

PRG REPORT



Newsletter of the Presidency Research Group of the American Political Science Association

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The Return of The King? Presidential Power and the Law

By Kenneth Mayer

It is fashionable, when writing what I'll call "agenda" articles about particular subfields in the discipline, to aver that the subfield is in the midst of a revolution, in which a new generation of scholars takes on the dominant – but rarely questioned – assumptions and empirical truths that have had a longstanding grip on research.

Sometimes these reevaluations are spurred by unexpected events. It had been as close to a law as there is in political science, that the president's party will lose House seats in midterm elections. The pattern had held for every election but one since the development of the modern two-party system, except for conditions so unusual that they didn't challenge the convention (1). But we have now seen two consecutive aberrations (1998 and 2002). Congressional scholars are taking another look at the midterm phenomenon, in an effort to figure out whether the recent results can still be placed within the traditional framework (2).

In presidency scholarship, I see two such assumptions. The first is that the strategic presidency – most famously presented in Neustadt's still influential *Presidential Power* – captures the crucial facets of the office and inhabitant. Part of the appeal is that the notion of presidents acting strategically, bargaining and persuading, seems so utterly obvious that it is difficult to imag-

ine what the alternative would be (although it's worth noting that at the time Neustadt had great difficulty obtaining a publisher, since *his* approach was a direct challenge to the then-prevailing orthodoxy, exemplified by Edward Corwin, in *The President: Office and Powers*) (3).

The second assumption, a corollary of the first, is that there isn't much to be gained from studying the formal elements of presidential power. If presidents cannot govern by command (an explicit element of the strategic presidency framework), then attempts to analyze the constitutional or statutory basis of presidential action navigate toward the same unpromising horizons that undercut the approach in the 1960s. Instead of innovative analyses of executive politics or presidential decision making, we wind up with atheoretical and static legalistic analyses that might tell us whether the EOP has accurately implemented the relevant provisions of Executive Order 12291, but which don't result in genuine knowledge about either the President or the presidency (4).

I suggest that it may be time to rethink these assumptions, and that we have much to gain by a renewed focus on the explicit legal foundations of presidential action. This is not to say that the subject has received *no* attention, as there are many examples of scholars (past and present) who have taken close norma-

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(Table excludes officers who are listed to the left with full contact information)

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Andrew Rudalevige	2003	2006
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Publishing Opportunity

Larry Sabato (UVA) and Howard Ernst (USNA), co-editors of the Encyclopedia of American Parties and Elections (Facts-On-File), are currently recruiting contributors for their project. The single volume, A-Z encyclopedia will include 450-550 entries, providing numerous opportunities for emerging and established scholars to publish on topics in their areas of expertise. Entries will be original works provided by graduate students and Ph.D.s in relevant fields of study. More information regarding the project is available at their website (www.partieselections.com).

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Teaching the Presidency with the Socratic Method

By Colleen Shogan

The Socratic Method is a style of teaching usually reserved for courses in philosophy and law. However, after a year of teaching undergraduates, I decided to experiment with a modified version of the Socratic Method in my classroom. The result has been impressive and worth the extra preparation time required.

In my first semester at George Mason, I came to the realization that a healthy proportion of undergraduates in the United States do not read. My best students often completed the assignments, but failed to read with an analytical eye or an attention to detail. I discovered that when I asked questions about the reading in class to ignite a discussion, very few students could respond if I did not provide them with cues or insights. There was an unhealthy reliance upon the professor to provide the answers. I also realized that the structure of my class provided little incentive to complete the reading on a regular basis. I discussed the relevant ideas in class, and often based my exams on what I taught in lecture. If students attended class, wrote down what I said, and memorized those thoughts, they could earn a satisfactory grade in the course. I was teaching students about the presidency, but I was not teaching them how to think critically and independently.

My first solution to this problem was to change my class grading the following semester to include "pop" quizzes on the reading. Throughout the semester, I gave eight surprise tests on the assigned reading. This new requirement did improve student performance, but it posed significant drawbacks. First, grading the quizzes was time intensive,

boring, and repetitive. Second, students often complained that the questions were difficult and too detailed. My frequency of "grade quibbles" drastically increased, which expended my time (and patience). Third, the students simply did not seem to appreciate, much less enjoy, being "forced" to learn in this way. The incentives for completing the reading were in place, but many students enrolled in the course probably did not consider studying the presidency a pleasurable experience. Moreover, some students could not shake their ingrained association of pop quizzes with the pitiless rote-learning drills of high school, and were resistant test subjects in my pedagogical experiment. I decided to try something different the next term.

After talking with some friends and acquaintances who attended law school, I decided that the Socratic Method was a viable alternative. As a student of political theory, I had read many Platonic dialogues, but I needed to figure out how to adapt this pedagogical approach to an undergraduate course on the American presidency. After all, my course isn't an ethics or philosophy class, and undergraduates aren't enrolled in law school. Given some adjustments, I have been able to maintain the general premise of the Socratic Method: the primary mode of learning arises from questioning.

The Socratic method of teaching is based upon Plato's dialogues, which feature a technique of questioning called the *elenchus*. The *elenchus* refers to the cross-examination or process of refutation that determines whether a student's responses are theoretically consistent. The typical result of the *elenchus* is *aporia*, or a state of confusion. The interlocutor can no longer maintain his beliefs, and

must reconsider his original position. The typical line of Socratic questioning tears down rudimentary false opinion, and then proceeds collectively to build a new line of enlightened inquiry.

Of course, the inquiries pursued by Socrates in the Platonic dialogues are primarily concerned with moral questions and investigations in a small group setting. My goal is not to engender a state of *aporia* in my students. But the Socratic Method can be adapted to test factual knowledge and elicit responses from undergraduate students that can be used as building blocks for the lesson at hand. If presented properly, this adaptation need not present itself as excessively intimidating or imposing. Furthermore, the Socratic Method can be employed in larger classes. My presidency course typically enrolls 45 to 50 students per section, and I have no difficulty keeping track of the responses provided. This being said, there are several practices I follow diligently to make sure the course proceeds smoothly.

First, it is important to disclose immediately how the course will be taught. On the first day of class, I stress that a portion of each class will be taught using the Socratic Method. I explain how this method is applied, and how students must prepare for class. Students do not need to memorize details from the reading to do well. Instead, I suggest that a thorough examination of each reading assignment will suffice. In other words, skimming or scanning the reading ten minutes prior to class does not constitute sufficient preparation. The Socratic Method technique is also printed on my course syllabus, and is reiterated on my class website. I also provide an Inter-

net link to the University of Chicago law school, which has a short, straight-forward essay concerning the Socratic Method on their website.

Second, it is important to mention that I do not make "special deals" with students who approach me after the first day of

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class. Some students claim that they do not like to speak in front of others, and ask for an arrangement in which they are absolved from the Socratic Method inquiry. I deny these requests,

and explain that absolute fairness dictates that each student is a potential participant. Since George Mason has a "shopping period" of approximately one week in the beginning of the semester, students are free to find another course that might better suit them. However, I find that the vast majority of students elect to stay in the course; approximately 8% drop the class after the first meeting.

Third, the Socratic Method also gives me a solid basis for the elusive "class participation/attendance" grade. The grade a student receives for his performance in class based upon the Socratic Method comprises 10% of the final grade. On the second day of class, I ask students to select their permanent seat for the remainder of the semester. I then pass around a seating chart, which I use to record my participation and attendance grades. By

using this chart consistently, I am able to learn the names of my students quickly.

