

Political Science 102: Congress, Bureaucracy, and Public Policy

Fall 2018

Professor: Miranda Yaver

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Class Time: Tuesday/Thursday 12-1:15pm

Office Hours: Thursday, 2:30-4:30pm, or by appointment

Office location: Packard Hall, Room 309

Introduction to the Course: This course is a general introduction to American political institutions and policymaking. We will address such questions as, Why are the parties so polarized and what contributes to legislative gridlock? To whom are members of Congress responsive, and what does this mean for public policy outcomes? How does Congress interact with and delegate to other branches (*e.g.*, administrative agencies) to shape public policy? How does divided government impact lawmaking and agencies' implementation of laws? Students will learn and discuss theories of political science and engage in informed discussion of how the theories explain contemporary legislative and executive behavior and policy debates. Readings will be accompanied with data on public opinion and engagement with the news of legislative and regulatory developments. Students will reinforce lectures and readings through active participation in class discussions and writing assignments that engage core political science theories on legislative behavior, congressional delegation to the executive branch, and policy implementation.

Objectives

- Learn the electoral, institutional, and systemic features of the United States Congress.
- Learn the historical and contemporary institutional features of the United States bureaucracy.
- Apply political science theories of policymaking and representation to studying legislative-executive branch interactions in unified and divided government.
- Demonstrate through exams and writing assignments the ability to think critically about legislative and executive behavior historically and in the context of contemporary public policy controversies.

BOOKS:

We will draw primarily from the following five required books, which are available for purchase at the campus bookstore:

- Smith, Steven S., Jason M. Roberts, and Ryan J. Vander Wielen, *The American Congress, 9th ed.* Cambridge University Press, 2015. (Abbreviated SRVW)
- Mayhew, David. *Congress: The Electoral Connection, 2nd ed.* Yale Univ. Press, 2004

- Binder, Sarah. *Stalemate: Causes and Consequences of Legislative Gridlock*. Brookings, 2003
- Eisner, Marc. *Regulatory Politics in Transition, 2nd ed.* Johns Hopkins Univ, Press. 2000
- Baumgartner, Frank, Jeffrey Berry, Marie Hojnacki, David Kimball, & Beth Leech. *Lobbying and Policy Change: Who Wins, Who Loses, and Why*. Univ. of Chicago Press. 2009

The following books are recommended for further reading:

- Lewis, David. *Presidents and the Politics of Agency Design*
- Mayhew, David. *Divided We Govern: Party Control, Lawmaking, and Investigations, 1947-2002*
- Jenkins, Jeffery and Eric Patashnik, eds. *Living Legislation: Durability, Change, and the Politics of American Lawmaking*
- Dodd, Lawrence and Bruce Oppenheimer, eds. *Congress Reconsidered*
- Chafetz, Josh. *Congress's Constitution: Legislative Authority and the Separation of Powers*
- Epstein, David and Sharyn O'Halloran. *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers*
- Wilson, James Q. *Bureaucracy: What Agencies Do And Why They Do It*

All other readings will be made available online on Canvas. It is imperative that students check Canvas regularly, as this is where readings and assignments will be posted and through which emails will be sent. Students will be expected to come to class having read the material and being prepared to engage in class discussion. Students will be alerted in advance to what readings will be covered in the next class, and which ones are recommended rather than required or are skim-worthy.

Select lecture slides will be posted on Canvas, though I reserve the right to limit the posting of slides if it deters class attendance.

COURSE REQUIREMENTS:

1. Three short (5-page) response papers: 15% each
 - For three weeks of your choosing, write a discussion of how the political science theories that week apply to current events. You may choose to focus on one reading or multiple readings and how well (or poorly) the political science theories explain the developments in a contemporary political/policy debate (*e.g.*, health care, immigration, budget, abortion, gun control). In doing so, you should demonstrate an understanding of the core arguments presented that week, and an ability to broaden the discussion to real-world examples. You *must* cite all sources used.
2. Take-home midterm: 20%

- Students will have up to 72 hours to answer a set of short essay questions about the course material, based on both lecture material and required readings. Students may use notes and lecture materials, but must cite all sources.
3. Comprehensive final exam: 25%
- Exam will be a combination of IDs and short essays, with a study guide distributed one week in advance. No notes will be permitted the day of the exam. Exam will be held at the time scheduled by the university.
4. Attendance and participation: 10%

Papers and midterm exam shall be submitted through Canvas. They should be double-spaced in Times New Roman 12-point font with one-inch margins.

