Introduction to the American Political Process

Making Legislation: The Powers of the President

Ideas and Policy Entrepreneurs

Executive Orders

- Create new Status Quo
  - Example: EO 9981
    - 1948 Selective Services Bill: 7 desegregation amendments fail
    - 1950 Extension of Selective Services Act: pro-segregation amendments fail

Bargaining: War Powers

- Who has the power to wage war?
  - President: Commander-in-Chief
  - Congress: Power to declare war

- 1973: War Powers Act
  - President must consult with Congress
  - Written notification of "estimated scope and duration" within 48 hours
  - If approval is not granted within 60 days, president should withdraw forces within 30 days

The Courts

- Veto player?
- New Status Quo?
- Where does its power come from?
  - All three branches have some power to interpret constitution
  - Who Prevails?
  - Marbury vs. Madison

Marbury v. Madison

- 1800 John Adams looses Presidential Election to Thomas Jefferson
- 1801: Adams appoints his Secretary of State, John Marshall, to be Chief Justice
- 1801: Adams makes a number of last-minute appointments, including William Marbury as Justice of the Peace for D.C.
**Marbury v. Madison (cont)**
- Marbury doesn't receive commission
- Jefferson doesn't deliver commission
- 1803: Marbury vs. Madison
- Result: Jefferson scolded, but Marbury's request denied; law that allowed his suit is declared unconstitutional

**The Court's Power**
- Importance of a united front
- Limits on power
- Breyer in Bush v. Gore:
  "In this highly politicized matter, the appearance of a split decision runs the risk of undermining the public's confidence in the court itself. That confidence is a public treasure."

**Ideas and Policy Entrepreneurs**
- The policy-making process
  - Agenda setting
  - Alternative specification
  - Authoritative choice

**Agenda Setting**
- What gets taken up by government?
- Policy-making as non-linear process
- Solutions seeking problems
  - Public transportation
  - Star Wars

**Policy Entrepreneurs**
- Entrepreneur: people who are instrumental in getting their pet program implemented
- The role of ideas
  - Academics: James Q. Wilson's "broken windows"
  - Interest groups: Ralph Nader and public safety