

THE UNIVERSITY OF CHICAGO
Department of Political Science

Political Science 344
The American Presidency

Spring 1974
Mr. Storing

I. FOUNDATIONS

Charles Thach, The Creation of the Presidency 1775-1789

James Madison's Notes of the Debates of the Constitutional Convention, 1787--in Max Farrand, The Records of the Federal Convention of 1787 and other editions.

- 1 June (all)
- 2 June (all, especially Franklin's speech)
- 4 June (all, and Mason's notes of his speech this day, which can be found in Farrand's Records)
- 18 June (Hamilton's speech)
- 17 July (last two-thirds, beginning II Farrand 29, dealing with 9th Resol of committee of whole)
- 19 July (all)
- 20 July (all)
- 24 July (all)
- 25 July (Madison's first speech)
- 26 July (Mason's speech and Franklin's and Morris' reply)
- 14 August (first four-fifths--to II Farrand 290)
- 24 August
- 20 August (Morris proposals for a Council of State)
- 4 September (all)
- 6 September (all)

Edward S. Corwin, The President, Office and Powers, 4th ed, ch.1

Recommended:

- Wilfred E. Binkley, The President and Congress (3d ed) ch1
- Clinton Rossiter, The American Presidency
- Joseph E. Kallenbach, The American Chief Executive

II. ELECTION AND REMOVAL

Corwin, The President, ch 2

- Daniel Elazar, "Which Road to the Presidency?" Aaron Wildavsky, The Presidency, 337
- Walter Dean Burnham, "Election 1968, The Abortive Landslide," Ibid., 375
- Ralph Goldman, "Titular Leadership of the Presidential Parties," Ibid., 384

II. ELECTION AND REMOVAL, cont

Neal Peirce, The People's President, chs 1, 3, 4, 5, 8
Irving Kristol & Paul Weaver, "A Bad Idea Whose Time Has
Come," New York Times, 23 November 1969
John Yunker & Lawrence Longley, "The Biases of the Electoral
College; Who is Really Advantaged?" Donald Mathews (ed)
Perspectives on Presidential Selection
Max S. Power, "Logic and Legitimacy: On Understanding the
Electoral College Controversy," Ibid

Raoul Berger, Impeachment: The Constitutional Problems
St. Clair et al, An Analysis of the Constitutional Standard
for Presidential Impeachment, WhiteHouse, 1974

Recommended:
Nelson Polsby and Aaron Wildavsky, Presidential Elections
Theodore White, books on The Making of the President
Alexander Dickel, The New Age of Political Reform

III. PRESIDENTIAL MANAGEMENT

A. The Removal Controversy

Corwin, The President, ch 3

1. The "Decision of 1789"

Annals of Congress, Vol 1, pp. 368-384, 456-5857

2. The Jackson Controversy

Andrew Jackson, "Protest," April 15, April 21, 1837;
Richardson, Messages and Papers of the
Presidents, III, 69ff

Daniel Webster, "The Presidential Protest," Speech
delivered in the Senate, May 7, 1834, Works (6th
ed, 1853), Vol IV, 103ff

3. Judicial Views

U.S. v Kendall 12 Pet 524 (1838) (opinion of the Court
by Thompson, J., only)

Myers v U.S. 272 US 52 (1926)

Humphrey's Executor (Rathbun) v U.S. 295 U.S. 602 (1935)

1. The Jacksonians

III. PRESIDENTIAL MANAGEMENT, cont

A. The Removal Controversy, cont

Recommended:

Leonard D. White, The Federalists, ch 2; The Jacksonians, chs 406
Binkley, President and Congress, chs. 4, 5
Marvin Meyers, The Jacksonian Persuasion, chs 1, 2, 5, 11

Andrew Jackson, Veto of the Bank Bill, July 10, 1832; Richardson, Messages and Papers of the Presidents, II, 576ff

_____, Removal of the Public Deposits, Sept 18, 1833; Ibid., III, 5ff

Daniel Webster, A Speech delivered in the Senate on the Presidential Veto of the Bank Bill, July 11, 1832, Works (1853), III 416ff

B. The President as Administrator

President's Committee on Administrative Management, Report (including "Message from the President of the U.S."), 1937

Wildavsky, The Presidency, "The Presidency and the Executive Branch," pp 486-645

Harvey Mansfield et al, Papers on the Institutionalized Presidency (Brookings, 1971)

