Introduction to the American Political Process

Class 10: The Presidency

Asya Magazinnik (Professor)
1. Readings

Neustadt, “Presidential Power and the Modern Presidents”
Cameron, “Veto Bargaining”
Howell, “Power Without Persuasion”
Canes-Wrone, “Who Leads Whom?”
Readings
The Paradox of Presidential Power

Single most prominent office in U.S. government, but few and weak formal powers:

1. Executive orders
2. The veto
3. Appointments
4. Control over executive agencies/the bureaucracy (more next time)

Hamstrung by formal restrictions, yet expected to lead.

• “Much like Shakespearean kings, marked by more tragedy than grandeur”? 
How powerful is the President?

Old view: Power of persuasion (Neustadt)

• “The Personal Presidency”: manipulating and compromising with actors that have actual formal power
• Resort to formal powers a sign of weakness

Contemporary view: Presidents creatively wield their formal powers + expansive informal powers

1. Strategic use of formal powers: Cameron, Howell

2. Public opinion
   • DJT’s use of the media
How to think about presidential power

The “second face of power”: power operating through anticipated response

How can we trace the second face of power?

1. **Direct approach**: How policy outputs conform to actor’s preferences (*circumstantial*)

2. **Indirect approach**: An explicit model of the policymaking process
   - “Vetoes do not speak for themselves”
   - Additional data: initial vetoes, final vetoes, veto threats, Congressional concessions...
The game proceeds as follows:

1. Median legislator proposes a bill or accepts the status quo
2. Filibuster pivot (3/5) decides whether to invoke cloture
3. President can sign bill into law or veto
4. Congress can override presidential veto (2/3)
The game proceeds as follows:

1. Median legislator proposes a bill or accepts the status quo
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4. Congress can override presidential veto (2/3)
5. (If no override) Congress can pass a new bill
6. President can veto once more
Sequential Veto Bargaining

Figure 2.1. Markov Model of Veto Bargaining
Sequential Veto Bargaining

Why might things look different from Pivotal Politics in this model?

• Initial uncertainty about the President’s veto point
• Veto threats reveal more information about the President’s preferences
• Public opinion shifts in the bargaining process
What insights do we gain from this richer model?

1. Unified vs. divided government matters
   - For important legislation, veto threats rarely occur under unified government
   - They occur very often under divided government: 34% of the time

2. Presidents almost always threaten before they veto

3. Presidents often (but not always) veto after a threat

4. Threats usually bring about concessions

5. Concessions usually deter vetoes
The President’s powers of unilateral action (Howell)

Unlike any other actor in the system, the president can act alone.

Unilateral powers have largely been invented by presidents: an expansive reading of Article 2 of the Constitution

1. Executive orders
2. Proclamations, administrative directives, memoranda
3. National security directives

Use of these tools has skyrocketed since 1930s:

1. Series of court rulings fortifying executive authority (1930s)
2. Expansion of the administrative bureaucracy
The game proceeds as follows:

1. Median legislator proposes a bill or accepts the status quo
2. Filibuster pivot (3/5) decides whether to invoke cloture
3. President can sign bill into law or veto
4. Congress can override presidential veto (2/3)
The game proceeds as follows:

1. The President unilaterally moves the status quo
2. The judicial branch checks that this move was within reason
3. Median legislator proposes a bill or accepts the status quo
4. Filibuster pivot (3/5) decides whether to invoke cloture
5. President can sign bill into law or veto
6. Congress can override presidential veto (2/3)
Howell, “Power without Persuasion”

How does this initial step change the game?

• Recall that the status quo determines the final outcome

• So by changing the status quo, the president can push Congress into legislating

• Or, he can prevent Congress from legislating
Krehbiel, Keith. “A Theory.” Chapter 2 in *Pivotal Politics: A Theory of U.S. Lawmaking*. University of Chicago Press, 1998. © University of Chicago Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see https://ocw.mit.edu/help/faq-fair-use/.
Trump’s Use of Executive Orders

Presidential Executive Order on Protecting America Through Lawful Detention of Terrorists

Affording Congress an Opportunity to Address Family Separation

Executive Order: Border Security and Immigration Enforcement Improvements

Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak
## Recent Presidents’ Use of Executive Orders

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Policies Enacted by Unilateral Action

1. Japanese internment (FDR)
2. Desegregation of the military (Truman)
3. First affirmative action policy (LBJ)
4. Creation of the Peace Corps (Kennedy)
5. Establishing the EPA as an executive agency (Nixon)
6. Federalizing the National Guard and using it to quell LA riots (Bush Sr.)
Does the President lead or follow public opinion?

- Sometimes the President can use public opinion to his advantage (public appeals)
- Other times the President **panders** to public opinion
  - Pandering: adopting a popular policy despite having strong reasons to believe it is misguided
The game proceeds as follows:

1. The President can make **public appeals** to move the legislators’ ideal points
2. Median legislator proposes a bill or accepts the status quo
3. Filibuster pivot (3/5) decides whether to invoke cloture
4. President can sign bill into law or veto
5. Congress can override presidential veto (2/3)
President has incentives to lead when he believes the public is misguided AND:

- **Policy leadership from ahead**: when President is very popular
- **Policy leadership from behind**: when President is very unpopular
- **Policy leadership early in term**: when voters have a chance to learn whether President’s choice produced a good outcome before the next election
- **Policy leadership absent electoral motivations**: when President doesn’t have to worry about reelection
Conditional Pandering Theory (Canes-Wrone)

President has incentives to pander when he believes the public is misguided AND:

- When President is marginally popular
- When President has electoral motivations
- When there is not enough time before the next election for consequences of policy to be observed
How can we tell?

Effective pandering just looks like changing your mind.

But, if we see Presidents reversing course more often under these conditions, the theory seems plausible.

Case studies:

- Carter and foreign aid: pandering at election time
- Bush Sr. and unemployment: policy leadership from ahead → pandering
- Reagan and the contingency tax proposal: policy leadership from behind
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