

The Presidency: At-Large Constituency & Presidential Representation

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July 24, 2017



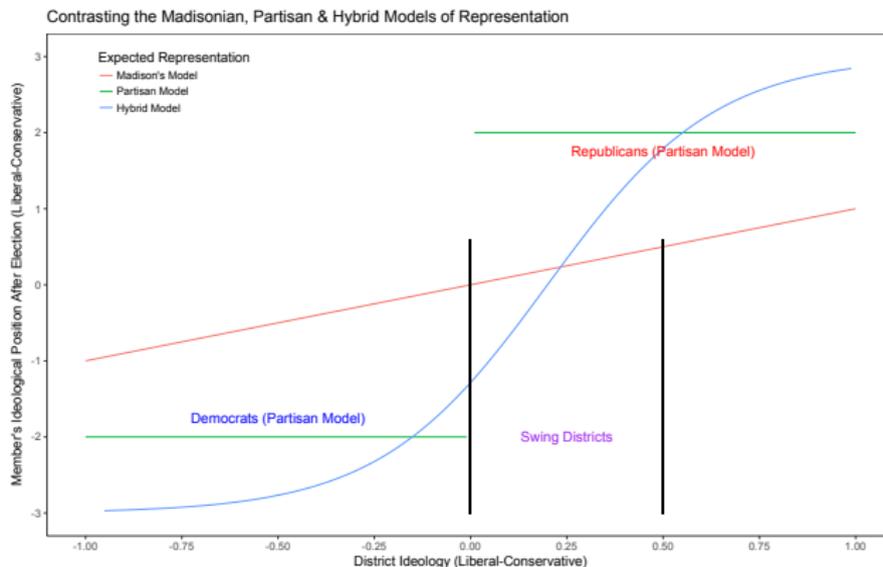
Agenda

- 1 Midterm Exam Review
- 2 The American Presidency: Formal or Informal Power?

Midterm Exam Review

- ▶ Midterm exam recap in two parts:
 - ▶ Today, review midterm exam
 - ▶ Final grades & presentation of distributions tomorrow

Opening Question: Are Americans represented?



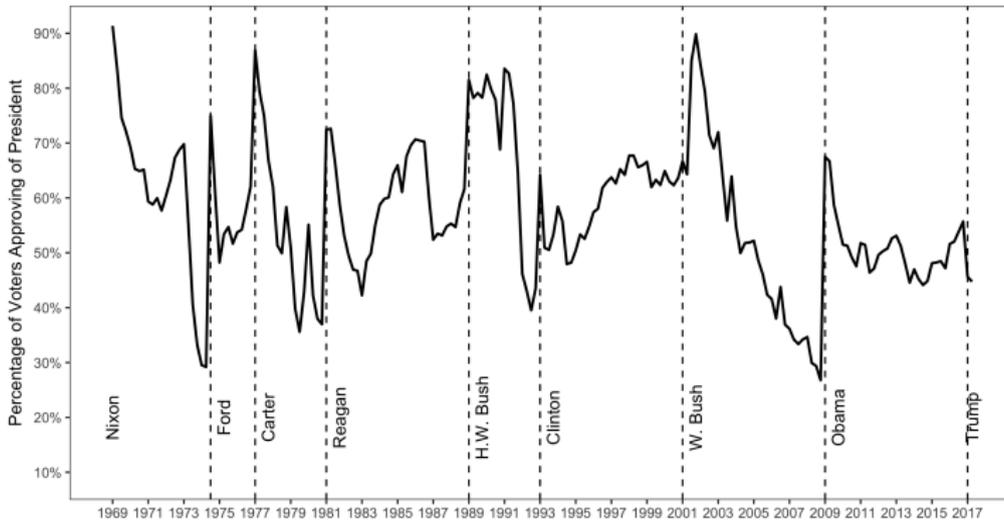
- ▶ Opening Question: According to our discussion of recent patterns & models of representation, do you feel that citizens are represented by their elected representatives? Why or why not?

Institutional Logic of "Separation of Powers"

	<i>Legislature</i>		
	House	Senate	President
<i>Incentive</i>			
Term of Office	2 yrs	6 yrs	4 yrs
Apportionment	Proport.	Federal	Federal + Prop
Constituency	[District]	State	National
Size	[435]	100	1
Selection	Elected	[Elected]	[Elected]
<i>Resources</i>			
<i>Action</i>	Legislate, raise army, tax, interstate commerce, purse, impeach impeachment, declare war		Appointment, pardon, Commander-in-chief, Executive
<i>Reaction:</i> <i>v. Congress/Pres</i>	Veto override, Senate confirmation, treaties		Veto, Execute the law
<i>Reaction:</i> <i>v. Courts</i>	Set jurisdiction, initiate const. amend., confirmation, purse impeach, lower courts		Nomination
Note:	[brackets] denotes non-constitutional requirement.		