On my chart, I keep track of which students speak in class, and to what effect. The system is concise and simple. I grade Socratic responses in one of three ways: a "+" for an outstanding answer, an "S" for a satisfactory answer, and a "0" for a completely incorrect answer or a response of "I don't know; I'm not prepared." At the end of the semester, each block on the seating chart gives me an empirical record of a student's class performance throughout the semester.

The adapted version of the Socratic Method I practice in my classroom is more friendly than daunting. In preparation for each set of lectures, I develop a set of questions based upon the assigned readings. Instead of lecturing for the entire class, I try to limit my exposition to the material I want them to know which does not specifically appear in the reading. When I cover material that does appear in the reading, I employ the Socratic Method to elucidate important concepts, events, and precedents. The message I want to convey is that students are responsible for their own learning. As the professor, I provide clarification and supplemental information. But the crux of the material is contained in the assigned readings, and class discussions will highlight the main points.

For example, I provide below a list of possible "Socratic questions" for my unit on the Progressive Era and the presidency, drawn from Michael Nelson and Sidney Milkis's *Presidential Power: Origins and Development*:

To what major social and economic changes in the United

States did the Progressive Movement respond?

What was Progressivism?

Which presidents did Theodore Roosevelt try to imitate?

Describe T. Roosevelt's concept of presidential power—"stewardship theory."

What was the "rhetorical presidency" and how did Roosevelt contribute to it? How did Woodrow Wilson further change rhetorical norms?

Why was the Hepburn Act an important domestic policy achievement?

What were some of Roosevelt's foreign policy achievements?

Did William Howard Taft endorse Roosevelt's stewardship theory of the executive? What was Taft's critique of the stewardship theory?

Why was the Election of 1912 important? For whom or what was it important?

What role did Wilson assume during World War I?

Did Wilson leave the presidency in a powerful position? Why or why not?

Some of these questions are primarily factual in nature, and others require analysis and opinion. Either way, the responses given by the students allow for one or more follow-up questions that push the line of inquiry further. For example, if I ask a student, "Which presidents did Theodore Roosevelt try to imitate?" and she responds, "I think he admired Andrew Jackson," then I would follow up with an additional question. I might ask, "From what we know about Andrew Jackson's presidency, what similarities exist between him and Roosevelt?" She may mention that both claimed to represent the American people directly as president. I would then probe her to remind the class how Jackson or Roosevelt made this specific claim. Thus, a focused line of questioning

can easily push the discussion towards the next topic at hand, perhaps moving onto stewardship theory or the rhetorical presidency.

The Socratic Method in my classroom allows for two different types of inquiry. In each class, I ask questions that allow for volunteers. To engage as many participants as possible, students who volunteer to answer questions are usually absolved from receiving a "cold call" that particular day. Besides asking for volunteers, I also randomly question students. More often than not, these "cold calls" result in reasonably sound responses. Unlike some law school environments, I do not select one or two students and return to them throughout the entire class meeting. If a student responds "I don't know" or "I didn't complete the reading," then I move promptly to the next individual, usually seated in front or behind the non-responsive student. There is no need to chastise the student publicly; the incentive structure for the course is apparent to all. A student who is unable to answer a question one week rarely misses the next "cold call" inquiry a few classes down the road.

There are three main advantages for teaching the presidency using the Socratic Method. First, and most important to me, is that students respond to the challenging format of the course and actually complete the assigned reading. When students complete the assigned reading, I know they have digested the details necessary for a proper analytical discussion. I do not have to waste precious class time reviewing the basics of American history, and we can proceed to thinking about the institution in

a critical manner appropriate for political scientists. Second, the overall performance of the students is enhanced. In particular, the mid-term and final exam grades are higher. If students have proper incentives to keep up with the reading throughout the semester, they find it easier to learn the information and develop the reasoning skills needed to do well. Students also are attentive in class, because they do not know when they will be asked to participate. Third, I enjoy teaching the course in a more conversational fashion. It does increase the amount of time needed to prepare: thought-provoking questions should be written in advance, and must be based upon the reading material assigned. However, no two classes are the same. The interaction with students is far more entertaining and stimulating than straining my voice for seventy-five minutes.

There are a few disadvantages worth mentioning. First and foremost, if you teach using the Socratic Method, there is a danger of losing potentially good students who do not feel comfortable with the high level of interaction. When students approach me with apprehensiveness, I encourage them to try the course and emphasize that intimidation is not my pedagogical goal. Some students trust my explanation; others do not and drop the course. Second, there must be a commitment to organization. Keeping track of the participation rates of fifty students or more requires careful and consistent notation. Third, patience is vital. As the instructor, it is important to become comfortable with silence after asking a question. It also requires discipline to avoid calling on the same reliable students who offer their hands. Instead, waiting for ten or fifteen seconds often produces a new willing participant, who might have needed to consult his notes or highlighted book for

the correct response.

Lastly, Lani Guinier offers an interesting feminist critique of the Socratic Method. Guinier contends that the confrontational and competitive nature of the technique has disadvantaged female law students, who often provide more thoughtful answers in a less adversarial environment. Guinier's criticisms may reflect a gender bias in our nation's law schools, but it has not been my experience that Socratic questioning dampens female performance. On the average, women earn higher grades than men in my presidency courses, and do not seem deterred by the frequent questioning and mild interrogation.

The Socratic Method is certainly not appropriate for all scholars who teach the presidency. The back-and-forth dialogue between the professor and students can be exhilarating, and occasionally exhausting. However, instead of reciting the same lectures that I had begun to murmur in my sleep, I now anticipate the fresh exchanges and insights fostered by a novel approach to teaching the presidency at the undergraduate level.

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Teaching Students to Learn From Each Other: The Promises and Pitfalls of Student Classes on the American Presidency

By Meena Bose

The fine short course at the 2003 Annual Meeting of the American Political Science Association on "Challenges and Innovations in Teaching the Presidency" proposed several creative ways to promote thinking and research on presidency studies among our students. My focus in the course was on case studies, group exercises, and trips, but discussion soon centered on the group exercise, which seemed the most adaptable for other professors.

I initially developed the idea for a group exercise after reading about Professor Charles Walcott's experiences with such projects in the Fall 2000 *PRG Report*. But after trying a modified version of Professor Walcott's group exercise in my American Presidency and American Foreign Policy courses, I decided that I needed to take a slightly different approach, as I was not devoting as much time to the exercise as needed to ensure appropriate student effort. Thus, I designed a new project in which cadets would work in groups to teach a few lessons on the American presidency, and several participants in the APSA short course offered encouraging suggestions for the project. After trying this project for the first time in Fall 2003, I would like to summarize my experiences for the PRG, and present recommendations for refining the exercise, if other faculty choose to employ this time-consuming but ultimately valuable learning device.

WHY HAVE STUDENTS TEACH EACH OTHER?

My purpose in designing a project in which students would teach a class to their peers was foremost to instill responsibility for their own learning in the class. Juniors and seniors primarily populate this elective course, and they typically take it after completing at least two courses in political science, American Politics and International Relations. Therefore, they are grounded in the discipline upon entering the course and are expected to demonstrate some familiarity with the role of the presidency in the American political system. Students in an elective are well-suited to make the transition from following a class structure established exclusively by the instructor to one in which they have the opportunity to direct a segment of the course.

