

## **PS109-E: The US Executive Branch and its Political Environment**

Professor Sean Gailmard  
Social Science Building 750c  
gailmard@berkeley.edu  
Office hours: Th 10:30 – 12:00, and by appt.

### **GSI:**

Zachary Hertz  
zachary\_hertz@berkeley.edu  
Office hours: Wed 3:00 – 4:00, Thurs 1:00 – 2:00  
Location: SSB 715 or Zoom

Sara Jozer  
sara\_jozer@berkeley.edu  
Office hours: Tues 4:00 – 6:00  
Location: SSB 715 and Zoom by appointment

### **Course details:**

Spring 2025  
Class time: Tu, Th 2:00 – 3:30  
Location: Genetics 100

## **Course Description and Objectives**

This course is about how the US government gets things done: the executive branch. Much of what the law actually says is decided in the executive branch, and almost all of it implemented there. This involves the bureaucracy as well as (often more than) the president. Because implementation of policy defines what policy *is*, other parts of the government try to influence what the executive branch does, and different parts of the executive branch try to influence each other.

The course is structured around three major components. First, we will look at the executive branch with a focus on the president. We will analyze the president's incentives and constraints in controlling the executive branch, and how presidents' responses have changed American politics. Second, we will examine the executive branch with a focus on the bureaucracy. We will examine the paths by which bureaucrats make policy, and the ways that other actors try to influence them. Third, we will focus on two case studies to examine the ideas we develop in practice: one on national security and defense policy, one on immigration policy and enforcement.

## Prerequisites

This is an upper division political science class. Basic familiarity with American government and institutions at the level of PS1 is required. Basic fluency with quantitative evidence and regression analysis at the level of PS3 is very helpful.

## Format

Class sessions will consist of lectures on concepts and illustrative cases. In general, readings will cover more material than the associated lecture. Readings and lecture are complements, not substitutes.

## Readings

I will post all readings on the bCourses web page. Some of the readings are law review articles, some are political science journal articles. These pieces may contain technical elements that undergraduates are not expected to grasp.

I will take attendance in lecture for the first 3 weeks for purposes of instructor drops (more below). After that, I will not take attendance in lecture. Attendance in lecture is not directly included in the grade. However, lecture is where the course material “comes together.” As a rule, you must attend lecture to do well in the class. If you miss a lecture here or there, you do not need to clear it with me or your GSI. It will not adversely affect your grade. If you must miss a lot of lectures, get in touch with me.

## Grades

The course grade will be determined as follows:

1. Short papers (4 assigned, score based on top 3): 40%
2. Midterm exam: 20%
3. Final exam: 30%
4. Class participation: 10%

Assessment descriptions:

- **SHORT PAPERS:** 2-4 pages each.<sup>1</sup> I will assign 4 short paper topics throughout the term. Your score for this assessment will be based on the top three, and you need not submit all four. I will provide prompts approximately 2 weeks before papers are due. The prompts will ask you to elaborate on points from lectures and readings, or engage directly with text of executive orders and agency rules or policy statements.

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<sup>1</sup>The page limit includes all citations, references, works cited, figures, tables, notes, epigrams, appendices, errata, corrigenda, and marginalia; 12 point font, 1 inch margins.

You should build a response based on readings in the course and lecture, as well as any outside cases, current events, readings, or examples you wish.<sup>2</sup>

- **IN-PERSON MIDTERM EXAM.** This will take place in class on Thursday, March 6. It is comprehensive on all material up to the midterm.
- **COMPREHENSIVE IN-PERSON FINAL EXAM.** The time slot is Monday, May 12, 11:30 am - 2:30 pm. The only alternative final is the DSP exam which will start at the same time in a different room. There is no alternative final exam in any other time slot.
- **PARTICIPATION:** based on attendance in section and engagement in the class. Engagement will be assessed in multiple ways: respond in class when I ask questions. Come to professor or GSI office hours. Email us articles and reactions on themes of the class. A top participation score must have attendance in at least 75% of section meetings and high-quality engagement in *some* way, but not all of these ways. If you do not want to speak in class, you do not have to. On the other hand, long responses to questions in class simply to fill time are not high-quality engagement. Many people have a lot to say and there is a lot to cover, so please be concise if you speak in class.

#### Schedule of Assessments:

1. Tu Feb 11: Short paper 1
2. Th Feb 27: Short paper 2
3. Th Mar 6: Midterm exam in class (16th class session)
4. Th Apr 3: Short paper 3
5. Th Apr 24: Short paper 4

## GSI and Discussion Section

The GSIs are Zachary Hertz and Sara Jozer. Their email addresses are [zachary\\_hertz@berkeley.edu](mailto:zachary_hertz@berkeley.edu) and [sara\\_jozer@berkeley.edu](mailto:sara_jozer@berkeley.edu), respectively. They will grade papers and exams, hold office hours, and conduct weekly discussion sections. The weekly discussion section will consist of review of concepts and lingering issues from class and readings, and demonstration of concepts by working through new examples.

