

PSC 224 - Executive Branch Decision Making

The George Washington University
Master of Arts in Legislative Affairs
Summer Semester 2008
Professor Bryan Cunningham

Tuesdays & Thursdays 6PM - 8PM

Hall of the States Building

Office hours: Please make an appointment

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Course Overview:

This course will examine the roles of the Executive Branch, its decision making processes and its relationship with the Legislative Branch. This course will:

- Evaluate the relationship between the President and the Congress;
- Examine the assistance the President receives from the Executive Office of the President, such as the Office of Management and Budget (OMB) and other Agencies;
- Examine the structure and history of the civil service;
- Review the budget process;
- Discuss legislative coordination and clearance and implementation of the law through regulations including the Administrative Procedures Act (APA); and
- Evaluate and examine the role that Congress and relevant congressional committees have on all of the aforementioned areas, with particular focus on how Congress manages, or attempts to manage, the Administration through the authorization/appropriations processes and other methods.

Course Requirements:

1. Attendance is mandatory in order to facilitate a rich discussion and learning environment for all students. Recognizing that unforeseen circumstances may (and will) arise, please make every attempt to email me/my assistant if you are going to miss class.
2. Complete all readings before class and be prepared to discuss them if called upon;
3. Participate actively in class discussions;
4. Hand-in (and keep a copy), at the beginning of each class, two recommended questions for discussion in class based on the assigned readings for the class;
5. Follow the news as much of our discussion will likely revolve around current events and issues between Congress and the Administration;
6. Final paper of 20-25 pages. The paper will consist of a pre-approved topic (to be submitted in writing by July 17th). Topics must discuss an Administration policy initiative (may be real or fictitious), how the policy is developed within the Agencies/EOP, how it is presented to the Hill, and how the Administration must work with Congress to enact its initiative, including the regulatory process following legislative enactment. Please turn in the topic on time, and see me beforehand to discuss if you have any questions. I also want to see an outline of the paper once

topics are approved, so please submit an outline to me by July 31st. Papers will be due on August 16th. All research for the papers may come from class texts, handouts and discussions as well as other sources as needed. You may either footnote or provide endnotes.

7. Oral presentation (10-15 minutes) of the paper with class discussion. Presentations will be on August 12th and 14th. Please contact my assistant to schedule a timeslot beforehand.

Course Evaluation:

Timely submissions of questions for each class, 10%;

Class participation, including quality and quantity of participation in discussions, 20%;

Final paper, including oral presentation of the paper, 70%.

University Statement on Academic Integrity:

In this class, we are guided by the principle that academic integrity is essential in the pursuit of knowledge. The University, this graduate program, your professor, and your classmates will not tolerate cheating of any kind, including misrepresenting your own work, taking credit for the work of others without crediting them and with appropriate authorization, and the fabrication of information. Please refer to the GW Student Guide to Rights and Responsibilities for further elaboration on academic dishonesty and student conduct. In addition, the papers should be completed under the same conditions as if they were being written in class, completely independently.

Due dates (Recap):

Proposed topic for research (1 paragraph): July 17

Research outline (2 pages): July 31

Oral presentations: to be scheduled individually (either August 12 or 14)

Final papers due August 16

Reading List:

Please note: All readings are required; however, they will not all be discussed in class. There will be additional handouts throughout the course.

1. Fisher, Louis. The Politics of Executive Privilege [Carolina Academic Press, 2004, paperback]
2. Aberbach, Joel D. and Peterson, Mark A., editors, The Executive Branch [Oxford University Press, 2005, paperback]
3. Greenstein, Fred I., The George W. Bush Presidency, An Early Assessment [The Johns Hopkins University Press, 2003, paperback]
4. Kerwin, Cornelius M. Rulemaking: How Government Agencies Write Law and Make Policy [CQ Press, third edition, 2003, paperback]
5. Shambaugh, George E. And Weinstein, Paul J., The Art of Policy Making Tools, Techniques, and Processes in the Modern Executive Branch [Longman, 2003, paperback]
6. The Constitution

Handouts:

1. Memo to Heads of Executive Departments and Agencies from White House Chief of Staff Josh Bolton, May 9, 2008.
2. Becker, Jo and Gellman, Barton, "Angler: The Cheney Vice Presidency", The Washington Post, June 24-27, 2007.
3. Mycoff, Jason D. and Pika, Joseph A, "Bush and Congress: Cases In Presidential Strategies and Tactics, 2001 - 2006", Paper presented at the 2006 Annual Conference of the American Political Science Association, September 2, 2006.
4. Fletcher, Michael, Bush Is Keeping Cabinet Secretaries Close to Home [The Washington Post, March 31, 2005]
5. Lindsey, Lawrence B., "The Value of Loyalty" [The Wall Street Journal, January 14, 2004]
6. Statement of Administration Policy for S. 2452, Department of Homeland Security
7. P.L. 104-130, "Line Item Veto Act", April 9, 1996
8. Clinton v. City of New York [Excerpts from the Supreme Court's majority opinion on line item veto, June 25, 1998]
9. President Bush's Message to Congress transmitting the Line Item Veto Legislation
10. "The White House Staff", Excerpt from the Brownlow Commission's Report, 1937
11. Bumiller, Elisabeth, "An Invisible Aide Leaves Fingerprints" [The New York Times, January 6, 2003]
12. Bumiller, Elisabeth, "Sharply Split, House Passes Broad Medicare Overhaul" [The New York Times, November 23, 2003]
13. West, William F., "The Institutionalization of Regulatory Review: Organizational Stability and Responsive Competence at OIRA", Presidential Studies Quarterly, 35, no. 1 (March) 2005
14. West, William F., "Presidential Leadership and Administrative Coordination: Examining the Theory of a Unified Executive", Presidential Studies Quarterly 36, no. 3 (September) 2006
15. OMB Memorandum on Presidential Review of Agency Rulemaking by the Office of Information and Regulatory Affairs, 2001
16. Rosenberg, Morton "Congressional Review of Agency Rulemaking: A Brief Overview and Assessment After Ten Years"