Final Course Grading: The final grade for the course will be assigned based on the following scale:

A: 93+%	A-: 90-92%	B+: 87-89%
B: 83-86%	B-: 80-82%	C+: 77-79%
C: 73-76%	C-: 70-72%	D+: 67-69%
D: 63-66%	D-: 60-62%	F: > 60%

Policy Regarding Late Assignments: It is imperative that students turn in work at the specified deadlines. Failure to do so will result in a third letter grade reduction per day late unless you have received an extension in advance. Work will not be accepted at all more than one week late unless said extension was granted in advance. All students must sit for the final exam at the assigned day and time, with the only exception of university-approved absences.

Policy Regarding Laptops: Students may use laptops to take notes and to reference the articles being discussed in class. However, I reserve the right to prohibit the use of laptops in class if they prove to be an impediment to active class participation.

All members of the academic community should be able to engage fully in the academic opportunities and services provided, regardless of disability status, and to that end accommodations to this course can be made if necessary. Please feel free to discuss with me any concerns you may have.

Statement on Academic Integrity: It is expected that all students will work in accordance with the student honor code. Thus, plagiarism, cheating, and receiving unauthorized assistance with the work in this course will not be tolerated. Should a student violate academic integrity in this class, the matter will be reported to the university administration. If you have questions about citations of sources, ask prior to submitting the given assignment.

COURSE OUTLINE:

Readings are subject to change. Students will be updated in class as to any/all changes, and which readings are recommended rather than required.

Tuesday, September 4: Introduction

- Baumgartner et al, *Lobbying and Policy Change*, Ch. 1

Thursday, September 6: Introduction, continued

- *SRVW*, Chapter 1
- Binder, Sarah. “Deal-making in a polarized Congress,” *The Washington Post*, Oct. 16, 2013
- Rein et al. “How the Trump Era is Changing the Federal Bureaucracy.” *The Washington Post*, December 30, 2017
- Packer, George. “The Empty Chamber: Just How Broken is the Senate?” *The New Yorker*, August 9, 2010 (recommended)

Tuesday, September 11: Constitutional Origins

- United States Constitution
- *The Federalist 10, 39, 51, 78*
- Toobin, Jeffrey. “Our Broken Constitution,” *The New Yorker*, Dec. 9, 2013
- Tushnet, Mark. *The New Constitutional Order*, Ch. 1
- Sunstein, Cass R. 1987. “Constitutionalism After the New Deal.” *Harvard Law Review* 101(2): 421-510. (recommended)

Thursday, September 11: Origins of the Legislative Branch

- *SRVW*, Chapter 2
- Binder, Sarah. *Stalemate*, Chapters 1-2
- Chafetz, Josh and David Pozen. “How Constitutional Norms Break Down.” 65 *UCLA Law Review* (forthcoming)
- Stewart, Charles. “Congress and the Constitutional System” (recommended)

Tuesday, September 18: Origins of the Executive Branch

- Skowroneck, Stephen. *Building a New American State*, Part 1
- Rudalevige, Andrew. “Writing a constitution is the easy part. Here’s how the bureaucracy puts it into action.” *The Washington Post Monkey Cage*, September 15, 2017.
- Lewis, David. *Presidents and the Politics of Agency Design*, Introduction
- Melnick, R. Shep. 1992. “Administrative Law and Bureaucratic Reality.” *Administrative Law Review*

Thursday, September 20: Congress and the Electoral Connection

- *SRVW*, Chapter 4, 7
- Mayhew, David. *Congress*, Introduction, Chapter 1
- Carson and Jenkins. 2011. “Examining the Electoral Connection Across Time.” *Annual Review of Political Science*. 14:25-46.
- Henderson, John and John Brooks. “Mediating the Electoral Connection: The Information Effects of Voter Signals on Legislative Behavior.” *Journal of Politics*

Tuesday, September 25: Congressional Elections

- *SRVW*, Chapter 3
- Jacobson, Gary C. 1989. “Strategic Politicians and the Dynamics of U.S. House Elections, 1946-1986.” *American Political Science Review* 83: 773-793.
- Cohn, Nate. “What to Keep in Mind When Thinking About the Midterms.” *New York Times Upshot* April 26, 2018
- Baumgartner et al, *Lobbying and Policy Change*, Ch. 5
- McElroy, Lisa. “*Citizens United v. FEC* in Plain English.” *SCOTUSBlog*, January 22, 2010.
- Prokop, Andrew. “40 charts that explain money in politics,” *Vox*, July 30, 2014 (recommended)

Thursday, September 27: Congressional Elections (cont.)

