

**PRINCETON UNIVERSITY**  
**Woodrow Wilson School**  
**M.P.A. Program**

WWS 521  
 Domestic Politics

Fall 2004  
 Charles Cameron

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This class focuses on political strategy from the point of view of the participants in American public policy, especially public managers, public officials, and elected officials. Its primary objectives are to examine typical political issues facing the participants in American policy making, to develop a set of conceptual frameworks for analyzing political threats and opportunities, and to practice forming effective strategies for managing in political environments. The concepts, skills, and analytical tools that students will learn rest upon a foundation of economic principles, political analysis, and, to a lesser extent, social psychology and law. They identify patterns of behavior and outcomes, ways of thinking about those patterns and outcomes, methods of analysis that facilitate understanding and prediction, and, ultimately, the shaping of strategies to improve organizational performance in the world of public policy.

WWS 521 is important preparation for the Qualifying Exam 2 (QE2) in Field III. WWS 521 does not consider the special problems of urban service delivery, since those are addressed elsewhere in the curriculum.

The first two weeks of the course examine domestic policy making with a minimum of theory, focusing on one case (Medicare catastrophic health insurance) involving legislative and interest group politics, and one (CAFE standards) involving corporations and the administrative state. The next three weeks examine the environment in which policy makers operate, with special attention to public opinion, mass political participation, elite political participation, elections, and the media. The next three weeks focus on policy making in legislatures and by chief executives. The final four weeks examine policy making in the administrative state, that is, by courts and regulatory agencies.

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*****	<b>Please Note: Seminar participants are</b>	*****
*****	<b>required to read a short book and case</b>	*****
*****	<b>materials before the first seminar on</b>	*****
*****	<b>September 9.</b>	*****

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### A. Teaching Approach

Classes will be conducted on a lecture/case-discussion basis. A typical session has three parts. The first part is a presentation and seminar discussion of a case that exemplifies a particular aspect of policy making and public affairs. The second part is a lecture reviewing some of the most salient and

important scholarship bearing on the topic. Some of this material may be quite down to earth – e.g., how polarized is the American public? But some may involve cutting edge theory and advanced social science – e.g., what does bargaining theory tell us about how to use the presidential veto, or what do models of strategic information transmission suggest about optimal lobbying strategies? The third part will be a seminar discussion, synthesizing a practical analytical and conceptual framework – a set of “take-away points” – appropriate for participants in the world of public affairs. This part of the discussion will draw on the case study presentation, the scholarly material, and various analytic aids and oral traditions developed in public policy and business schools around the nation.

Much of the class discussion will be based on group work. During our first class session I will ask you to form study groups. Study groups may have 3-6 members. These groups are an integral component of class preparation and discussion. You are encouraged, but not required, to prepare the cases and the readings in groups. However, at regular intervals I will ask each group to prepare a presentation that will form the basis for class discussion.

For a case discussion to be a valuable learning experience, it is essential that you come prepared to discuss the cases and case related readings assigned for that class. During our case discussions, I ask that you deal with the cases as you find them: do not seek outside or post-case data, unless specifically directed to do so. If you have post-case or inside information, I will give you the opportunity to share it with the class at the end of our discussion. Let me know about such information in advance, and I will make a point to call on you at the appropriate time. If your group has not been asked to prepare a case for that week, you should be prepared to discuss the social scientific readings in an active fashion.

## **B. Course Requirements and Grading**

Students are expected to master the content of the readings, to make constructive contributions to class discussions, to make occasional presentations, and to perform adequately or better on midterm and final examinations. Grades in the course will be based on three components: (1) a midterm take-home examination which will count for 30 percent in the determination of your grade; (2) a final group project which will count for 40 percent and act as final exam; (3) group presentations during class, which will count for 20 percent; and (4) class attendance and participation, which will count for 10 percent. All group related grades will be based on group performance and **peer evaluation** at the end of class.