Having students work together in teaching a class was important to ensure that both they and the students in the audience learned from each other. I briefly considered individual presentations, but decided they would take too long if I permitted sufficient time for discussion after each presentation. I did not want to devote more than ten percent of the course to the group exercise, and I decided that students would accomplish more in small-group presentations than in individual assignments, which had the potential to become briefings rather than discussions. Finally, a group of students teaching a class would be more likely to encourage interaction with the peer audience, whether

through questions, pop quizzes, or classroom exercises, than individual students might be willing to pursue.

Substantively, I also was keen to have cadets take the lead in this section of the course. My American Presidency class tends to focus on case studies of the modern presidency, as that is my particular area of interest, and students routinely request that we spend more time on the pre-Franklin Delano Roosevelt presidents. I decided that the best way to encourage study of all the pre-modern presidents, rather than focus only on the most well-known ones -- George Washington, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, etc. -- would be to assign each group of students a small cluster of presidents from Washington through Hoover. In preparing their presentations, they would be expected to go beyond the course readings to find out more about these presidents and their influence on the American presidency/political system. The classes thus would be educational for both students and the professor.

DESIGNING THE TEACHING EXERCISE

In my course syllabus, I explained the requirements for the group exercise in some detail. Each group would have three or four students, with one student responsible for leading the lesson. Each group would teach for forty minutes, which would leave fifteen minutes for us to discuss the student-led

class and for me to address any issues the group did not cover. Graded requirements would be threefold: individual, two-page papers on the presidency(ies) under study; individual, one-page lesson plans summarizing the class objectives and methods, and evaluating the actual lesson; and the actual group presentation. Students thus would be graded individually on their written work and collectively on the presentation. Papers would be due with the presentation, while lesson plans would be due in the following class, so students would have time to evaluate their own performance. The syllabus explicitly encouraged students not to rely solely on PowerPoint, and to use handouts, short video clips, or other teaching aids that would advance the lesson.

We discussed the group exercise on the first day of class, and I explained that it would count for ten percent of the course grade. Other course requirements included a midterm and final, a bibliography/outline and research paper, and class participation. This assignment would allow me to evaluate students' writing and speaking abilities early in the semester, and also would enable them to understand my expectations in both areas.

I devoted four classes, or ten percent of the course, to the pre-modern presidency, from Thomas Jefferson through Herbert Hoover (we covered George Washington and John Adams in an earlier class on the constitutional history of the presidency). Each group was responsible for one of four periods in this era, and the student leader for each group determined how many presidencies each person in the group would study. For example, in "The

Evolution of the Modern Presidency" lesson, which covered the Theodore Roosevelt-Herbert Hoover administrations, one cadet examined the administrations of T. Roosevelt and William Howard Taft; a second cadet focused on Woodrow Wilson's presidency; a third cadet examined the Harding and Coolidge administrations; and a fourth cadet discussed the presidency of Herbert Hoover.

By the third class period, students had signed up for the four groups, and a student in each group volunteered to be the leader. (One of my colleagues teaching in the course had his sections create their groups electronically, but I found it simpler just to list the four periods on the board and have students sign up; the whole process took less than ten minutes.) Everyone in the class was responsible for the reading assigned on the syllabus for each lesson, but group members were required to examine two or three sources in addition to the course texts. Of these additional sources, only one could be a website, and any website had to be a reputable scholarly source. (Electronic journal or newspaper articles did not count as websites, but home pages of presidential libraries, or university pages about individual presidents, did.)

After creating the groups, I left preparation up to the students, with periodic reminders to group leaders about assignment expectations. Groups had about two weeks to prepare their presentations, and I required group leaders to send me the division of labor in their group a week before the lesson. Leaders also were

responsible for sending me their group's PowerPoint presentation the morning of their lesson, and they were reminded repeatedly to use slides to highlight key points, not as a substitute for teaching the class. Groups had one class period to work together on the assignment – conveniently, the class period during which I attended the Annual Meeting of the American Political Science Association – and they were free to talk with me individually or as a group about the assignment. Typically, students raised questions with me in class or via e-mail.

EVALUATING THE TEACHING EXERCISE

When the presentations began, I initially was wary about whether groups would cover the course material, which would be tested in the exams, adequately. Fortunately, they did so and more – every group went well beyond the reading to present interesting trivia about the administrations under study as well as more analytical conclusions about the contributions of the period to the development of the American presidency. Many students prepared one-page handouts for their peers, which provided valuable reference information

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on each president without covering all of the presentation. Students were careful not to rely on PowerPoint – in fact, they were quite sensitive to not overwhelming, and losing, their audience with slides, having experienced that situation on numerous occasions themselves. And some students did go beyond the basic presentation-discussion format to engage the class with video material or short oral quizzes on both presidential trivia and more substantive issues.

After we completed the group exercise, I conducted reviews of the assignment in each section and gained some useful student perspectives. On the whole, students strongly recommended keeping the exercise. They enjoyed taking leadership roles in the classroom, and they found that having this assignment early in the semester helped them to get to know each other. They also appreciated a small graded event at this time to understand my expectations for the larger research paper. Most of all, students were pleased with the time devoted to the pre-modern presidents, especially those in the nineteenth century. Several commented in class and in course evaluations that they did not know much about these presidents before taking the course, and they were glad to have the opportunity to conduct their own research as well as learn from each other.

At the same time, students made several suggestions about the assignment. A handful thought that the group component of the exercise was unnecessary, as the

grading was primarily on individual performance (writing assignments and presentation, with some emphasis on the cohesion of the lesson as a whole). But most students said they enjoyed working together, and they thought individual briefings would have been less interesting.

More widespread recommendations focused on preparation time and peer accountability. Students pointed out that they had difficulty finding time to meet as a group, and most group coordination took place via e-mail. Although they did have one class period to meet in groups, they thought an additional meeting period would have been helpful. Students also were concerned that their peers in the classroom had not prepared sufficiently for these student-run lessons, but they were reluctant to point out their classmates' failure to complete the assigned readings through graded quizzes or other assignments.

Finally, some students noted that because the assignment was worth only ten percent of the course grade, groups did not devote extensive preparation time to the assignment. Cadets are especially conscious of the importance of time management, and for the most part, they did not think that a course requirement worth ten percent of the final grade should be a major responsibility. They suggested that a more substantial writing requirement would have encouraged more thorough research and writing. Cadets also thought the syllabus

should have identified precisely the weighting of the grade between the written and oral components, as some focused primarily on the presentation, while others concentrated foremost on the essay and lesson plan.

While I agreed with some of the above recommendations, I found others less persuasive. I have found that students always request additional preparation time, but that they use that time efficiently only if the instructor is present. While I could easily arrange to be present during the preparation class, I think college-age students should be able to assume this responsibility themselves, especially for a graded assignment of this limited scope. I also am reluctant to make this assignment worth more than ten percent of the final grade because of the importance of the other course requirements. I do see the points about peer preparation and grading expectations, which lead me to the following recommendations.

CONCLUSION

On the whole, having students teach students is an immensely valuable, and fun, learning experience for students and faculty alike. I definitely plan to use this learning tool again next year, and I may employ it in other electives as well. That said, my experience last fall yields three primary lessons. First, be clear about grading the components of the exercise. I explained in my syllabus that students would be responsible for both a written and an oral assignment

in the group exercise, but I did not specify how much each component would be weighted. I did so purposefully, as I did not want students to focus on one part of the exercise at the expense of the other, but some students subsequently did not devote sufficient time to their individual papers, which I counted more heavily. I plan to have the paper count for approximately 75 percent of the group exercise grade, while the presentation and lesson plan will count for 25 percent. I emphasize the writing more because I want students to take the essay seriously, and I believe their preparation in writing the paper contributes to the quality of their presentation.