- Abramowitz et. al.. 2006. “Don’t Blame Redistricting for Uncompetitive Elections,” *PS*
- Hill, Seth. “Want to change Congress? Change who votes in ‘safe’ Republican or Democratic primaries,” *The Washington Post*, May 4, 2017
- Berlatsky, Noah. “Everybody hates Congress. So why do congressmen almost always get re-elected?” *The Week*, March 31, 2016.
- Carson, Jamie L. and Joel Sievert. 2017. “Congressional Candidates in the Era of Party Ballots.” *Journal of Politics* 79(2): 534-545.

Tuesday, October 2: The Leaders Shaping Congressional Policymaking

- *SRVW*, Chapter 5
- Anderson, Sarah E., Daniel Butler, and Laurel Harbridge. 2016. “Legislative Institutions as a Source of Party Leaders’ Influence.” *Legislative Studies Quarterly* 41(3): 605-31.
- Draper, Robert. “How Kevin McCarthy Wrangles the Tea Party in Washington,” *New York Times*, July 13, 2011
- Prokop, Andrew. “Mitch McConnell is breaking the Senate.” *Vox*, July 17, 2017

- Noel, Hans. “Party leaders should lead, not get out of the way: Yes, Democrats did favor Clinton for the nomination. But getting involved like that is not a mistake.” *Vox*, November 15, 2017.

Thursday, October 4: The Parties Shaping Congressional Policymaking

- Krehbiel, Keith, “Where’s the Party?” *British Journal of Political Science*, vol. 23 (1993), pp. 235-266.
- Ansolabehere, Snyder, Stewart. 2001. “The Effects of Party and Preferences on Congressional Roll-Call Voting.” *Legislative Studies Quarterly*. 26(4): 533-572.
- McCarty, Nolan and Eric Schickler. 2018. “On the Theory of Parties.” *Annual Review of Political Science* 21: 175-93.
- Masket, Seth. “The party isn’t dead: Party leaders and activists are growing increasingly active in steering nomination contests in House and Senate races.” *Vox*, February 28, 2018
- Koger, Gregory. “How Democrats can shut down the Senate part II: the majority strikes back: Quorum-breaking can be very disruptive but does not provide a long-term option for blocking a Supreme Court nomination.” *Vox*, July 3, 2018.

Take-Home Midterm

Tuesday, October 9: The Parties Shaping Congressional Policymaking (cont.)

- Drutman, Lee. “We need political parties. But their rabid partisanship could destroy American democracy.” *Vox* September 5, 2017.
- Koger, Gregory, Jamie Carson, Matthew Lebo & Everett Young. 2010. “The Electoral Consequences of Party Loyalty in Congress.” *AJPS* 54: 598-616.
- Schickler, Eric, Kathryn Pearson, and Brian D. Feinstein. 2010. “Congressional Parties and Civil Rights Politics from 1933 to 1972,” *Journal of Politics* 72: 672-89.
- Curry, James and David Karol. “Why would Pelosi step down? Parties don’t usually throw out congressional leaders after electoral losses.” *The Washington Post Monkey Cage*, June 30, 2017.

Thursday, October 11: Interest Group Influence on Public Policy

- *SRVW*, Chapter 11
- Baumgartner et al, *Lobbying and Policy Change*, Ch. 2, 6-8

Tuesday, October 16: Interest Group Influence on Public Policy (cont.)

- Baumgartner et al, *Lobbying and Policy Change*, Ch. 9, 10
- Eisner, Marc. *Regulatory Politics*, Ch. 1

- Hall and Wayman. 1999. “Buying Time: Moneyed Interests and the Mobilization of Bias in Congressional Committees,” *American Political Science Review*

Thursday, October 18: Interest Group Influence on Public Policy (cont.)