**MIDTERM EXAM:** The midterm will be a take-home, “open book” exam consisting of a case analysis that will cover the assigned readings, cases, and lecture material for all classes prior to the midterm. For the midterm case analysis I will hand out a new case (but similar to the ones discussed in class) during class on Thursday October 14. You are expected to analyze the case and develop a strategy, and summarize your findings in a **three-page** case memo (**1.5 spaced; font size 12; standard margins; no title page**). **IN ADDITION**, accompanying your three page strategy memo should be a two-page analytical memo, addressed to ME as course instructor, indicating how you used the scholarly material and analytic frameworks to formulate your three-page strategy. You may use all your notes and course materials and any outside scholarly material you wish, but are prohibited from using outside or post-case information on the case. This is an individual assignment and you must not discuss your work or the case with anyone other than me. Memos must be

submitted as a **word document by email** (sent to [ccameron@princeton.edu](mailto:ccameron@princeton.edu)) **on Thursday October 21 before the beginning of class.**

**FINAL GROUP PROJECT:** For the final project your study group is to assume the role of a consultant who is hired to develop a political strategy for a client. The final case project has four components.

1. The first component is a **case**. *You are free to write your case on any topic you like. However, I encourage you to discuss potential case topics with me well in advance.* Cases may be based on your current or past work environment, or you may simply use newspapers and other public sources. However, good cases usually involve some primary research such as interviews and other original sources. Any case topic you choose must have a significant political component and needs to be analyzed from the point of view of a particular actor (just as we did in class). Your client might be an elected official, e.g., you might imagine yourself a staffer on the Senate Intelligence Committee advising the Chair how best to respond to the recommendations of the 9/11 Commission Report. But your client could also be a New Jersey-based drug company seeking approval for a new product from the F.D.A., an elite private university pursuing a major space expansion in a poor and heavily minority neighborhood, a human rights organization trying to attract foundation support to support its organizational mission, an administrator of the Environmental Protection Agency whose agency must set standards for acceptable levels of arsenic in drinking water, a Justice Department official deciding whether to prosecute a major software company for possible anti-competitive activities, and so on. Most cases will focus on developing a strategy for an ongoing issue. Alternatively, you can discuss and critique an existing strategy chosen by some actor. In the latter case you might assume the role of consultants that are hired as part of a post-decision audit to evaluate your client's strategy. Whatever structure you choose, your presentation must include a sound analysis of a political environment and a clear recommendation to your client.

A successful case should be usable for possible future class discussion. Cases should be **between 5 and 12 pages in length** (1.5 spaced; font size 12; standard margins).

**Every group must submit an electronic copy to the course's drop box two days before session 12, that is, by 4.00 Tuesday December 7.**

2. For the second component of the project, each consultant group needs to prepare a **seven-minute Power Point presentation** that summarizes your analysis of the case and contains a recommendation to your client. **You will make a public presentation in class on the day of the final exam, January \_\_\_\_,** assuming the role of consultants to the actor described in their respective case. You should be prepared to answer questions about your analysis from the viewpoint of your client and justify your recommendation (see below). **Every group must submit electronic copies of their slides to the class drop box by the beginning of the final exam.**
3. The third component of the project consists of each consultant group summarizing their

findings in a **two-page memo** (1.5 spaced; font size 12; standard margins). The consultant group's memo should contain a clear and specific recommendation to the client. **Every group must submit an electronic copy to its client group (explained momentarily) one week before the date of the final exam, that is, January \_\_\_.**

4. In the fourth component of the project, your group will act as the client to another group. The client group's responsibility is two-fold. First, it is the client group's responsibility to ask well-prepared, practically oriented questions in response to the consultant's presentation. (You will have access both to the group's case and its two-page recommendation memo.) You will have 10 minutes in which to ask questions. For this exercise, outside research is not only permitted, but strongly encouraged! Your task as a client is to leave the meeting with useful, actionable information. Second, it is the client group's responsibility to write a two page memo evaluating the consultant's work, and making a final action recommendation. **The client memo is due at the beginning of the final exam class.**

Just to be clear: your group will 1) prepare an original case, 2) prepare and deliver a Power Point presentation concerning the case, 3) prepare a summary strategy memo concerning the case, 4) prepare a summary memo evaluating one other group's recommendation, and question that group about its recommendations and analysis. In theory, items 1-3 can all be prepared before the semester break, leaving only item 4 to do when you return after the holiday.

Your project grade will equally depend on the case, presentation/evaluation and the final memos. Your individual grade will depend on the group grade and evaluation by your peers.