As far as the weighting of the group exercise as a whole in the course grade, I would like to make it count more, but I have decided to keep it at ten percent. We cover so many other topics in the course (elections, institutions, policy making, case studies of the modern presidency, etc.) that I simply cannot devote more than ten percent of the course to the group exercise. Faculty who do not assign a research paper in their course might have the opportunity to make this exercise a larger event in the course.

Second, ensure that the rest of the class is prepared for these lessons. I share students' concern that their peers viewed these classes as opportunities to have students teach students, with very little audience preparation. My co-instructors proposed afterward that we

start or end each lesson with a quiz, to ensure that students have completed the reading. I would prefer to have the students teaching the lesson assume that responsibility, so I may try requiring them to prepare, administer, and grade a short quiz. As an undergraduate teaching assistant, I was required to design and give weekly quizzes, and they did ensure that students kept up with the reading. Of course, quiz preparation then would have to figure into the group exercise grade, and I still have to figure out those details.

Third, provide feedback on presentations immediately. I took detailed notes in each lesson, and I included comments on each person's presentation in my remarks on their individual papers. Grading the papers took awhile, though, so students received their group exercise grades about ten days after the presentation. In retrospect, I easily could have prepared a short evaluation form for the group presentations (which even could have been distributed beforehand), and handed one to each student after they completed their class. I would not put a grade on the form, but I would provide comments on organization, substance, and presentation style that would be more helpful to students when their presentations were still fresh in their memories.

At the same time, I plan to continue grading students individually on the group exercise, though their per-

formance in the group presentation would still be part of the overall evaluation. Several students said they were pleased that their grade depended ultimately on their own efforts, so they were not responsible for taking on



tasks of less-prepared peers. The group component of the ex-

ercise required them to work together for the success of the presentation as a whole, but they also knew that the final grade would take account of their individual papers and presentations.

I learned much more from this group exercise than I had expected, and I think the benefits of letting students take responsibility for their learning far outweigh the administrative management required for such an exercise to work. My instinct is always to keep control of the class, but I am finding that in electives at least, giving students some control can be both educational and rewarding.

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(Cont'd) The Return of the King? Presidential Power and the Law

(Continued from page 1)

tive and empirical looks at the relationship between formal powers and presidential action (5). Nor should my argument be taken as an attack on the full range of presidential scholarship (6). But it is an accurate observation, I believe, that the bulk of presidency scholarship continues to focus on the strategic and behavioral aspects of the office.

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I begin with the obvious point that it is the Constitution, after all, which provides the explicit foundation of that authority, and it makes little sense to conceptualize the office without thinking about the formal rules that created it. As Richard Pious has argued, "the key to an understanding of presidential power is to concentrate on

the constitutional authority that the president asserts unilaterally through various rules of constitutional construction and interpretation" (7). We can place the principle that presidents must persuade within this framework, since persuasion requires, at some point, the ability to impose consequences:

Although the power to compel must often or even always be supplemented by persuasion, a president's power to persuade would be greatly weakened without his coercive power. The rational appeal to interest is much diluted without a capacity to engender fear. Moreover, to the extent that he must persuade (which is admittedly considerable),

is this not by command of the Constitution (8)?

Even the impeachment of President Clinton, which revolved around salacious stories that would make a tabloid reporter blush, was, a "legal [conflict]. At bottom, President Clinton invoked an expansive conception of executive power, one richly Hamiltonian in character, in foreign affairs and war making, in claims of executive power and privilege, and in the scope of both the pardon power and immunity from civil suits" (9).

The formal basis of executive power matters to presidents. Both the Constitution and statutes endow the president with important and practical legal powers, and the institutional setting of the presidency amplifies these powers by enabling Presidents to make the first move in most policy matters, if they choose to do so. There are, of course, limits on how far a president can go on the basis of constitutional or statutory fiat. But that power constrains and channels.

I'd particularly like to challenge the idea that the legal approach is static and uninteresting. Over the past few years, some of President Bush's most controversial actions have stemmed directly from assertions of unilateral constitutional powers. Three examples show the potential reach of this power.

A. First, it has been widely reported that on September 11, Bush authorized the Air Force to shoot down commandeered airliners once it had become clear that hijackers intended to use them as missiles. If United flight 93 had not crashed in Pennsylvania after the passengers are thought to have stormed the cockpit, it is likely that it would have been shot down before it entered the airspace over Washington, DC, the hijackers' apparent target. Bush's

apparent directive raises important legal questions going beyond the overall issue of his authority to issue such an order. How, for instance, would civil liability be assigned? Would the airlines or government enjoy immunity from law suits, and if so, from which category or categories of potential plaintiffs?

A few weeks after 9/11, Defense Secretary Donald Rumsfeld confirmed that the President had institutionalized the decision he had made on the day of the attacks. Under revised "rules of engagement" (ROE), the Air Force would be permitted to shoot down any hijacked airliner that posed an imminent threat to a city. If there was not enough time to consult with top-ranking military officials or the president, several mid-level Generals would have the authority to order a shoot-down themselves (10).

Second, on November 13 President Bush issued an order allowing the military to detain non-citizens connected with Al Qaeda or suspected of committing or conspiring to commit acts of terrorism. The order also stipulated that non-citizen terrorists would be tried in front of military tribunals rather than civilian courts (11). As a result, roughly 600 "enemy combatants" are being held indefinitely in a military prison at the U.S. naval base at Guantanamo Bay, Cuba (the prison has been dubbed "Camp X-Ray"). Critics charged that the order failed to provide basic procedural protections, and would permit secret trials and the imposition of death sentences using a weak standard of proof. (The most recent regulations issued by the Defense Department have adopted even less stringent evidentiary rules.) (12). As of March 2004,

(Continued on page 12)

no one has been subject to the jurisdiction of these tribunals, although six detainees have been declared eligible for commission proceedings and several have been assigned defense counsel (13).

Third, during the months following September 11, two Americans, Yaser Esam Hamdi, and Joseph Padilla, were arrested and imprisoned as enemy combatants. Hamdi was captured in Afghanistan by American soldiers while fighting for the Taliban, and transferred to Camp X-Ray where prison officials discovered that he was an American. Padilla was initially arrested in Chicago as a "material witness" (meaning that law enforcement officials believed he had information relevant to an ongoing criminal investigation and was unlikely to appear voluntarily), but President Bush soon declared him to be an enemy combatant and close ally of Al Qaeda and ordered his transfer into military custody. Both men are held in military prisons without the protections guaranteed to criminal defendants. They are imprisoned even though they have not been formally charged with a crime, have only recently been allowed access to attorneys, and in Padilla's case are being held on the basis of secret information that defense lawyers are not permitted to see. The U.S. government maintains that the detentions should not even be subjected to judicial review, as they are not criminal defendants.