Syllabus:

Tuesday, July 8: Introduction and Overview

Discuss Washington Post article on Vice President Cheney

Thursday, July 10: Executive Branch

The Constitution, Articles I and II

Fisher, Chapter 1. Constitutional Principles

Greenstein, Preface

Greenstein, Chapter 1. Leadership Style of George W. Bush

Greenstein, Chapter 3. Bush White House in Comparative Perspective

Greenstein, Chapter 10. View From Within

Tuesday, July 15: Executive Branch

Aberbach, pages XXV - XXIX. General Introduction

Aberbach, Chapter 5. The Executive Office of the President

Aberbach, Chapter 7. The Person of the President

Aberbach, Chapter 3. Giving Direction to Government in Comparative Perspective

Fisher, Chapter 10. Testimony by White House Officials

Fisher, Chapter 11. National Security Claims

Thursday, July 17: Executive Branch

Greenstein, Chapter 6. President Bush: Legislative Strategist

Greenstein, Chapter 7. Capitalizing on Position in a Perfect Tie

P.L. 107- 40, Authorization for Use of Armed Forces

P.L. 107-243, Authorization for Use of Armed Forces Against Iraq

Tuesday, July 22: The Civil Service

Aberbach, pages 48 - 66. The Evolution of National Bureaucracy

Aberbach, Chapter 8. The Complex Organization of the Executive Branch

Aberbach, Chapter 9. The Federal Public Service

Aberbach, Chapter 10. Caught in the Middle

Fletcher, "Bush Is Keeping Cabinet Secretaries Close to Home"

Lindsey, "The Value of Loyalty"

Executive Order 11030, Executive Orders, 1962, as amended

*Executive Order 13199, Establishing the Office of Faith-Based and Community Initiatives, 2001

*Executive Order 13228, Establishing an Office on Homeland Security

Thursday, July 24: Executive Branch Policy Making

Brownlow Commission, "The White House Staff"

Weinstein, Chapter 1. Introduction - Why the Policy Making Process Matters

Weinstein, Chapter 2. The Policy Councils

Weinstein, Chapter 3. The White House Staff

Bumiller, "An Invisible Aide Leaves Fingerprints"

Bumiller, "Sharply Split, House Passes Broad Medicare Overhaul"

Weinstein, Chapters 9, 10, and 11. Select two of the case studies: welfare reform;

Clinton's economic plan; and Desert Shield and Desert storm

Tuesday, July 29: Executive Branch and Congress

Mycoff, Jason D. And Pika, Joseph A, "Bush and Congress: Cases In Presidential Strategies and Tactics, 2001 - 2006"

Fisher, Chapter 2. The Appropriations Power

Fisher, Chapter 3. The Impeachment Power

Fisher, Chapter 4. The Appointment Power

Fisher, Chapter 5. Congressional Subpoenas

Fisher, Chapter 6. The Contempt Power

Thursday, July 31: Executive Branch Participation in the Legislative Process

OMB mission statement
OMB organization chart
Aberbach, Chapter 13. The Executive Branch and the Legislative Process
OMB Memorandum on Legislative Coordination and Clearance
Weinstein, pages 59 - 63
Weinstein, Chapter 7. Legislative Clearance and Coordination
Statement of Administration Policy for S. 2452, Department of Homeland Security

Tuesday, August 5: The Rulemaking Process

Kerwin, Chapter 1. The Substance of Rules and the Reasons for Rulemaking
Kerwin, Chapter 2. The Process of Rulemaking
Kerwin, Chapter 3. Issues and Contradictions
Kerwin, Chapter 4. The Management of Rulemaking

Thursday, August 7: Rulemaking – Oversight

Weinstein, pages 62 - 68
Kerwin, Chapter 6. Oversight of Rulemaking
*Executive Order 12866, Regulatory Planning and Review
*Executive Order 13258, Amending Executive Order 12866
West, William F., “The Institutionalization of Regulatory Review: Organizational Stability and Responsive Competence at OIRA”, *Presidential Studies Quarterly*, 35, no. 1 (March) 2005
West, William F., “Presidential Leadership and Administrative Coordination: Examining the Theory of a Unified Executive”, *Presidential Studies Quarterly* 36, no. 3 (September) 2006
OMB Memorandum on Presidential Review of Agency Rulemaking by the Office of Information and Regulatory Affairs
*Graham, "An Overview of the U.S. Regulatory System"
Article “E.P.A. and Budget Office to Work Jointly on Diesel Soot Rules”
Article “White House Minimized the Risks of Mercury in Proposed Rules, Scientists Say”

Tuesday, August 12: Rulemaking – Oversight

*Congressional Review Act
Rosenberg, Morton "Congressional Review of Agency Rulemaking: A Brief Overview and Assessment After Ten Years"
*Graham, "Presidential Management of the Regulatory State"
Graham, John, "Prompt letter" on automatic external defibrillators, September 18, 2001
Response to prompt letter, December 3, 2001
*Public Nominations of Rules to be Rescinded or Modified, Congressional Testimony, November 17, 2004

Thursday, August 14: Courts, Federalism, and the Executive Branch

Aberbach, Chapter 14. The Courts, Jurisprudence, and the Executive Branch
Aberbach, Chapter 15. Federalism and the Executive Branch