- Ladd, Jonathan. “Don’t worry about special interests,” *Vox*, September 11, 2015
- Klein, Ezra. “Corporations now spend more lobbying Congress than taxpayers spend funding Congress,” *Vox*, July 15, 2015
- Hacker, Jacob. 2015. “Out of Balance: Medicare, Interest Groups, and American Politics.” *Generations: Journal of the American Society of Aging*.
- Posner, Richard. 2013, “The Concept of Regulatory Capture: A Short, Inglorious History.” (recommended)
- Yackee, Susan. 2015. “Invisible (and Visible) Lobbying: The Case of State Regulatory Policymaking.” *State Politics and Policy Quarterly* 15. (recommended)

Tuesday, October 23: Causes of Polarized Policymaking

- Binder, *Stalemate*, Chapters 3-4
- Wawro, Greg and Eric Schickler. “Legislative Obstruction.” *Annual Review of Political Science* 2010
- Hetherington, Marc. 2009. “Putting Polarization in Perspective.” *British Journal of Political Science* 39: 413-448.
- Binder, Sarah. 2015. “The Dysfunctional Congress.” *Annual Review of Political Science*.
- McCarty, Nolan, Keith Poole & Howard Rosenthal. 2009. “Does Gerrymandering Cause Polarization?” *American Journal of Political Science* 53(3):666-680. (recommended)

Thursday, October 25: Consequences of Polarized Policymaking

- Binder, *Stalemate*, Chapter 6
- Barber, Michael and Nolan McCarty. 2015. “Causes and Consequences of Polarization”
- Binder, Sarah. “Three reasons you should expect congressional gridlock on gun control,” *The Washington Post Monkey Cage*, February 27, 2018.
- Reynolds, Molly. “This is why the congressional budget process is broken.” *The Washington Post Monkey Cage*, October 26, 2017.

Tuesday, October 30: Consequences of Polarized Policymaking (cont.)

- Davidson Sorkin, Amy. “Gorsuch Wins, The Filibuster Loses,” *New Yorker*, April 6, 2017
- Frostenson, Sarah. “Health shouldn’t be contentious. But it’s incredibly polarizing.” *Vox* March 23, 2017.

- Chang, Alvin. “Partisanship of Cabinet confirmations is rising. But Trump’s picks are still different.” *Vox* February 7, 2017.
- Lizza, Ryan. “Getting To Maybe: Inside the Gang of Eight’s immigration deal.” *The New Yorker* 2013 (recommended)

Thursday, November 1: Congressional Delegation to the Executive Branch

- *SRVW*, Chapter 9
- Mayhew, David. *Divided We Govern*, Ch. 3, 4
- Krause, George. “Legislative Delegation of Authority to Bureaucratic Agencies,” in *The Oxford Handbook of American Bureaucracy*, 2010.
- Lewis, David. “Why Donald Trump needs the ‘administrative state’ that Steve Bannon wants to destroy.” *The Washington Post Monkey Cage*, March 2, 2017.

Tuesday, November 6: Congressional Delegation (cont.)

- *SRVW*, Chapter 10
- Farhang, Sean. “Public Regulation and Private Lawsuits in the American Separation of Powers System.” *American Journal of Political Science*, 2008.
- Eisner, Marc. *Regulatory Politics*, Ch. 2, 4

Thursday, November 8: Congressional Delegation (cont.)

- McCubbins, Mat, Roger Noll & Barry Weingast. 1987. “Administrative Procedures as Instruments of Political Control.” *Journal of Law, Economics, and Organization* 3(2): 243-77.
- Moe, Terry. “The Politics of Bureaucratic Structure,” in *Can the Government Govern?*
- Farhang, Sean & Miranda Yaver. 2016. “Divided Government and the Fragmentation of American Law.” *American Journal of Political Science*.
- McCann, Pamela. 2015. “The Strategic Use of Congressional Intergovernmental Delegation.” *Journal of Politics* 77(3): 620-34.

Tuesday, November 13: Agency Design and Oversight

- Lewis, David. *Presidents and the Politics of Agency Design*, Ch. 1, 3
- Devins, Neal & David E. 2008. “Not-so-Independent Agencies: Party Polarization and the Limits of Institutional Design.” *Boston University Law Review* 88(2): 459-98.
- Lewis, Clinton, and Selin. “Influencing the Bureaucracy: The Irony of Congressional Oversight.” *American Journal of Political Science*, 2014.