A federal district judge initially ruled in Hamdi's favor, finding that his designation as an enemy combatant was based on "little more than the government's say-so" (14). But in January 2003, a federal appeals court reversed this decision, concluding that Hamdi's detention was lawful under the president's war powers. Normal criminal defendant protections are not applicable, the court held, when a person is captured while

fighting for an enemy (15). Another appeals court (the 2nd) reached the opposite conclusion in Padilla's case, finding that the President cannot imprison an American citizen without charges, unless Congress has specifically authorized such detentions (16). The Supreme Court has agreed to hear both cases, as well as to rule on whether the Guantanamo detentions are legal. But, the president has, so far, successfully asserted the power to arrest and detain indefinitely an American citizen on his own authority.

The prospect of intentionally shooting down a civilian airliner; putting suspected terrorists before military tribunals instead of civil courts; and the possibility that an American citizen could be arrested and imprisoned by a presidential order, all raise crucial and difficult questions about the scope of presidential power. What makes the examples even more compelling is that they all rely on unilateral presidential assertion of constitutional power.

Can the president order a military pilot to down a civilian airliner, or delegate to a subordinate the power to issue such an order? Can the President imprison someone as an enemy combatant – even an American citizen captured on American soil – just by declaring as much and without any judicial review? Is it legal? If he has this authority, where does it come from? It would take more space than I have here even to begin to answer these questions. But they are all, certainly, worth the attention of our discipline.

The constitutional and legal questions surrounding these situations might appear, at first, to be less interesting than some of the more "strategic" issues that also arise out of the president's recent actions. Rather

than worrying about the legal perspective on presidential power that would legitimize shooting down an airliner, most people would probably argue that the more important questions are: how would the public respond to the shooting down of a hijacked airliner? What sorts of public relations strategies would the president use to justify such a decision? What would Congress do? How would the families of the passengers react? What would happen to airport security? How, most centrally, could a president who authorized the destruction of a civilian airliner to thwart an apparent terrorist attack bargain and persuade his way to political safety in the aftermath?

Many political scientists would probably view the legality of these acts as a relatively uninteresting question better left to the lawyers. But that would be a mistake, since the question is not merely technical, but philosophical and—even—pragmatic. It is not necessary to be an expert in constitutional law or civil procedure to reach a sensible conclusion about whether Bush has stayed within, stretched, or broken through the appropriate limits of presidential power, or about whether Bush's new ROE have put in place a legal as well as political trap for some future occupant of the White House. What political scientists can add to this discussion is a sense of context: in what ways do Bush's assertions of executive authority go beyond what his predecessors have done? In what ways are they analogous? What theoretical frameworks can best help us understand not just Bush's decisions, but what is at stake for the presidency in the implementation of Bush's orders.

B.

An emphasis on the formal structure of presidential authority provides a solid foundation for making normative judgments about presidential action. If our concern

is presidential bargaining, or public opinion, or media relations, or legislative strategy, it is difficult to make normative arguments as to whether the president is acting legally, or wisely. Indeed, presidential scholars are often criticized for promoting a view of the presidency where constitutional anchors are less relevant than the effectiveness of presidential strategy. Critics point to Vietnam and Watergate as examples of what can happen when strategy trumps law, and these crises prompted a new wave of interest in the president's formal powers and the normative questions of how far the president's legal authority reached. Still, most of this work was written by law professors and historians, not political scientists (17).

At the same time, the legal literature – law reviews, court decisions, books and articles about legal questions – often incorporates simplistic or highly stylized conceptions of politics and government, and legal analyses often do not meet the standards of good social science research (at least insofar as social scientists see it). It is a common perception that legal arguments and questions do not lend themselves to the kind of data-driven empirical investigations that interest most political scientists.

Robert Spitzer attributes the limits of the legal literature to differences in training and outlook among political scientists and lawyers: “the two disciplines [law and social science] involve different emphases in training, intellectual style, and objectives. Lawyers are trained to be advocates; social science training, despite its limitations and flaws, emphasizes exploration” (18). Lawyers will argue the most ambiguous legal position as if it were completely obvious what the correct answer should be; social scientists, by contrast, are much more likely to stress the

conditional nature of their conclusions. Legal argument abhors ambiguity, something that cannot (or should not) be said about social science. In a recent (and controversial) article in the *Chicago Law Review*, Lee Epstein and Gary King argued that law reviews routinely embrace shoddy empirical work that fails to meet the standards of good social science inference, in part because of the same disciplinary differences that Spitzer identified:

While a Ph.D. is taught to subject his or her favored hypothesis to every conceivable test and data source, seeking out all possible evidence *against* his or her theory, an attorney is taught to amass all the evidence *for* his or her hypothesis and distract attention from anything that might be seen as contradictory information. An attorney who treats a client like a hypothesis would be disbarred; a Ph.D. who advocates a hypothesis like a client would be ignored (19).

To put it another way, not many lawyers are social scientists, and most social scientists aren't lawyers.

This breakdown in communications has practical consequences. Opinion leaders and teachers present an unrealistic “great man” view of the presidency, with an emphasis on presumed qualities of national leadership and a hagiographic picture of a president single-handedly pursuing the public interest (20). At the same time, arguments about the legal elements of presidential power occur in a rarified atmosphere divorced from practical considerations. This is not necessarily a problem, since judges and lawyers should normally not act like politicians. But it can lead to an overly “formalistic” interpretation of constitutional language that, in the extreme, relies on wholly unrealistic assumptions about how

government does (or should) operate.

To give one notorious example of the judicial tin ear for politics: In concluding that Paula Jones could pursue here civil lawsuit against President Clinton – thus settling the question of whether a sitting president can be sued – the Supreme Court, in a nine-to-nothing decision, dismissed concerns that the lawsuit would create an unreasonable imposition on the President: “As for the case at hand, if properly managed by the District Court, it appears to us highly unlikely to occupy any substantial amount of petitioner's time” (21). Jones' case was allowed to proceed, and although it was eventually deemed without merit and dismissed by the trial judge, it led directly to the constitutional paroxysm of impeachment and two years of presidential paralysis. Whatever the virtues of the *Jones* decision, the Court's conclusion about the impact a lawsuit would have on the president's time must be regarded as one of the worst judicial forecasts ever made.

My intention is not to bash law reviews or claim that lawyers and political scientists should stick to their own turf (although, having now taken a second opportunity to deny such an intention, I am undoubtedly open to the charge that this is precisely what I am doing, and that I doth protest too much). The mirror image of this criticism applies as well to the political science literature, which too often gives short shrift to constitutional considerations in presidency studies. Louis Fisher, who has spent his career writing about constitutional and legal parameters of presidential power, asks

How can we teach the presidency divorced from

the idea of constitutional limits? What happens when public law is downgraded and we focus on how well the president can dominate policy making even if the results violate or do damage to the constitution? On such occasions, it is not enough to report the results of roll call analysis in Congress. While presidential policy making, politics, and elections are worthy of study, they ought not to be pursued at the expense of constitutional considerations. The presidency is a creature of the Constitution, which was and remains the source of its powers and defines its limitations (22).

The constitutional issues surrounding military tribunals, detention of enemy combatants, war powers, recess appointments, and control of the bureaucracy (to name just a few) are difficult to analyze, in large part because there are no unambiguously correct answers to the questions they raise. Conclusions that we reach depend on our reading of history and the interpretive strategies that inform our understanding of constitutional and statutory language. But "difficult" is not the same as "impossible" or "pointless," and it is not necessary to get the right answer to understand what issues or principles are at stake.