Arthur M. Schlesinger, Jr., The Coming of the New Deal (vol II of The Age of Roosevelt), chs 32-33, in Wildavsky, The Presidency, pp. 133-150

Edward H. Hobbs, "The President and Administration--Eisenhower," Public Administration Review, Aut, 1958

Leonard D. White, "George Washington as an Administrator," The Federalists, ch. 9

Recommended:

U.S. Commission on the Executive Branch of the Government (Hoover Commission), 1949, General Management of the Executive Branch and Concluding Report

Barry Karl, Executive Reorganization and Reform in the New Deal

Richard Fenno, Jr., The President's Cabinet, chs 3,4

Edward H. Hobbs, Behind the President

Laurin Henry, Presidential Transitions

C. Executive Privilege and Congressional Investigation

Raoul Berger, "Executive Privilege v. Congressional Inquiry," UCLA Law Review XII, 1077 (1965)

IV. PREROGATIVE

A. "Of Prerogative," John Locke, The Second Treatise of Civil Government, ch 14

B. Domestic Affairs

Corwin, The President, chs 4, 6

Henry Kranz, "A 20th Century Emancipation Proclamation: Presidential Power Permits Withholding of Federal Funds from Segregated Institutions," Wildavsky, The Presidency, 741

"Impoundment of Funds," Harvard Law Review, June 1973

ex parte Merryman 17 Fed Cases 144 (1861), Corwin, Documents, # 209

Abraham Lincoln, "Message to Congress in Special Session," 4 July 1861, Roy Basler (ed), Abraham Lincoln: His Speeches and Writings, 594.

(Opinion by Attorney General (Edward Bates) on the President's extraordinary power to arrest and hold in custody dangerous persons. 5 July 1861, War of the Rebellion Official Records, Series II, Vol. II, p. 20)

Korematsu v U.S. 323 US 214 (1944)

Youngstown Sheet and Tube Co v Sawyer 343 US 579 (1952)

Richard Neustadt, Presidential Power, pp. 13-16

John Roche, "Executive Power and Domestic Emergency: The Quest for Prerogative," in Wildavsky, The Presidency, pp. 701-726

C. Foreign Affairs and War

Corwin, The President, ch. 5

Alexander Hamilton, "Pacificus Letter" No 1 (29 June 1793)
James Madison, "Letters of Helvidius," No. 1-5 (Aug-Sept, 1793)

U.S. v Curtis-Wright Export Corp 299 US 304 (1936)

Arthur Schlesinger, Jr., The Imperial Presidency

(Robert Kennedy, Thirteen Days)

IV. PREROGATIVE, cont.

C. Foreign Affairs and War, cont

Department of State, "The Legality of the U.S. Participation in the Defense of Viet Nam"

Francis Wormuth, The Vietnam War: The President versus the Constitution, chs 1, 6, 7, 8, 9

Mora v McNamara 389 US 934 (1967)

Orlando v Laird 443 F2d 1039 (2d Cir 1971)

Holtzman v Schlessinger USDC ENY 7/25/73 42 LW 2067

Holtzman v Schlessinger CA2 8/8/73 e2 LW 2118

Alexander Bickel, "The Constitution and the War," Commentary July 1972

"Congress, the President and the Power to Commit Forces to Combat," 81 Harvard Law Review 1771 (1968)

V. PRESIDENTIAL LEADERSHIP

Corwin, The President, ch 7

The Federalist, Nos 68-77

Richard E. Neustadt, Presidential Power: The Politics of Leadership

Harold Laski, The American Presidency

James McGregor Burns, Presidential Government

James D. Barber, The Presidential Character

Arthur M. Schlesinger, The Coming of the New Deal, chs 1, 30-31
The Politics of Upheaval, chs 1, 35

Morton Frisch, "Franklin D. Roosevelt and the Problem of Democratic Liberty," Ethics, April, 1962

Harry V. Jaffa, "The Nature and Origin of the American Party System," Robert A. Goldwin (ed), Political Parties USA

Recommended:

Leonard D. White, The Federalists; The Jeffersonians; The Jacksonians; The Republican Era

Wilfred E. Binkley, The President and Congress

Woodrow Wilson, Congressional Government

Richard Fenno, Jr., The President's Cabinet, ch 7

Walter Lippman, The Public Philosophy, ch 5