

# THE PRESIDENCY AND EXECUTIVE BRANCH

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J. Alexander Branham

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# THE PRESIDENCY

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- Unitary or collective actor?

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- Elected by Congress or the people?

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- Usually war powers

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  - Line-item veto (1906-1998, unconstitutional after)

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- Shifts power from Congress to executive branch

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  - Presidents generally ignore it

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- SotU
- Executive orders

# THE RISE OF PRESIDENTIAL POWER

- Congressional government 1800 - 1930s

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- The New Deal

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## PRESIDENTIAL POWER

- The Cabinet:
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- Secretary of Homeland Security

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- Administrator of the Small Business Administration

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- Has own staff separate from Cabinet

- Chief of Staff



- Chief of Staff
- Press secretary

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- Special assistants / senior advisers

- Executive Office of the President

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- Party



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- Administration

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- If opposing party controls Congress, much more difficult
  - Majority controls *what* is on the floor
  - Filibusters in the Senate hard to overcome



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- Tweets

- Hard to reach those who aren't interested



## LIMITATIONS ON GOING PUBLIC

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- Honeymoon period decline

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- Recent presidents issue directives to agencies that the agency has to comply with

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- Are subject to judicial review like any other law



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- Of questionable legal status even though used by all modern presidents

Should the presidency or Congress be more powerful?

# PRESIDENTIAL POWER: ARGUMENTS FOR & AGAINST

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- Emergency powers

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  - ... But hard to find a case where Congress wouldn't have acted



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  - ... But Congress may be more democratic

# THE EXECUTIVE BRANCH AKA THE BUREAUCRACY

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*The bureaucracy is expanding, to meet the needs of the expanding  
bureaucracy.*

Oscar Wilde

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*The only thing that saves us from the bureaucracy is its inefficiency.*

Eugene McCarthy



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- Routine ensures services are delivered regularly

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- Fewer at top, tend to oversee a large number

## BUREAUCRACY ENABLES GOVERNMENT TO OPERATE

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  - Dividing up tasks, matching them to an appropriately trained labor force, routinizing procedure, and providing right incentive structure
- Bureaucracies are insulated from politicians

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  - Rules issued provide more details and specifics about what a policy will actually mean
  - Have a brief period of public comment before going into effect

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  - Bureaucratic agencies monitored by the staff of relevant legislative committees

Four kinds of bureaucratic agencies:

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- Bureaus organized into divisions, offices, services, units, etc

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- Amtrak, TVA

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- None created 1970 - 2008 financial crisis

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4. Redistributive agencies

- Mission is to promote, serve, or represent a particular interest

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- Depts of Agriculture, the Interior, Labor, Commerce, Housing and Urban Development, Transportation, Energy, Education, Health and Human Services

- Revenue agencies (IRS)

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  - Depts of Justice (FBI, etc) and Homeland Security (TSA, etc)

- External security



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  - Many lucrative contracts in districts, making downsizing politically difficult

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- Rules have the force of law and are called **administrative legislation**

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  - “Banker’s bank”

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  - Total income must fall below a certain line



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  - Prestige and power
  - Personal (political) beliefs
- But they don't always get what they want - Congress evaluates bureaus' performance
- High level bureaucrats are politicians

- Congress and the president (principal) “hire” bureaus (agents) to accomplish their goals

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- **Bureaucratic drift** - bureaucratic implementation that produces policies closer to the bureaucracy’s preferences than what the original legislation intended, but without political reaction

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- (PAP examples)

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ideal point



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ideal point
- Difficult to do because most people like individual programs

- Elimination of an agency

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- Extremely rare since most agencies have large supportive groups

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- Deregulation easier - reducing/eliminating restraints on the conduct of individuals or private institutions

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  - At the cost of heterogeneous policy outputs

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- Private sector corporations can provide similar services for cheaper
- But private sector employees often provide lower pay and fewer benefits