C. No coherent and comprehensive theory of presidential power exists, and none ever will. The very concept of "executive power" contains too many internal contradictions and gaps to permit a definitive resolution of every dispute that can arise. In fact, it is easy to pose hypothetical questions that do not have simple answers. Can the president refuse to execute an unconstitutional law? Can Congress "shut down" the presidency? Does the president have inherent or extraconstitutional powers? Can the president begin military action without a congressional declaration of war? Historically, we know that sometimes the answer is

"yes," sometimes "no," with much depending on the specifics. In battling over the legitimacy of such actions or efforts, the answer is more often than not "nobody is quite sure," and these sorts of disputes are often resolved on the basis of who is more willing to commit political resources to the fight.

But pointing out the ambiguities of executive power is not the same thing as arguing that there are no real limits to presidential authority. The fact that ambiguities exist within certain boundaries does not mean that boundaries are not there. And even if those boundaries were completely unambiguous, this would not prevent a president from abusing the powers of office.

Understanding these issues can make it easier to sort through claims – to use current examples and charges – that Bush's reliance on presidential authority to establish military tribunals is unconstitutional, that his use of executive orders flouts the separation of powers, or that his domestic security policy is unprecedented and dangerous.

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Notes

1. The one true exception to this rule was 1934; otherwise, it had held in every meaningful sense since 1858.
2. Gary Jacobsen, "Terror, Terrain, and Turnout: Explaining the 2002 Midterm Elections," *Political Science Quarterly* 118:1-22 (No. 1, Spring 2003); Benjamin Highton, "Bill Clinton, Newt Gingrich, and the 1998 House Elections," *Public Opinion Quarterly* 66:1-17 (No. 1, Spring 2002); Andrew Rudalevige, "Revisiting Midterm Loss: Referendum Theory and State Data," *American Politics Research* 29:25-46 (No. 1, January 2001).
3. Corwin is often read as an argument against a strong presidency. But, as Raymond Tatalovich and Thomas S. Engman point out in their recent book, *The Presidency and Political Science: Two Hundred Years of Constitutional Debate* (Baltimore: Johns Hopkins University Press, 2003), Corwin actually supported many elements of presidential prerogative, including a strong theory of executive privilege.
4. Moreover, a curious feature of the strategic model of presidential behavior is that, despite its inherent plausibility and intuitive appeal, there is very little empirical support for some of its key hypotheses. In particular, several decades of research have failed to find much evidence that popular presidents are more effective or successful than unpopular presidents, or that presidents have much effect at all on public opinion. See George C. Ed-

wards, III, *On Deaf Ears: The Limits of the Bully Pulpit* (New Haven: Yale University Press, 2003).

5. Although this list will surely omit scholars who deserve note, examples are Jeffrey Tulis, Louis Fisher, Richard Pious, Theodore Lowi, Michael Genovese, Terry Moe, David Gray Adler, Nancy Kassop, and Mark Rozell.

6. Gary King and Terry Moe, in any case, have already issued this challenge. See Terry M. Moe, "Presidents, Institutions and Theory," and Gary King, "The Methodology of Presidential Research," in George C. Edwards, III, John H. Kessel, and Bert A. Rockman, eds., *Researching the Presidency: Vital Questions, New Approaches* (Pittsburgh: University of Pittsburgh Press, 1993).

7. Richard Pious, *The American Presidency* (New York: Basic Books, 1979), 16

8. Harvey C. Mansfield, Jr., *Taming the Prince: The Ambivalence of Modern Executive Power* (Baltimore: The Johns Hopkins University Press, 1993), 6-7.

9. Thomas E. Cronin, "Introduction," in *The Presidency and the Law: The Clinton Legacy*, David Gray Adler and Michael A. Genovese, eds. (Lawrence, KS: University Press of Kansas, 2002), xx.

10. Eric Schmitt, "New Power to Down Jets is Last Resort, Rumsfeld Says," *New York Times*, September 28 2001, B7.

11. Military Order of November 13, 2001, "Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism," 66 *Federal Register* 222, 57833-57836 (November 16, 2001).

12. Harold Hongju Koh, "The Case Against Military Commissions," *American Journal of International Law* 96:337-344 (April 2002). The full set of tribunal regulations is available at <http://www.defenselink.mil/news/commissions.html>.

13. See the Department of Defense Office of Military Commissions web site, <http://www.defenselink.mil/news/commissions.html>.

14. *Hamdi v. Rumsfeld*, 243 F. Supp. 2d 527, 535 (E.D. VA, 2002).

15. *Hamdi v. Rumsfeld*, 316 F.3d 450 (4th Cir., 2003)

16. *Padilla v. Rumsfeld*, 352 F. 3d 695 (2nd Cir, 2003)

17. Joseph M. Bessette and Jeffrey Tulis, "The Constitution, Politics, and the Presidency," in *The Presidency in the Constitutional Order*, edited by Joseph M. Bessette and Jeffrey Tulis (Baton Rouge: Louisiana State University Press, 1981), 6

18. Robert J. Spitzer, "The Constitutionality of the Presidential Line-Item Veto," *Political Science Quarterly* 112: 261-283 (No. 2, Summer 1997), 280.

19. Lee Epstein and Gary King, "The Rules of Inference," *University of Chicago Law Review* 69:1-134 (Winter 2002), 9.

20. Louis Fisher, "A Dose of Law and Realism for Presidential Studies," *Presidential Studies Quarterly* 32 (No. 4, December 2002).

21. *Clinton v. Jones* 520 U.S. 681 (1997), 702.

22. Louis Fisher, "A Dose of Law and

Presidential Incumbent Reelection: Choosing an "N"

By Thomas Langston

As the table on the next page shows, George W. Bush, "43," is actually "28" when it comes

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to running for reelection as president. 27 presidents have done it before, 29 times (Franklin Roosevelt, of course, uniquely appears in the table three times). Incumbency

grants a candidate advantages over a challenger, including name recognition, ready access to the media, the resources of the executive branch, and the ability to take unilateral executive action to shower discrete constituencies with benefits prior to an election. On first examination, the incumbency advantage appears to be validated by the record. In 27 tries, incumbents have won 20 times. If one counts only the popular vote, Cleveland in 1888 could even be added to the win column.

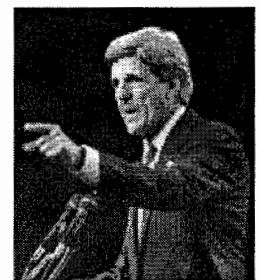
Does this suggest reason for confidence among Bush backers? Not necessarily. The incumbent victors are not all of a type. As a consequence, they are not all easily comparable to George W. Bush. First, there are the "regime" founders. George Washington, Andrew Jackson, Abraham Lincoln, Franklin

Roosevelt, and Ronald Reagan are the initiators of regimes, according to the familiar categorization of Stephen Skowronek. William McKinley might also merit that status, if we take our cues from the literature on party systems and critical partisan realignments instead. (See, for starters, Chambers and Burnham 1975). Such presidents, whether one includes McKinley or not, enter office the first time under the rarest of circumstances. In 1789, 1800, 1828, 1860, 1896, 1932, and 1980, an existing partisan and ideological balance was effectively repudiated at the presidential level, opening the way for sustained efforts to address a new set of policy commitments and to reward a newly formed congeries of partisan coalition partners. This is the stuff of regime formation. If incumbents as a whole enjoy benefits running for the presidency, regime initiators enjoy even more. This was especially true in the era of strong, mass-based partisan competition. After the elections of Jackson, Lincoln, McKinley and FDR, the president's party held the White House, the House and the Senate for at least twelve successive years.