Presidential Incentives

- ▶ Contrasting with congressional accountability, how are presidents generally held accountable for?
- ▶ Which models of vote-choice help explain how citizens feel about their president?



N = 4,075 national polls. Quarterly estimates derived from dyad ratios model.

Presidential Action

Neustadt's Presidential 'Paradox'

"Presidents have very little formal power, far less than necessary to meet the enormous expectations heaped on them during the modern era."

- ▶ What does Neustadt mean by this? What does this suggest about presidential accountability?
- ▶ Traditionally, scholars have thought of the foundations of presidential power as "personal." What does this mean? Why is this an insufficient explanation of how presidents accomplish their goals in office?
- ▶ What are Moe & Howell contributing to our understanding of the American presidency?
- ▶ Contribute to our understanding by focusing on the *unilateral presidency*

The “Unilateral Presidency”

- ▶ Why would the president need to act unilateral to be responsive to what the public demands of the presidency? How is this different than congressional responsiveness?
- ▶ Examples of unilateral presidential action: Louisiana Purchase, Alaska Purchase, desegregation of the military, the *unconstitutional* internment of Japanese-Americans, suspending Habeas Corpus, DACA, etc.

Source of presidential power: *ambiguity*

“But the central claim here is that the president’s powers of unilateral action are a force in American politics precisely because they are not *specified* in the formal structure of government.”

Unilateral Presidency Explored

- ▶ What motivates presidents or, politicians more broadly, to act? Why might the president be in a different “class” with respect to incentives?

Presidents motivated by *legacy*, constrained by *time*

“Broadly speaking, however, it is fair to say that most presidents have put great emphasis on their legacies and, in particular, on being regarded in the eyes of history as strong and effective leaders.”

- ▶ Why might presidents be able to exploit *constitutional ambiguity*?
- ▶ Independent authority to *execute* Congressional acts but *not* agent of Congress. Example?
- ▶ “The bottom line, then, is that the Constitution’s incomplete contract sets up a governing structure that virtually invites presidential imperialism.”

Checking the Unilateral Presidency

- ▶ How might the Congress check the unilateral presidency? If so, what must Congress overcome to act collectively?
- ▶ Under what conditions would Congress be less likely to constrain the presidency?
- ▶ “The answer is that legislative responses (if there are any) will be rooted in constituency.”
- ▶ Moreover, Congress suffers from a massive *collective action* problem relative to executive
- ▶ Why might opposition party leaders be powerless in constraining president?
- ▶ Why is the court more “threatening” with respect to constraining the president?
- ▶ Courts have *constitutional privilege* with respect to settling ambiguities

Limited Judicial Influence of Checks

- ▶ Presidents appoint judges, which may limit opposition to their decisions
- ▶ Court legitimacy can be threatened in the wake of popular unilateral presidential action
- ▶ Leads to second constraint of judicial *check*: “While the Court is said to be an independent branch of government, then, its power and prestige are profoundly dependent on the executive.”
- ▶ Constant judicial incentive for restraint, even in event of ruling against the president, rulings can be *institutionally ambiguous*

Presidential Ability to *Set the Agenda*

- ▶ What is one source of “power” that the president can draw upon?
- ▶ Only agent of the country at-large & is informally privileged to being the “first-mover” with respect to pursuing policies (State of the Union, President’s modern budget)
- ▶ How can presidents get Congress to act on their policy program according to Canes-Wrone?
- ▶ Going “public” on specific policies can mobilize public to pressure Congress to enact presidential agenda. Can you think of an example?
- ▶ Limits to “going public?”
- ▶ Presidents only go public on policies that are *popular* and in which they *need* support for Congress to act (presidents prefer sticky policies)
- ▶ Presidents privileged with *bully* pulpit of televised speeches

Key Points:

- ▶ Presidents are held *both* collectively & individual responsible
- ▶ Public has enormous expectations of the president, but presidents have little *formal power* (Neudstat's Presidential Paradox)
- ▶ Presidents have strong incentive to act unilateral, both out of re-election & legacy
- ▶ Unilateral presidential action not as *sticky* as legislative approval of agenda, subject to change through presidential turnover
- ▶ Source of presidential power: *constitutional ambiguity*
- ▶ Congress & Judiciary capable of *checking* president, but Judiciary informally constrained by prestige & Congress plagued by collective action (particularly on foreign policy)
- ▶ Presidents able to *set the agenda* & persuade public for popular policies by “going public”