Presidential Selection, continued.

September 24 *Development*, pp. 62-71.
Debating, chap. 3, “Resolved: the president should be elected directly by the people”

September 26 Is this a “critical election”?
 Tulis, “Plausible Futures” (posted on Blackboard)

First analytic essay assigned.

Week 6
 October 1 Separation of Powers
Developing, Chapter 4 (pp. 125-181)

October 3 Separation of Powers
Federalist, Numbers 47-51
<http://thomas.loc.gov/home/histdox/fedpapers.html>

Note that first presidential debate is tonight. (Strongly recommended that you watch, but not required.)

Analytic Essay Due

Week 7 Separation of powers continued: Removal power

October 8 *Developing*, Chap. 7 (pp. 295- 325)

October 10 *Developing*, Chap. 7 (pp. 325-345)

Note that the vice presidential debate is tomorrow night, Oct. 11. Required watch!! This is part of your “reading assignment” for October 15.

- Week 8 Debates!
- October 15 Discussion of Vice Presidential debate
- Assignment: watch and thinking about the presidential debate televised on Thursday night, October 11, 8-9:30pm, central.*
- Also, please read and be prepared to discuss:
Debating, chap. 11 “Resolved: the vice presidency should be abolished.”
- October 17 Discussion of Presidential Debate
- Assignment: watch and think about the presidential debate televised on Tuesday night, October 16, 8 to 9:30pm (central).*
- Week 9 Presidency and the Judiciary
- October 22 *Developing*, pp. 349-374
- October 24 *Developing*, pp. 374-400.
Debating, Chap. 10 “Resolved: the president has too much power in the selection of judges.
- Week 10 Emergency
- October 29 The theoretical issue: Locke on Prerogative
- <http://www.constitution.org/jl/2ndtr14.htm>
- October 31 *Development*, Chap. 9 (pp. 401-433).
- Second Analytic Essay assigned**

Week 11 Terrorism

November 5 *Development*, Chap. 9 (pp. 434-449)
Debating, Chap. 8 “Resolved, fighting the war on terrorism requires relaxing checks on presidential power.”

November 7 **Second analytic essays due.**

Discussion of essays.

Week 12 War

November 12 *Developing*, Chap. 5 (pp. 182-226)

November 14 *Developing*, (pp. 226-240)
Youngstown Sheet & Tube v. Sawyer.

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0343_0579_ZS.html

In *Youngstown*, read Black (and Frankfurter) Opinion of the Court, Jackson’s concurrence, and Vinson’s dissent.

Week 13 War, continued

November 19 *Debating*, Chap. 7, “Resolved, presidents have usurped the war power that rightfully belongs to Congress”

War Powers Resolution (1973)
http://avalon.law.yale.edu/20th_century/warpower.asp

November 21 (Individual or group tutorials for those who wish to sign up.)

Thanksgiving Break.

Week 14 Statesmanship and Leadership

November 26 Impeachment

Tulis, "Impeachment in the Constitutional Order," posted on Blackboard

November 28 Statesmanship or Leadership

Developing, Chap. 3 (pp. 72-123)

Debating, Chap. 13 "Resolved, great presidents are agents of democratic change"

Study questions for in-class test distributed

Week 15 Review and Test

December 3 Statesmanship or Leadership & **Review of Course**

Debating, chap. 12 "Resolved, a president's personal attributes are the best predictors of performance in the White House."

December 5 **In-class test**

Please bring a Blue Book in which to write your essay. Open Book Test. Textbooks and copies of on-line or Blackboard course materials are permitted. No class notes or outlines, except marginal notations, underlining, etc., on course materials is OK.