Attendance will be taken in section every week.

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<sup>2</sup>AI chatbots etc. are not very good at this sort of material yet (I have tried), so if you rely on them you will get a low grade. Save us all the heartache and do not try. Just do the readings and write the papers yourself.

## **Course Policies**

This course adheres to all UC Berkeley policies, including those on academic integrity and accommodations for differential abilities.

We will rigorously observe UC Berkeley policies on academic integrity. This includes pursuit of cases in violation of these policies as fully as possible. Do not cheat or plagiarize. It is beneath you and a waste of everyone's time.

## **Instructor Drops**

We will take attendance in lecture and section for the first 3 weeks. If you attend fewer than 25% of these sessions, and we cannot determine an extenuating circumstance that precluded attendance, you will be dropped from the course by the instructor to make room for students on the wait list.

If you wish to drop the course or drop from the wait list, please do so by Wed, Feb 8.

## Sequence of Topics

This is the sequence of topics we will cover, including the midterm and final exam. Topics will take 1-2 class sessions. The number of sessions listed for each topic is tentative; we will adjust as needed.

1. Course overview: the presidency and bureaucracy in US politics. (1 session)
  - No readings
2. The US Executive branch: An arena of conflict.
  - David Lewis (2004), *Presidents and the Politics of Agency Design*; chapters 1 and 3
  - Louis Fisher (1998), *The Politics of Shared Power: Congress and the Executive*; chapter 4
3. The Executive branch: Evolution and historical precedents.
  - Scott James (2004), The Evolution of the Presidency: Between the Promise and the Fear, in *The Executive Branch* (Aberbach and Peterson)
  - William Howell and Terry Moe (2024), *Trajectory of Power*; chapters 1-2
4. Presidential authority in the executive branch: Legal background. The Constitution; unitary executive theory.
  - Gerhard Casper (2007), *Separating Power: Essays on the Founding Period*; chapters 1-2
  - Desmond King, John Dearborn, and Stephen Skowronek (2021), *Phantoms of a Beleaguered Republic*; chapter 3
5. Presidential authority in the executive branch: The politicized presidency.
  - Terry Moe (1985), The Politicized Presidency in *The New Direction in American Politics* (Chubb and Peterson)
  - Moe and Howell TBA
  - Daniel Galvin and Colleen Shogan (2004), Presidential Politicization and Centralization Across the Modern-Traditional Divide, *Polity*

6. Presidential authority in the executive branch: Bureaucratic Challenges. The Deep State.
  - Desmond King, John Dearborn, and Stephen Skowronek (2021), *Phantoms of a Beleaguered Republic*; chapters 1, 2
  - The “Resistance” Op-Ed, *New York Times*
  - Comment on “Resistance” Op-Ed, *Politico*
7. Tools of Presidential authority: Executive Office of the President.
  - John Burke (2000), *The Institutional Presidency: Organizing and Managing the White House from FDR to Clinton*; chapters 1-2
8. Tools of Presidential authority: Appointment and removal power.
  - David Lewis (2007), *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance*, chapters 1-3
  - Christina Kinane (2021), Control without Confirmation: The Politics of Vacancies in Presidential Appointments; *American Political Science Review*
9. Tools of Presidential authority: Executive orders, reorganization.
  - Howell and Moe, TBA
10. Civil service: origins, purpose, structures, and future. Schedule F.
  - Sean Gailmard and John Patty (2013), *Learning While Governing: Expertise and Accountability in the Executive Branch*; chapters 1-4
  - Don Moynihan, Can We Still Govern? (Substack)
11. Bureaucratic Capacity: building and undermining.
  - Jody Freeman and Sharon Jacobs (2021), Structural Deregulation; *Harvard Law Review*
  - Pavithra Suryanarayan and Stephen White (2020), Slavery, Reconstruction, and Bureaucratic Capacity in the American South; *American Political Science Review*
12. Presidential unilateral policy making.
  - William Howell (2003), *Power without Persuasion: The Politics of Direct Presidential Action*, chapters 5-6
  - Kenneth Lowande and Jon Rogowski (2021), Presidential Unilateral Power; *Annual Review of Political Science*

