

Syllabus Supplement

9. Implementing Legislative & Electoral Strategies

These two cases involve much of what has come before. One half of the class will prepare the first, one-half the second.

Baron BIE 220-244

Case: Medical Malpractice Reform in Pennsylvania: Doctors vs. Trial Lawyers
Woodrow Wilson School Case, on Blackboard

Assignment

It is March 2002. You are the Director of Governmental Affairs for the Pennsylvania Medical Society. Draft a confidential memo to Roger Mecum (the Executive Vice President of PMS), laying out a political strategy for PMS for the next year.

Case: Securities Litigation Reform in California
Baron BIE 254-260 (the case).

Assignment

You are an attorney in the legal division of Hewlett Packard. Knowing your political skills, John Young, former CEO of Hewlett Packard, has asked that you be detailed as a confidential advisor to TAFL, providing it an independent analysis of the issues. If you are successful in this role, you will gain immense stature with some of the leading CEOs in Silicon Valley. Prepare a confidential memo for Young, Tom Proulx, and Andy Grove, laying out a practical, responsible, and effective strategy for defeating Proposition 211.

10. Presidential Politics

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?

Optional 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, *The President's Program*. 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. Analytics of presidential direct action. Zaller model applied to going public.

11. Agencies and Bureaucratic Politics

Reading

Baron 313-322, 328-336

The following is amusing but ultimately a very easy case. We will discuss in class.

Case 1: Farm Raised Salmon & Environmental Protection in Oregon

"Fish Story" (Lehrer News Hour)

(transcript + streaming video)

http://www.pbs.org/search/redirect/http://www.pbs.org/newshour/bb/environment/july-dec04/fish_08-24.html

Assignment

You are an attorney in the NOAA. You are scheduled for a confidential meeting with Bob Lohn. Lay out several different approaches to take with respect to the regulations, and discuss the political costs and benefits of each. Make a recommendation to Mr. Lohn. [NOTE: Bob Lohn was actually a political appointee. However, assume Lohn is a career civil servant.]

The groups at bat should do one or the other of the following:

Whirlpool and Energy Efficiency Standards

In Baron, read Case (A) (pp. 470-474) for background. Then read Case (B), pp. 337-339.

Assignment

Consider the case (Case B) from the perspective of a Democrat regulator in the DOE. What are your primary concerns? How should you decide among the options?

Optional Social Science

Herbert Kaufman, *The Administrative Life of Federal Bureau Chiefs* (1981) pp. 5-6, 17-90, 92-115, and 161-174. What do those guys do, anyway?

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, it's 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 Framework

Interest group analysis applied to regulatory agencies. Proposers and pivots in Congress, applied to agency oversight.

12. Litigation Politics

Reading: Martha Derthick, *Up in Smoke*, page TBA

Optional: *New York Magazine*, "Can Anything Stop Eliot Spitzer?"

Case: Oxycotin in West Virginia

Woodrow Wilson School Case: Taking on Big Pharma: Oxycotin in West Virginia

Assignment

You are Chief of Staff to the West Virginia Attorney General. Write a confidential memo advising him whether to litigate or to settle, and if the latter, under what terms.

Optional Social Science Readings

None

Analytic Frameworks

Pivots and proposers, applied to courts.