How you allocate your time in preparing the final project is, obviously, up to you and your fellow group members. But preparation of a successful case requires careful planning and a long lead time. For example, interviews with busy officials must typically be scheduled weeks or even months in advance. To encourage you to begin preparing your case **as quickly as possible** your group is required to submit a work plan at the beginning of class Thursday October 7. The work plan should indicate issue and actors, include a list of interviewees and information sources, milestone dates for internal deliverables, and so on. Your work plan will be graded "pass/revise," that is, if your work plan is vague, shoddy or impractical you will be required to revise it for the following class, and keep on revising it, until you formulate a workable plan for a high quality final project.

**GROUP WORK:** Group assignments are an integral part of class discussion. I encourage you to meet with your study group on a regular basis, but you are not required to do so. However, I will ask you to prepare group presentations for **five** of our sessions. This requires **each** of these groups to analyze the case and develop an effective strategy for a particular actor. Before each class each of the groups "at bat" is to hand in a **one-page** executive summary of its analysis and strategy (1.5 spaced; standard margins; no title page). The summaries must be submitted as a **word document by email** to [ccameron@princeton.edu](mailto:ccameron@princeton.edu), by noon of the day of class. I will strictly enforce the one-page limit. Grading will be based on the executive summary. Then, I will randomly choose a group to present and defend their analysis in class (if groups have been assigned to play different roles I will chose one group from each role). The chosen group is responsible for all aspects of the presentation such as keeping time, handling questions, etc. All other students are expected to take the role of the

client. Group assignments are in-class simulations of real world tasks. It is thus important that you take the role-playing aspect seriously. The presenters may, but need not, use Power Point slides, transparencies or other media.. However, do not hand in copies of transparencies or Power Point presentations. In all cases, *if you face a conflict between completing the social science readings and preparing a high quality case discussion, opt for the latter.*

**SIMULATIONS:** During Weeks 5 and 7, we will play simulation games involving elections and agendas. (Note that these correspond to the due dates for your work plan and the midterm exam). Although performance in the simulations is not graded per se, your participation is mandatory. The simulations will take place during normal class hours and take the place of case discussion.

**PARTICIPATION and ATTENDANCE:** Attendance, preparation, and participation are essential for this class to be value adding. If you have to miss class, please let me know in advance. Much of the learning in this course comes from class discussion of cases and in-class formulation of analytical frameworks. Learning opportunities are maximized when a student is actively engaged in the class discussion. Active engagement means that you are listening carefully to the comments of other students and seeking opportunities to make relevant comments that move the class discussion forward.

Since case discussion constitutes about one-half of class time, there is ample opportunity for you to participate. To increase opportunities for effective participation, I may cold call a student or a study group to open the class discussion. I may also cold call students during the course of a discussion. If you feel that you are preparing well but that I am not calling on you sufficiently often, please let me know so that I can address the problem.

### C. Weekly Schedule

1. Politics and Policy Making	September 9
2. Issue Cycles, Agendas & Actors	September 16
3. Activists, Media, and Public Opinion	September 23
4. Interest Groups, Firms, and NGOs	September 30
5. Voters & Electoral Politics	October 7
6. Legislators & Legislatures: 1	October 14
7. Legislators & Legislatures: 2	October 21
FALL BREAK	
8. Presidential politics	November 4
9. Courts: Creating Rights	November 11
10. Courts: Law in the Administrative State	November 18
THANKSGIVING	
11. Agencies and Bureaucratic Politics	December 2
12. Integrative Case	December 9

Work plan for final case due: October 7

Midterm Exam: Handed out October 14, Due October 21.

Final Cases due: December 7.

Final consultant memos due: January \_\_. (one week before exam)

Final Exam (presentations and client memos): January \_\_ (the scheduled exam date)

#### D. Availability of Readings

1. **Books Available for Purchase.** The Princeton University Store has copies of nine useful paperback books.
2. **Reserve Readings.** There are multiple copies of Baron, Arnold, Kingdon (Agendas), and Fiorina (Myth) on reserve in the Donald E. Stokes Library in Wallace Hall.

Note: Readings regularly come from a textbook, *Business and Its Environment* (4<sup>th</sup> edition) by Stanford political economist David Baron. Baron's textbook presents many of the ideas discussed in this course, but inevitably from a private sector perspective. Unfortunately (and bizarrely), there is no equivalent textbook written from a public/non-profit perspective. I apologize in advance for any irritation this may cause you, and the extra mental effort required to "invert" sections of Baron's textbook, e.g., what are the implications for a regulatory agency if firms use these political tactics?