Could GWB place himself in such rarified company with a victory in this election? It is doubtful. Regime reconstruction, whether in Skowronek's terms or those of critical partisan realignment, is becoming increasingly problematic in the American political system. For all its reconstructive ambition, "the Reagan Revolution turned

out to be a single-jolt affair" (Skowronek 1997, 421). Moreover, GWB has spared few occasions thus far in his presidency to remind the public that he sees himself as a faithful son to the prevailing regime's founder, Ronald Reagan. Taking the regime initiators out of the list, we have left 20 presidents who stood for reelection; ten of whom won.

Further cropping of the table is, of course, possible. Regime "preemptors" might be excused from standing in comparison to GWB. This would delete Cleveland, Wilson, Eisenhower, Nixon and Clinton from the listing. The result would be a subset of 15 incumbent candidates for the presidency, neither regime founders nor realignment starters, nor those affiliated with the "out" party while a regime is stable. Of these fifteen, from John Adams to George Herbert Walker Bush, a modest seven were returned to office.



Name	Year	Outcome	Popular Vote	Initially at Top of Ticket	Inter-Election Vote Swing	3rd-Party Candidate Won $\geq 5\%$ of Vote	Regime Founder or Realignment Starter
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Washington	1792	V		NA	Y	NA	NA	Y
J. Adams	1800		D	NA	Y	NA	NA	
Jefferson	1804	V		NA	Y	NA	NA	Y
Madison	1812	V		NA	Y	NA	NA	
Monroe	1820	V		NA	Y	NA	NA	
J. Q. Adams	1828		D	44%	Y	+13 ^{pts}		
Jackson	1832	V		54%	Y	-2		Y
Van Buren	1840		D	47%	Y	-4		
Lincoln	1864	V		55%	Y	+15		Y
Grant	1872	V		56%	Y	+3		
Cleveland	1888		D	49%	Y	+0		
B. Harrison	1892		D	46%	Y	-5	Y	
McKinley	1900	V		52%	Y	+1		Y
T. Roosevelt	1904	V		56%		NA		
Taft	1912		D	23%	Y	-29	Y	
Wilson	1916	V		49%	Y	+7		
Coolidge	1924	V		54%		NA	Y	
Hoover	1932		D	40%	Y	-18		
F. Roosevelt	1936	V		61%	Y	+4		Y
F. Roosevelt	1940	V		55%	Y	-6		Y
F. Roosevelt	1944	V		53%	Y	-2		Y
Truman	1948	V		50%		NA		
Eisenhower	1956	V		57%	Y	+2		
L. Johnson	1964	V		61%		NA		
Nixon	1972	V		61	Y	+18		
Carter	1980		D	41%	Y	-9	Y	
Reagan	1984	V		59%	Y	+8		Y
G.H.W. Bush	1992		D	37%	Y	-16	Y	
Clinton	1996	V		49%	Y	+6	Y	
GWB	2004	?	?	?	?	?	?	

Book Scan — Books on the Presidency

by Meena Bose

The following list was compiled through a search of <http://www.amazon.com> for books on the American presidency published in late 2003 or early 2004, or scheduled for publication in the next few months. Due to space constraints, the list focuses on books that may be useful for research and/or teaching, and books listed in previous issues are not included again, unless a new edition is available. Whenever possible, entries include page count, price, and ISBN number.

Beasley, Vanessa B. *You, the People: American National Identity in Presidential Rhetoric*. Texas A&M University Press. 216 pp. \$39.95 cloth, ISBN 1585442771.

Brinkley, Alan, and Davis Dyer, eds. *The American Presidency*. Mariner Books. 572 pp. \$19.95 paper, ISBN 0618382739.
Campbell, Colin, and Bert A.



Rockman, eds. *The George W. Bush Presidency: Appraisals and Prospects*. CQ Press. \$29.95 paper, ISBN 1568029098.

Chadwick, Bruce. *George Washington's War: The Forging of A Man, A Presidency, and A Nation*. Sourcebooks Trade. 512 pp. \$26.95 cloth, ISBN 1402202229.

Cook, Rhodes. *Race for the Presidency: Winning the 2004 Nomination*. CQ Press. 178 pp. \$43.75 paper, ISBN 1568029004.

Dean, John W. *Worse Than Watergate: The Secret Presidency of George W. Bush*. Little Brown. 192 pp. \$22.95 cloth, ISBN 031600023X.

Domin, Gregory Paul. *Jimmy Carter, Public Opinion, and the Search for Values, 1977-1981*. Mercer University Press. 128 pp. \$24.95 cloth, ISBN 0865548455.

Edwards, George C., and Phillip John Davies. *New Challenges for the American Presidency*. Pearson Longman. 256 pp. \$17.95 paper, ISBN 0321243811.

Genovese, Michael A., ed. *Encyclopedia of the American Presidency*. Facts on File. 648 pp. \$85 cloth, ISBN 0816046999.

Gould, Lewis L. *The Modern American Presidency*. University Press of Kansas. 318 pp. \$15.95 paper, ISBN 0700613307.

Himelfarb, Richard, and Rosanna Perotti, eds. *Principle Over Politics?: The Domestic Policy of the George H.W. Bush Presidency*. Praeger Publishers. \$145 cloth, ISBN 0313321329.

Ketchersid, William L. *The Gilded Age Presidency Reconsidered*. 1stBooks Library. 204 pp. \$25.45 cloth, ISBN 1414006187; \$14.50 paper, ISBN 1414006195.

Langston, Thomas S. *Uneasy Balance: Civil-Military Relations in Peacetime America Since 1783*. Johns Hopkins University Press. 198+viii pp. ISBN: 0-8018-7421-1

Levantrosser, William, and Rosanna Perotti, eds. *A Noble Calling: Character and the George H.W. Bush Presidency*. Praeger

Publishers. \$125 cloth, ISBN 031331683X.

Maltese, John A., and Joseph A. Pika. *The Politics of the Presidency*. 6th ed. CQ Press. 510 pp. \$54.95 cloth, ISBN 156802858X.

McMahon, Kevin J. *Reconsidering Roosevelt on Race: How the Presidency Paved the Road to Brown*. University of Chicago Press. 298 pp. \$52 cloth, ISBN 0226500861; \$20 paper, ISBN 0226500888.

Monroe, Dan. *The Republican Vision of John Tyler*. Texas A&M Press. 264 pp. \$39.95 cloth, ISBN 158544216X.

Moore, James, and Wayne Slater. *Bush's Brain: How Karl Rove Made George W. Bush Presidential*. John Wiley & Sons. 395 pp. \$16.95 paper, ISBN 0471471402.

Nelson, Michael, ed. *The Evolving Presidency: Addresses, Cases, Essays, Letters, Reports, Resolutions, Transcripts, and Other Landmark Documents, 1787-2004*. 2d ed. CQ Press. 261 pp. \$29.95 paper, ISBN 1568028717.

Perry, Donald C. *History is Repeating Itself: Through Coincidences in the American Presidency*. Trafford Press. 150 pp. \$17.50 paper, ISBN 1412002354.

Polsby, Nelson W., and Aaron B. Wildavsky. *Presidential Elections: Strategies and Structures of American Politics*. 11th ed. Rowman & Littlefield. 384 pp. \$70 cloth, ISBN 0742530140; \$29.95 paper, ISBN 0742530159.