13. Unilateral action, presidential control, and authoritarianism.
  - William Howell and Terry Moe (2020), *Presidents, Populism, and the Crisis of Democracy*, chapter 4
  - William Howell and Terry Moe (2024), *Trajectory of Power*, chapter 6
14. Flex session (for topics that spill into 2 sessions).
15. Midterm review.
16. Midterm exam. Thursday March 6, 2025.
17. Bureaucratic policymaking. Rulemaking and adjudication. The Administrative Procedure Act.
  - Cornelius Kerwin (2003), *Rulemaking: How Government Agencies Write Law and Make Policy*; chapter 1
18. Bureaucratic policymaking: Congressional oversight.
  - McNollgast (1987), Administrative Procedures as Instruments of Political Control; *Journal of Law, Economics, and Organization*
  - Mathew McCubbins and Thomas Schwartz (1984), Congressional Oversight Overlooked: Fire Alarms vs. Police Patrols; *American Journal of Political Science*
  - Kenneth Lowande and Rachel Potter (2021), Congressional Oversight Revisited: Politics and Procedure in Agency Rulemaking; *Journal of Politics*
19. Bureaucratic policymaking: Presidential oversight.
  - Simon Haeder and Susan Webb Yackee (2018), Presidentially Directed Policy Change: The Office of Information and Regulatory Affairs as Partisan or Moderator?; *Journal of Public Administration Research and Theory*
  - Annie Benn (2023), Presidential Partisanship and Regulatory Review; *Presidential Studies Quarterly*
20. Bureaucratic policymaking: Judicial review.
  - Brandice Canes-Wrone (2003), Bureaucratic Decisions and the Composition of Lower Courts; *American Journal of Political Science*
  - Sharece Thrower (2017), The President, The Court, and Policy Implementation; *Presidential Studies Quarterly*

21. Bureaucratic policymaking: Interest group influence.

- Jason Webb Yackee and Susan Webb Yackee (2006), A Bias Towards Business? Assessing Interest Group Influence on the U.S. Bureaucracy; *Journal of Politics*
- Fred Boehmke, Sean Gailmard, and John Patty (2014), Business as Usual: Interest Group Access and Representation across Policy-making Venues; *Journal of Public Policy*

22. Bureaucratic discretion in practice.

- Rachel Potter (2019), *Bending the Rules: Procedural Politicking in the Bureaucracy*; chapters 1-3
- Kenneth Lowande and Andrew Proctor (2020), Bureaucratic Responsiveness to LGBT Americans; *American Journal of Political Science*

23. Case Study: The president and the bureaucracy in foreign policy (I)

- Louis Fisher (1998), *The Politics of Shared Power: Congress and the Executive*; chapter 6
- Amy Zegart (2003), *Flawed by Design*; selections TBA
- Peter Rodman (2009), *Presidential Command*; chapters 1, 2, 10
- Richard Haass (2020), Present at the Disruption How Trump Unmade U.S. Foreign Policy; *Foreign Affairs*

24. Case Study: The president and the bureaucracy in foreign policy (II)

- Louis Fisher (1998), *The Politics of Shared Power: Congress and the Executive*; chapter 6
- Amy Zegart (2003), *Flawed by Design*; selections TBA
- Peter Rodman (2009), *Presidential Command*; chapters 1, 2, 10
- Richard Haass (2020), Present at the Disruption How Trump Unmade U.S. Foreign Policy; *Foreign Affairs*

25. Case Study: The president and the bureaucracy in foreign policy (III)

- Louis Fisher (1998), *The Politics of Shared Power: Congress and the Executive*; chapter 6
- Amy Zegart (2003), *Flawed by Design*; selections TBA
- Peter Rodman (2009), *Presidential Command*; chapters 1, 2, 10
- Richard Haass (2020), Present at the Disruption How Trump Unmade U.S. Foreign Policy; *Foreign Affairs*



26. Case Study: Unilateral action and immigration policy (I)

- Hausman, Ho, Krass, and McDonough (2023). Executive Control of Agency Adjudication: Capacity, Selection and Precedential Rulemaking; *Journal of Law, Economics, and Organization*
- Dino Christenson and Douglas Kriner (2015). Political Constraints on Unilateral Executive Action. *Case Western Reserve Law Review*
- Giulia McDonnell Nieto del Rio and Miriam Jordan (2022). What Is DACA? And Where Does It Stand Now? *New York Times*

27. Case Study: Unilateral action and immigration policy (II)

- Hausman, Ho, Krass, and McDonough (2023). Executive Control of Agency Adjudication: Capacity, Selection and Precedential Rulemaking; *Journal of Law, Economics, and Organization*
- Dino Christenson and Douglas Kriner (2015). Political Constraints on Unilateral Executive Action. *Case Western Reserve Law Review*
- Giulia McDonnell Nieto del Rio and Miriam Jordan (2022). What Is DACA? And Where Does It Stand Now? *New York Times*

28. Final review.