3. **Electronic Course Reserves.** Various chapters, articles, and papers are available as part of the library's electronic course reserves (marked ECR in the readings).
4. **Cases.** Of the 12 cases used in class, several come from Baron's textbook, one is available electronically from the Northwestern Business School, and several involve published material in books. However three are Kennedy School cases that you will need to purchase. An electronic course packet ....

#### E. Times and Places

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|-----------------------------|-------------------------------|--------------------------|
| 1. <b>Seminar Meetings.</b> | Thursday, 1:00-4:00           | Robertson Hall, Room 023 |
| 2. <b>Office Hours.</b>     | After class or by appointment | Robertson Hall, Room 305 |

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## F. Weekly Readings

### 1. Politics and Policy Making (September 9)

Part 1 (1.00-2.15)

Case: Medicare Catastrophic Coverage

Reading: Richard Himelfarb, *Catastrophic Politics: The Rise and Fall of the Medicare Catastrophic Coverage Act of 1988* (1995), pp. vii-ix, 1-103 [PUS, DES].

David Baron, *Business and Its Environment* (4<sup>th</sup> edition) (2003), pp. 1-18, 29-33, 45-51

**Assignment:** I will cold call on students, to do the following in class.

1. Characterize the “4 I’s” for the Medicare Catastrophic Coverage issue, pre- and post-passage.
2. Characterize the political life cycle of this issue.
3. Identify the key actors, and explain what makes them key actors.
4. State the organizational objective with regard to the issue, for each of the key actors, pre- and post-passage.
5. Identify the strategy used by the key actors, to accomplish their objectives at key moments in the case. How effective were they, and why?

Part 2. (2.30-3.30)

Course overview. Logistical matters: group organization. Assignment of groups to roles for CAFÉ standards (Nissan, Ford, Energy Conservation Coalition).

### 2. Issue Cycles, Agendas, and Actors (September 16)

Case: CAFE Standards 1990

Reading: David Baron, *Business and Its Environment*, pp. 246-253.

**Assignment:** Each group is expected to do the following.

1. Characterize the “4 I’s” for the CAFE standards issue.
2. Characterize the political life cycle of this issue.
3. State your organization’s objective with regard to the issue.
4. Articulate your strategy for addressing this issue; i.e., what actions do you plan to take to accomplish your objectives?
5. Present arguments your organization should use in implementing its strategy in the political arena.
6. Anticipate the strategy of the other actors. What do you think they are going to do?
7. Predict what will happen, and explain why.

In class, I will call on one person from a Ford group, one person from a Nissan group, and one person from the environmental group to make a brief presentation of his or her analysis and strategy

for addressing the issue of a major increase in CAFE standards. Slides are not necessary for this presentation but be prepared to distribute your one-page summary memo on the group's analysis.

### Social Science

John W. Kingdon, *Agendas, Alternatives, and Public Policy*, entire except for Chapter 4. One of the best descriptions of Washington policy making, but somewhat downplays the administrative state and misses the effects of the ideological polarization that developed so acutely after the book was written.

### **3. Activists, Media, and Public Opinion (September 23)**

#### Case: East L.A. Prison

Kennedy School Case C14-00-1541.0. “ ‘No Prison in East L.A.!’ Birth of a Grassroots Movement”  
Baron BIE pp. 61-84.

### Assignment

Following the end of the 1986 session of the California State Legislature, the Ford Foundation agrees to pay your salary, to act as a political advisor to the community groups in East Los Angeles. After studying the situation, you have scheduled a meeting with Father John Moretta, Frank Villalobos, Juana Gutierrez and Aurora Castillo.

In your meeting, you will make a 15 minute presentation in which you frame a coherent strategy for the community for 1987. You should address coalition building, media strategy and themes, legislative strategy, organizational maintenance issues for the Mothers, legal strategy (if appropriate), and any other issues you identify as important.

### Social Science Reading

John R. Zaller, *The Nature and Origins of Mass Opinion* (1992), Chapter 3, Chapter 6, Chapter 7 (pp. 40-52, 97-150). [PUS, DES]. A theory of opinion change, at the individual level. You may want to wander around in some of the other chapters, to see how he uses these ideas.

