

WOODROW WILSON DEPARTMENT OF GOVERNMENT AND FOREIGN AFFAIRS

GFAG 821
The American Presidency

Fall 1977
Mr. Storing

I. FOUNDATIONS

The Constitution of the U.S., especially Article II, Article I, Sec. 3,7,9;
Article IV, Sec. 4; Amendments 12,20,23,25.

Charles Thach, The Creation of the Presidency 1775-1789, especially chs. 2-5.

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 (Madison'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.

Miller, Presidential Power, ch. 1.

Thomas Cronin, The State of the Presidency.

Recommended:

- Wilfred E. Binkley, The President and Congress (3rd ed.), ch. 1.
- Clinton Rossiter, The American Presidency.
- Joseph E. Kallenbach, The American Chief Executive.

II. ELECTION AND REMOVAL

Corwin, The President, ch. 2.

Nelson Polsby and Aaron Wildavsky, Presidential Elections, 4th ed.

Neal Pierce, The People's President, chs. 1,3,4,5,8.

Irving Kristol and Paul Weaver, "A Bad Idea Whose Time Has Come," New York Times,
23 November 1969.

Martin Diamond, The Electoral College and the American Idea of Democracy (AEI).

Raoul Berger, Impeachment: The Constitutional Problems, chs. 2-3.

Miller, Presidential Power, ch. 10.

Recommended:

Theodore White, books on The Making of the President.
James Barber (ed.), Choosing the President.

III. PRESIDENTIAL MANAGEMENT

A. The Removal Controversy

Corwin, The President, ch. 3.
Miller, Presidential Power, ch. 2.

1. The "Decision of 1789"

(Annals of Congress, Vol. 1, pp. 368-384, 456-485)

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

Kendall vs. U.S. 12 Pet 524 (1838) (opinion of the Court by Thompson, J.,
only).
Myers vs. U.S. 272 US 52 (1926) (selected portions).
Humphrey's Executor (Rathbun) vs. U.S. 295 U.S. 602 (1935).

Recommended:

Leonard D. White, The Federalists, ch. 2; The Jacksonians, chs. 4-6.
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.
Miller, Presidential Power, ch. 4.
Louis Fisher, Presidential Spending Power, chs. 1-2.
Stephen Hess, Organizing the Presidency.
Thomas Cronin, "Everybody Believes . . .," Norman Thomas, The Presidency in
Contemporary Context.
Richard P. Nathan, The Plot that Failed.
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.
 Laurin Henry, Presidential Transitions.

C. Executive Privilege and Congressional Investigation

Statements by Fulbright and Rehnquist, Norman Thomas, The Presidency in Contemporary Context, ch. 11.

U.S. vs. Nixon, Thomas, ch. 11.

Miller, Presidential Power, ch. 9.

IV. PREROGATIVE

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

B. Domestic Affairs

Corwin, The President, chs. 4,6.

Louis Fisher, Presidential Spending Power, chs. 7,8.

"Protecting the FISC," Yale Law Journal, July 1973.

ex parte Merryman 17 Fed Cases 144 (1961), Commager, Documents, #209.

Abraham Lincoln, "Message to Congress in Special Session," 4 July 1861, Roy Basler (ed.), Abraham Lincoln: His Speeches and Writings, 194.

(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).

In re: Neagle 135 U.S. 1 (1870).

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

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

Richard Neustadt, Presidential Power, pp. 13-16.

C. Foreign Affairs and War

Corwin, The President, ch. 5.

Miller, Presidential Power, chs. 5,6.

Alexander Hamilton, "Pacificus Letter" No. 1 (29 June 1793).

James Madison, "Letters of Helvidius," No. 1-5 (Aug.-Sept. 1793).

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

Arthur Schlesinger, Jr., The Imperial Presidency.

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

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).

Materials on War Powers Act.

Recommended:

Robert Kennedy, Thirteen Days.

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

V. PRESIDENTIAL LEADERSHIP.

Corwin, The President, ch. 7.

The Federalist, Nos. 68-77.

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

James Barber, The Presidential Character.

James McGregor Burns, Presidential Government.

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

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.

William Safire, Before the Fall.

Daniel Moynihan, "The Presidency and the Press," Norman Thomas, The Presidency
in Contemporary Context, ch. 6.

Max Frankel, "The Press and the President," Thomas, ch. 7.

Recommended:

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

Wilfred E. Bindley, The President and Congress.

Woodrow Wilson, Congressional Government.

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

Walter Lippman, The Public Philosophy, ch. 5.