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and economic decline be addressed with political resources provided by our Constitution, or is our political system out of date and incapable of responding to contemporary crises?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.
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
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<th>Date</th>
<th>Topic</th>
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| September 28 | Separation of powers                           | Pres & Pol System, “The Two Constitutional Presidencies”  
Pay extra attention to pages 10-17. |
| Week 7     | 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” |
| Week 8     | President, Congress, and Court                 | Pres & Pol System, chap. 15, “The Presidency and the Judiciary” |
| October 10 | President, Congress, and Court                 | Debating, chap. 10 “Resolved: the president has too much power in the selection of judges” |
| October 12 | Evolving, Chap. 5, Madison’s defense of removal power  
Chap. 23 Myers v. United States  
Chap. 25, Humphrey’s Executor v. United States |
| October 17 | Evolving, chap. 13 “The Presidency and the Bureaucracy”  
Evolving, chap. 28, Brownlow report.  
Essay pool for Second Test distributed |
| October 19 | Evolving, chap. 14 Lincoln letter to Hodges  
Chap. 17 Ex Parte Milligan  
Stevenson, *A Man Called Intrepid* (selections TBA) |
| October 24 | Review                                         |                                           |
| October 26 | Second In-class Test                           |                                           |
| October 31 | Emergency Power                                | Locke on Prerogative.  
Evolving, chap. 14 Lincoln letter to Hodges  
Chap. 17 Ex Parte Milligan  
Stevenson, *A Man Called Intrepid* (selections TBA) |
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<tr>
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<tr>
<td>November 2</td>
<td>Evolving, chap 8 “Resolved: fighting the war on terrorism requires relaxing checks on presidential power” Stevenson, <em>A Man Called Intrepid</em>, (selections TBA)</td>
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<td>Week 12</td>
<td>War</td>
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<td>November 7</td>
<td>Evolving, chap. 29 “Youngstown Sheet and Tube v. Sawyer” Chap. 38, War powers resolution</td>
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<td>November 9</td>
<td>Pres &amp; Pol System, chap. 17, “The Presidency at War”</td>
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<td>Week 13</td>
<td>Debating, chap. 7 “Resolved, presidents have usurped the war power that rightfully belongs to Congress”</td>
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<td>November 14</td>
<td>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”</td>
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<td>Week 14</td>
<td>Statesmanship and Character Essay pool for third in class test released</td>
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<td>November 21</td>
<td>Pres &amp; Pol System, chap. 5 “The Psychological Presidency”</td>
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<td>November 23</td>
<td>Optional class – review for test</td>
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<td>Thanksgiving Break</td>
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<td>November 28</td>
<td>Two essays posted on Blackboard: Tulis, “The Possibility of Constitutional Statesmanship” Tulis, “Plausible Futures”</td>
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<td>November 30</td>
<td>In-class Essay Test</td>
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