Morris Fiorina *Culture War? The Myth of a Polarized Public* (2005), Chapters 1-3 pp. 1-33 (Chapters 4 and 5 highly recommended). How different are the red and blue states?

### Optional Social Science Reading

Robert S. Erikson, Michael B. MacKuen, and James A. Stimson, “Public Opinion,” in their *The Macro Polity* (2002), pp. 193-236 [ECR]. Explaining opinion change at the macro level.

Steven J. Rosenstone and John Mark Hansen, *Mobilization, Participation, and Democracy in American* (1993). Read with care pages 1-127, read more rapidly pages 128-210, and then with care pages 211-248 [PUS, DES]. Why do people participate in politics?

### Analytic Frameworks

Simulations with the Zaller model. Single vs. conflicting messages. Media analysis.

### **4. Firms, Interest Groups, and NGOs (September 30)**

Case: The Copyright on Mickey Mouse

BIE 128-133, 161-180.

**Assignment**

Half the groups will play the role of Disney; half the groups will play the role of Jamie Love.

In either case, formulate a political strategy in the context of the legislation. How should you implement your strategy? HINT: Which interests are opposed to HR2589 (without the amendment), which interests would support it? How would the interest configuration change if the Sensenbrenner Amendment was adopted? In class, I will call on one Disney group and one Love group.

Social Science Reading

Nolan McCarty, Keith Poole and Howard Rosenthal, *Income Redistribution and the Realignment of American Politics*. (AEI 1997). Entire (61 pages). Wing nuts have taken over American politics.

Morris Fiorina, *Culture War? The Myth of Polarized America*, Chapter 8, pp. 92-113. How could this happen? Informed speculation by one of the nation's shrewdest political scientists, with some tentative suggestions for reform.

Jack Walker, *Mobilizing Interest Groups in America*, Chapter 5 "Origins and Maintenance of Groups" and Chapter 6 "Pathways to Influence in American Politics," pp. 75-121. Who are American interest groups? What are their political tactics? What determines their political tactics?

Stephen Ansolabehere, John M. de Figueiredo, and James M. Snyder, Jr., "Why Is There So Little Money in U.S. Politics?" *Journal of Economics Perspectives* (2003), pp. 105-130 [ECR]. Myths and realities about the role of money in American politics.

Analytical Frameworks

Collective action theory.

The distributive politics worksheet.

Interest group matrix.

Rent chains of firms.

**5. Voters and Elections (October 7)**

NOTE: The work plan for your final case project is due at the beginning of class.

Simulation

Michael Laver, *Playing Politics: The Nightmare Continues*, pp. 73-81. We will first play the basic game, then play using “party fusions” AND “first past the post.” We will then play a similar game using the following rules:

Charles Cameron, “Supplemental Rules for Playing with Ideologically Driven Candidates (the Wittman Model)”

### Other Material

PBS “Vote for Me” video (Part 1): We will schedule a time in the evening to view this prize winning (and very entertaining) documentary (2 hours).

### Social Science

Cameron, “Handout on the Median Voter Theorem”

Morris Fiorina, *Culture War? The Myth of a Polarized America* (2005), Chapter 6 “Have Electoral Cleavages Shifted?” pp. 65-72 and Chapter 7, “Reconciling Micro and Macro,” pp. 77-89.

Brandice Canes-Wrone, David Brady, and John Cogan, “Out of Step, Out of Office: Electoral Accountability and House Members’ Voting,” *American Political Science Review* 96(1): 127-140 (2002). The electoral consequences for House members of polarized policy making.

### Analytic Frameworks

Duverger’s Law

Median voter theorem

Wittman model

## **6. Legislatures 1 (October 14)**

Note: Midterm exam distributed.

### Case: Jubilee Debt Relief

Kennedy School Case C15-01-1613.0, “Debt Relief for Poor Nations: The Battle in Congress”.

Baron 133-149, 220-230.

Optional reading:

Bruce C. Wolpe and Bertram J. Levine, *Lobbying Congress: How the System Works*, pp. 7-68, 89-98. At a minimum, review the aphorisms.