Rozell, Mark J., and Ryan J. Barilleaux. *Power and Prudence: The Presidency of George H.W. Bush*. Texas A&M University Press. 200 pp. \$35 cloth, ISBN 1585442917.

Schier, Steven E., ed. *High Risk and Big Ambition: The Presidency of George W. Bush*. University of Pittsburgh Press. 256 pp. \$45 cloth, ISBN 0822942348; \$19.95 paper, ISBN 0822958503.

Startt, James D. *Woodrow Wilson and the Press: Prelude to the Presidency*. Palgrave Macmillan. 332 pp. \$59.95 cloth, ISBN 140396372X.

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Journal Scan — Articles on the Presidency

by Meena Bose

The following list of articles on the presidency was compiled through a review of recent issues of the following scholarly journals: *American Journal of Political Science*, *American Political Science Review*, *Journal of Politics*, *Political Research Quarterly*, and *Political Science Quarterly*. Whenever possible, entries include page numbers. Also listed are the contents of the December 2003 and March 2004 issues of *Presidential Studies Quarterly*, the Fall 2003 issue of *Congress and the Presidency*, and the Winter 2004 issues of *White House Studies*.

Fisher, Louis. "Deciding on War Against Iraq: Institutional Failures." *Political Science Quarterly* 118 (Fall 2003): 389-410.

Grafstein, Robert. "Strategic Voting in Presidential Primaries: Problems of Explanation and Interpretation." *Political Research Quarterly* 56 (December 2003): 513-20.

Gronke, Paul, and Brian Newman. "FDR to Clinton, Mueller to ?: Regarding Presidential Approval." *Political Research Quarterly* 56 (December 2003): 501-12.

Hillygus, D. Sunshine, and Simon Jackman. "Voter Decision Making in Election 2000: Campaign Effects, Partisan Activism, and the Clinton Legacy." *American Journal of Political Science* 47 (October 2003): 583-96.

Jervis, Robert. "Understanding the Bush Doctrine." *Political Science Quarterly* 118 (Fall 2003): 365-88.

Peterson, David A.M., Lawrence J. Grossback, James A. Stimson, and Amy Gangl. "Congressional Response to Mandate Elections." *American Journal of Political Science* 47 (July 2003): 411-27.

Shipan, Charles R., and Megan L. Shannon. "Delaying Justice (s): A Duration Analysis of Supreme Court Confirmations." *American Journal of Political Science* 47 (October 2003): 654-69.

Whitford, Andrew B., and Jeff Yates. "Policy Signals and Executive Governance: Presidential Rhetoric in the War on Drugs." *Journal of Politics* 64 (November 2003): 995-1012.

***Presidential Studies Quarterly*,
December 2003**

ARTICLES

Gary C. Jacobson, "The Bush Presidency and the American Electorate"

Richard S. Conley, "George Bush and the 102d Congress: The Impact of Public and 'Private' Veto Threats on Policy Outcomes"

Lawrence R. Jacobs, Benjamin I. Page, Melanie Burns, Gregory McAvoy, and Eric Ostermeier, "What Presidents Talk About: The Nixon Case"

John Kane, "American Values or Human Rights? U.S. Foreign Policy and the Fractured Myth of Virtuous Power."

Christopher A. Preble, "Who Ever Believed in the 'Missile Gap'? John F. Kennedy and the Politics of National Security"

Wayne M. Steger, "Presidential Renomination Challenges in the Twentieth Century"

Reed L. Welch, "Was Reagan Really a Great Communicator? The Influence of Televised Addresses on Public Opinion"

FEATURES

The Contemporary Presidency: Robert E. Gilbert, "The Twenty-Fifth Amendment: Recommendations and Deliberations of the Working Group on Presidential Disability"

The Law: Martin P. Wattenberg, "Was the 2000 Presidential Election Fair? An Analysis of Comparative and Retrospective Survey Data"

The Polls: Jeffrey E. Cohen, "Presidential Greatness as Seen in the Mass Public: An Extension and Application of the Simonton Model"

Source Material: Lori Cox Han and Matthew J. Krov, "Out of Office and In the News: Early Projections of the Clinton Legacy"

Presidential Studies Quarterly,
March 2004

IN MEMORIAM

Martha Joynt Kumar, "Richard Elliot Neustadt, 1919-2003: A Tribute"

Stephen J. Wayne, "Richard E. Neustadt as Teacher and Mentor: A Personal Reflection"

John H. Kessel, "Richard Neustadt's Intellectual Contributions"

ARTICLE

James P. Pfiffner, "Did President Bush Mislead the Country in His Arguments for War with Iraq?"

Special Issue: Going to War

H.W. Brands, "Introduction"

John L. Offner, "McKinley and the Spanish-American War"

Kendrick A. Clements, "Woodrow Wilson and World War I"

Warren F. Kimball, "Franklin D.

Roosevelt and World War II"

Fredrik Logevall, "Lyndon Johnson and Vietnam"

H.W. Brands, "George Bush and the Gulf War of 1991"

FEATURES

The Contemporary Presidency: Jon Roper, "George W. Bush and the Myth of Heroic Presidential Leadership"

Elections: Martin P. Wattenberg, "Personal Popularity in U.S. Presidential Elections"

The Law: David Gray Adler, "Termination of the ABM Treaty and the Political Question Doctrine: Judicial Succor for Presidential Power"

REVIEW ESSAY

Matthew Pinsker, "Understanding Lincoln." (Review of Thomas J. DiLorenzo, *The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War*; Brian R. Dirck, *Lincoln and Davis: Imagining America, 1809-1865*; Frank J. Williams, *Judging Lincoln*)

Congress and the Presidency,
Fall 2003

ARTICLES

Richard J. Powell and Dean Schloyer, "Public Presidential Appeals and Congressional Floor Votes: Reassessing the Constitutional Threat"

J.Mark Wrighton and Geoffrey D. Peterson, "A Test of Ideological Bias in House Subcommittees, 1979-2000"

Timothy P. Nokken, "The Ideological Ends Against the Middle: House Roll Call Votes on Normal Trade Relation Status for China, 1990-2000"

Anna Kasten Nelson, "Caught in the

Web of McCarthyism: Anna M. Rosenberg and the Senate Armed Services Committee"

REVIEW ESSAY

Elizabeth A. Bennion, "The Case for Mainstreaming Gender Politics." Review of Mary Anne Borelli, *The President's Cabinet: Gender, Power, and Representation*; Susan J. Carroll, ed., *Women and American Politics: New Questions, New Directions*; Michele L. Swers, *The Difference Women Make: The Policy Impact of Women in Congress*; Robert P. Watson and Ann Gordon, eds., *Anticipating Madam President*.

White House Studies,
Winter 2004

Special Issue on Terrorism and the Presidency

ARTICLES

Tom Lansford, "Homeland Security From Clinton to Bush: An Assessment"

James F. Pasley, "United States Homeland Security in the Information Age: Dealing With the Threat of Cyberterrorism"

Martin S. Sheffer, "Presidential War Powers and the War on Terrorism: Are We Destined to Repeat Our Mistakes?"

Ronald D. Palmer, "Terrorism in Southeast Asia: Malaysia, Singapore, the Philippines, and Indonesia"

Deepa Ollapally, "America's War on Terrorism in Southeastern Asia: Political and Military Dilemmas"

Jon Davis, "The Evolution of American Grand Strategy and the War on Terrorism: Clinton and Bush Perspectives"



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