Thursday, November 15: Agency Rulemaking

- *Chevron v. Natural Resources Defense Council* (excerpt)
- O’Connell, Anne Joseph. 2008. “Political Cycles of Rulemaking: An Empirical Portrait of the Modern Administrative State.” *Virginia Law Review* 94: 889.
- Gluck, O’Connell, and Po. “Unorthodox Lawmaking, Unorthodox Rulemaking”, *Columbia Law Review Symposium*
- Raso, Connor. “Where and why has agency rulemaking declined under Trump?” The Brookings Institution, June 29, 2018.
- Acs, Alex and Charles M. Cameron. 2013. “Does White House Regulatory Review Produce a Chilling Effect and ‘OIRA Avoidance’ in the Agencies?” *Presidential Studies Quarterly* 43(3):443-467. (recommended)

Tuesday, November 20: Policy Regulation and Retrenchment

- Eisner, Marc. *Regulatory Politics*, Ch. 3, 5, Conclusion
- Baumgartner et al, *Lobbying and Policy Change*, Ch. 11
- Hacker, Jacob. 2004. “Privatizing Risk without Privatizing the Welfare State: The Hidden Politics of Social Policy Retrenchment in the United States.” *APSR*.
- Haeder, Simon and Susan Yackee. “The Trump administration might be deregulating more than you know (or could know).” *The Washington Post*, August 24, 2018.
- Ornstein, Norm. “The Worst Kind of Government” (forthcoming) (recommended)

Thanksgiving break

Tuesday, November 27: Case Studies in Policy Implementation: Education

- Rhodes, Jesse. 2011. “Progressive Policy Making in a Conservative Age? Civil Rights and the Politics of Federal Education Standards, Testing, and Accountability.” *Perspectives on Politics* 9(3): 519-544.
- Rudalevige, Andrew: 2003. “No Child Left Behind: Forging a Congressional Compromise.”
- Nelson, Libby. 2015. “A guide to No Child Left Behind as Congress tries to rewrite the law.” *Vox*.
- Moe, Terry. 2010. “A New Politics of Education.” In *American Education in 2030: An Assessment of the Hoover Institution’s Task Force on K-12 Education*.
- Balingit, Moriah and Danielle Douglas-Gabriel. “Congress rejects much of Betsy DeVos’s agenda in spending bill.” *The Washington Post*, March 24, 2018 (recommended)

Thursday, November 29: Case Studies in Policy Implementation: Health Care

- Patashnik, Eric and Jonathan Oberlander, 2018. “After Defeat: Conservative Postenactment Opposition to the ACA in Historical and Institutional Perspective,” *Journal of Health Politics, Policy and Law*
- Hacker, Jacob and Paul Pierson. 2018. “The Dog That Almost Barked: What the ACA Repeal Fight Says about the Resilience of the American Welfare State.” *Journal of Health Politics, Policy and Law*
- Volden and Wiseman. “Breaking Gridlock: The Determinants of Health Policy Change in Congress.” *Journal of Health Politics, Policy, and Law*, 2011.
- Harrell, Henry. “We know that evidence-based medicine works. So why don’t politicians support it?” *The Washington Post*, October 3, 2017. (recommended)

Tuesday, December 4: Case Studies in Policy Implementation (Misc)

- Carpenter, Dan. 2010. “Institutional Strangulation: Bureaucratic Politics and Financial Reform in the Obama Administration,” *Perspectives on Politics*.
- Farhang, Sean. 2012. “Legislative-Executive Conflict and Private Statutory Litigation in the U.S.: Evidence from Labor, Civil Rights, and Environmental Law.” *Law and Social Inquiry*.
- Melnick. R. Shep. “Adversarial Legalism and the Civil Rights State.” (working paper)
- Hamlin, Rebecca. 2015. “Ideology, International Law, and the INS: The Development of American Asylum Politics 1948-Present.” *Polity* 47(3): 320-336.
- Goldgeier, Jim and Elizabeth Saunders. “The Unconstrained Presidency.” *Foreign Affairs*. (forthcoming) (recommended)
- Smith, Kristi M. 2004. “Who’s Suing Whom? A Comparison of Government and Citizen Suit Environmental Enforcement Actions Brought Under EPA-Administered Statutes, 1995-2000.” *Columbia Journal of Environmental Law* 29: 359. (recommended)

Thursday, December 6: Wrap-Up

- Baumgartner et al, *Lobbying and Policy Change*, Ch. 12
- Patashnik, Eric. “People love to hate Congress. This new book reminds us why we should treasure it.” *The Washington Post Monkey Cage*, April 29, 2017.
- Whittington, Keith E. and Daniel Carpenter. 2003. “Executive Power in American Institutional Development.” *Perspectives on Politics* 1.

Final Exam