### Assignment

Half the groups will advise Nancy Pelosi, half a (fictitious) evangelical Christian organization with strong links to southern Baptist churches (say, “Christians for the Jubilee.”)

If Pelosi: Word reaches Pelosi that Representative Maxine Waters, an African-American firebrand liberal representing a poor district in California, intends to move an amendment that would restore funds for debt relief by reduce other funds for foreign aid. The targeted funds in the Waters Amendment will come largely from foreign military financing, particularly for Israel and Egypt. Should Pelosi support the Waters Amendment? More broadly, what tactics should Pelosi adopt with respect to action on the floor?

If Christians for the Jubilee: Formulate an inside and outside political strategy for your client. Who, specifically, should the group target and how should they do it? (In this case, it is fine to consult a 2000 edition of the *Almanac of American Politics* or CQ's *Congress and America* and conduct a few internet searches about specific congregations in specific localities.)

#### Other Material

PBS "Vote for Me" video (Part 2): Again, we will schedule a time in the evening to view the last half of the documentary (2 hours).

#### Social science

Keith Krehbiel, *Pivotal Politics: A Theory of U.S. Lawmaking* (1998), xiii-xvi, 3-236 [PUS, DES]. [preface, chapters 1 & 2, pp. 3-50] What are the consequences of separation of powers and divided government? A legislatively oriented view. Read the preface and chapters 1 and 2 with care. Skim the rest of the book, looking for ways to apply the argument to the real world.

Eric Patashnik, "After the Public Interest Prevails: The Political Sustainability of Policy Reform," *Governance: An International Journal of Policy, Administration, and Institutions* (2003), pp. 203-234 [ECR]. Why do some reforms last while others are reversed?

#### Analytic Frameworks

Veto players, pivots, and proposers. Fundamentals of lobbying.

### **7. Legislatures: 2 (October 21)**

Note: Midterm exam due.

#### Simulation

Agenda game. Read Michael Laver, *Playing Politics: The Nightmare Continues* pp. 119-127.

#### Social Science

R. Douglas Arnold, *The Logic of Congressional Action* (1990), pp. 3-193, 265-276 [PUS, DES]. How legislators think about policy. This is the best book on congressional policy making, so make an effort to read as much as possible. Many of the examples and cases are quite vivid.

#### Analytic Framework

Agenda trees.

Chains of traceability.

## 8. Presidential Politics (November 4)

### Case: Bush 41 and Acid Rain

Kennedy School Case C15-99-1514.0, "Cleaning Up the 'Big Dirties': The Problem of Acid Rain"

### Assignment

As Roger Porter, develop a political strategy for the President. What should the president's bill contain? What should be the key elements in the president's legislative strategy? What should the president have the EPA do? What should the President say and do himself?

### Social Science

Charles Cameron and Nolan McCarty, "Models of Vetoes and Veto Bargaining," *Annual Review of Political Science* (2004). Just say no.

Brandice Canes-Wrone, *Who Leads Whom?* Chapters 1-4. Manuscript, WWS. Just say yes.

William Howell, *Power Without Persuasion*. Chapters 1-3 (pp. 1-75). Move first.

Andrew Rudalevige, *Managing The President's Program: Presidential Leadership and Legislative Policy Formulation*. Chapters 1, 2, and 5. At times, do it yourself.

Robert S. Erikson, Michael B. MacKuen, and James A. Stimson, "Presidential Approval," in their *The Macro Polity* (2002), pp. 29-75 [ECR]. Now get your grades.

### Analytic Frameworks

Proposers and pivots applied to president. Zaller model applied to going public.

## 9. Courts 1: Creating Rights (November 11)

Note: Half the groups will do Case 1, half the groups will do Case 2

### Case 1: Legal Strategy of the NAACP Legal Defense Fund

Reading: Jack Greenberg, *Crusaders in Court*,  
 Constance Baker Motley *Equal Justice Under Law*,  
 Mark Tushnet *Legal Strategy of NAACP*

**Assignment**

At specific date, formulate litigation strategy for the NAACP LDF.

Case 2: Creating Prisoner Rights in the First Circuit

Frank Coffin, *The Ways of A Judge: Reflections from the Federal Appellate Bench*, pp. – (the prisoner right's case)

**Assignment**

What should Judge Coffin do and how should he do it? Write a confidential memo to the judge.

