

Political Science 10: Introduction to American Politics

Week 6

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November 9, 2017

Plan for the Day

- Reading Quiz
- Go over learning outcomes
- Announcements
- Answer questions from lecture this week and/or the reading
- Discuss Cooper (2005)

Reading Quiz

- Clearly write your name at the top of the quiz
- Turn your quiz over when you are finished
- Good luck!

By the end of section today, you should be able to:

- Explain the “classic contradiction” that presidents face, as discussed in lecture
- Identify the three types of power the president has and give an example of each type
- Define “unilateral powers”
- Explain what signing statements are
- Discuss why signing statements are attractive policy tools for presidents

Announcements

- Reminder: Office Hours are Wednesdays 8-9:30am; 11-11:45am in SSB 341, or by appointment (tncarlson@ucsd.edu).
- Midterm participation grades are posted on TritonEd
- If you turned in a paper rough draft, you should receive feedback by section next week
- Midterm grades will be posted on TritonEd and passed back in section next week

Questions??

What questions do you have from lecture or from the reading this week?

Presidential Power



The Classic Contradiction

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The public has really high expectations for the president to do lots of things, but presidents are not endowed with the formal powers to meet these expectations.

What are the three types of power the president has?

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- 1 Expressed (Constitution)
- 2 Delegated (Congress)
- 3 Inherent (asserted by the president)

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Expressed	Delegated	Inherent

Unilateral Powers

- Unilateral: “(of an action or decision) performed by or affecting only one person, group, or country involved in a particular situation, without the agreement of another or the others.”

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- Unilateral: “(of an action or decision) performed by or affecting only one person, group, or country involved in a particular situation, without the agreement of another or the others.”
- So, which of the president’s powers would be unilateral?

Signing Statements

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- “A statement issued by the president that is intended to modify implementation or ignore altogether provisions of a new law.” (LAP Glossary)
- “Pronouncements issued by the president at the time a congressional enactment is signed that, in addition to providing general commentary on the bills, identify provisions of the legislation with which the president has concerns and
 - ① provide the president’s interpretation of the language of the law,
 - ② announce constitutional limits on the implementation of some of its provisions, or
 - ③ indicate directions to executive branch officials as to how to administer the new law in an acceptable manner” (Cooper 2005, pp. 516-517)

Signing Statements

- Why are signing statements attractive policy tools?

Signing Statements

- Why are signing statements attractive policy tools?
 - Congress has few options to respond (implied veto threat)
 - Hard to challenge in court
 - If a case does reach the courts, it's hard to win a challenge
 - They're technically public, transparent documents, but most don't pay attention
 - Language is broad, vague, formulaic, making it hard to understand the point
 - Influence rule-making efforts with directives to responsible agencies

Questions to Ponder

- Suppose a president wanted to act unilaterally. How do you think s/he would choose which unilateral power to use? When might signing statements be more/less effective than executive orders?

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- Suppose a president wanted to act unilaterally. How do you think s/he would choose which unilateral power to use? When might signing statements be more/less effective than executive orders?
- What would Madison say about the inherent or implied powers of the president? Is this evidence of too much power being concentrated in one individual? Why or why not?
- How would the three theories of Constitutional interpretation (plain-meaning-of-the-text theory, original-intent theory, living-Constitution theory) explain the president's use of inherent powers? What about signing statements specifically?
- Where do you think the high expectations of the president come from? How are these expectations different from what the American public expects from Congress? What other challenges do presidents face in order to fulfill these expectations?