Social science readings

Richard Neeley, *How Courts Govern America* (1981). Chapter 1 (pp. 1-22). What do courts really do? An extreme "legal realist" position in pungent language, by the former Chief Justice of a state Supreme Court.

Gerald N. Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (1991). Chapter 1 (pp. 9-36). PLUS one of his examples according to your interest, that, Part 1 (civil rights), Part 2 (abortion), or Part 3 (various). You may read these quite quickly. When are constitutional law cases effective vehicles for social change, and when not?

Cameron handout on the hierarchy of justice.

Optional Reading: Prison book. What happens when courts displace administrative agencies.

Analytic Frameworks

Legal effectiveness analysis. Hierarchy of justice.

**10. Courts 2: Law in the Administrative State (November 18)**

Half the groups will do Case 1, half the groups Case 2.

Case 1: Microsoft Antitrust

Case: The Microsoft Antitrust Case BIE 303-312, BIE 119-124.

Optional Background Reading: BIE 265-291 (on anti-trust)

**Assignment**

Craft an integrated political strategy for Microsoft, including but not limited to a legal strategy.

Case 2: Oversight of the FDA

Coffin, *Ways of a Judge*, the Phen-Thin case.

**Assignment**

What should Judge Coffin do and how should he do it? Write a confidential memo to the judge.

Social Science Readings

Richard Neely, *How Courts Govern America* Chapter 4 (pp. 79-114). Theoretically, a legal realist/public choice take on administrative law, with some regime theory thrown in. But whatever is going on theoretically, its often very acute (and sometimes hilarious).

Martin Shapiro, *Who Guards the Guardians?* Pp. 36-128. A social scientific analysis somewhat along the same lines, but more systematic.

Richard Neely, *How Courts Govern America* Chapter 6 pp. 145-148, bottom of 172-176 and 187-189. Neely's take on courts in separation of powers systems.

William Eskridge and John Ferejohn. "" A social scientific approach to the same questions. Similar to Krehbiel's pivotal politics, but court centered

#### Analytic Frameworks

Pivots and proposers, applied to courts.

Cases

Medicare Catastrophic Coverage (book)

CAFE Standards 1990 (B)

\*East L.A. Prison (Kennedy School Case C14-00-1541.0 “ ‘No Prison in East L.A.!’ Birth of a Grassroots Movement”)

The Copyright on Mickey Mouse (Diermeier)

\*Jubilee Debt Relief (Kennedy School Case C15-01-1613.0, “Debt Relief for Poor Nations: The Battle in Congress”)

\* Bush 41 and Acid Rain (Kennedy School Case C15-99-1514.0, “Cleaning Up the ‘Big Dirties’: The Problem of Acid Rain”)

Legal Strategy of the NAACP Legal Defense Fund (various)

Creating Prisoner Rights in the First Circuit (book)

Judicial Oversight of the Food and Drug Administration (book)

Microsoft Antitrust (B)

(Involving bureaucratic/regulatory politics – issuing stds etc)

(Designing an agency) (book)

\* 3 K-School cases to be ordered

Books for Reserve

\*R. Douglas Arnold, *The Logic of Congressional Action* (1990)

Coffin, *Ways of a Judge*

Robert S. Erikson, Michael B. MacKuen, and James A. Stimson, *The Macro Polity* (2002)

\*Morris Fiorina, *Culture War? The Myth of Polarized America* (2005)

Richard Himelfarb, *Catastrophic Politics: The Rise and Fall of the Medicare Catastrophic Coverage Act of 1988* (1995)

William Howell, *Power Without Persuasion*.

\*John W. Kingdon, *Agendas, Alternatives, and Public Policy* (2003, orig. 1984)

John Kingdon, *Mobilizing Interest Groups in America*

Keith Krehbiel, *Pivotal Politics: A Theory of U.S. Lawmaking* (1998)

Michael Laver *Playing Politics*

David Lewis, selections from book.

Richard Neely, *How Courts Rule America* (1981)

Gerald N. Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (1991)

Martin Shapiro, *Who Guards the Guardians?*

Bruce C. Wolpe and Bertram J. Levine, *Lobbying Congress: How the System Works* (1996)

John R. Zaller, *The Nature and Origins of Mass Opinion* (1992)

\* Recommended to buy.

Articles for Reserve

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