American Democracy and the Policymaking Process  
Prof. Steve Jackson  
Syllabus  
September 3, 2013

This is a course on the policy making processes in the United States Government. It will serve as a window through which to view basic issues in American democracy from macro-explanatory questions (such as, What are the factors which cause issues to arise on the institutional agendas of Congress, executive Agencies, and the Supreme Court?) to micro-normative questions (such as, What ought to be the limits on the behavior and obligations for action of legislators, regulators, lobbyists and other participants in the policy-making process?). Policymaking proceeds through predictable stages starting with agenda-setting, proceeding through legitimation, moving to implementation, entering into evaluation, and culminating in a possible return to agenda-setting.

In general, we will proceed through the stages of the policymaking process, asking three questions at each stage: What happens? Why does it happen? And what should happen? In addressing each of these questions, we will be setting contemporary answers to these questions in historical context, and examining systematic differences across policy types.

In elaborating these questions and searching for answers, we will develop two fundamental themes:  
1) “Where you stand depends on where you sit.” Credited to Robert McNamara who, as Defense Secretary during the Cuban Missile Crisis, sought to make sense of the different views brought to the table by the EXCOM assembled by the President to manage the crisis. In the context of understanding the policy process, there are two dimensions of location whose impact on perspective we will explore. On the one hand, participants in the process in Washington, DC systematically differ in their descriptions, explanations, and normative evaluations from scholars studying the process, and of course, different kinds of participants differ from other kinds (e.g., legislators from lobbyists). On the other hand, scholars from different disciplines also differ systematically in their descriptions and explanations and, usually implicitly, in their normative evaluations (political scientists vs. economists vs legal analysts).  
2) “The devil is in the details.” Originating, perhaps, in Flaubert’s “The good God is in the details.” the Satanic variant suggests the possibility of a fundamental misunderstanding if details are not scrutinized sufficiently. We will examine details in the policy-making process in three ways which will distinguish this course from a typical public policy course. a) First, we will recognize that the final product of the policy-making process is often a written document, whether it is a law, a regulation, an Executive Order, or a decision of the Court. We will take the words in those documents seriously, relating them to the process which produced the document. b) Second, by taking the question of normative evaluations as the third, rather than the first, question, we will find that the normative questions – both systemic and individual – are more complicated than often portrayed. And c) Third, students interning within or near the world of policy will bring their own observations as participants to the discussion, as well. As we probe the details of those views, we will find utility in drawing upon multiple perspectives in understanding the process.
How will we organize and conduct the course?

1) By dividing each class into two segments. In the first segment, we will discuss the main points in the reading, historical context, and current development in politics and policy. In the second segment, we will relate issues from the readings to policy decisions on which students will focus their research for the semester, and/or to their internship experiences.

2) By requiring each student to pick a federal law or regulation or policy decision passed within the last five years (approximately), and, focusing in on particular provisions as the semester progresses, to write a research paper on the policy process which produced that legislation or regulation. The paper will be completed in parts, with writing assignments during the semester which ask the student to apply the facts, ideas, concepts which we are discussing in class to the particular law or regulation. Many of those assignments can be submitted in outline form rather than in essay form, if a student so chooses.

Requirements of the course:
A) completion of all reading assignments prior to the class for which they are assigned;
B) active participation in class discussions and exercises;
C) a final exam on the readings for the course (for undergraduates only);
D) completion of:
   i) a one page writing assignment describing a law or regulation or policy decision on which the student wishes to focus;
   ii) three one-two page outlined writing assignments (agenda-setting, formulation and legitimation), applying the concepts and findings we have discussed in class to their own topic and drawing upon the material in the Peters text and other readings where appropriate (may be completed in essay form, if so desired);
   iii) a partial rough draft of 5-10 pages which begins turning outlines into essay form; and
   iii) a final paper, consisting of a compilation of the four prior writing assignments, elaborated from outline to full essay form, and an additional eight-ten pages of evaluation and assessment of both the policymaking process and the resulting policy decision.

Due dates and points for each component of the course are detailed here:
[Note: O/E refers to Outline/Essay forms for the respective assignments]

<table>
<thead>
<tr>
<th>Points</th>
<th>Session Due</th>
<th>Date Due, 11:59pm</th>
<th>Form</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation (Law/UG)</td>
<td>35/20</td>
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<tr>
<td>Final Exam (Law/UG)</td>
<td>0/15</td>
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<td>Choice of Decision</td>
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<td>3</td>
<td>September 13</td>
<td>Essay</td>
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<td>Agenda Setting (O/E)</td>
<td>5/10</td>
<td>6</td>
<td>October 4</td>
<td>Outline or Essay</td>
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<td>Policy Formulation (O/E)</td>
<td>5/10</td>
<td>9</td>
<td>October 25</td>
<td>Outline or Essay</td>
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<td>Legitimation (O/E)</td>
<td>5/10</td>
<td>12</td>
<td>November 15</td>
<td>Outline or Essay</td>
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<td>14</td>
<td>December 6</td>
<td>Essay</td>
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<tr>
<td>Final Paper</td>
<td>35</td>
<td>14 +</td>
<td>December 16</td>
<td>Essay</td>
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+++Readings providing theoretical, analytical, or empirical research on aspects of the process; read for main arguments and results;

&&& Primary materials from America’s political and/or policy history;

###Debates on major policy issues from Richard Ellis and Michael Nelson, *Debating Reform* (referred to as Ellis and Nelson)

^^^^Illustrative material – histories or cases: read for main line of story and/or argument and for consistency or inconsistency with expectations based on prior knowledge and scholarly research.

Session 1: The Puzzling Path from Issue to Law: Health Care Reform as Illustration


Session 2: Values, Historical Lessons and the Creation of the American System

&&&Letter from Thomas Jefferson to George Washington on the Unconstitutionality of a National Bank, HIGHLIGHTED PORTIONS

&&&Letter from Alexander Hamilton to George Washington on the Constitutionality of a National Bank, HIGHLIGHTED PORTIONS

&&&James Madison, *The Federalist Papers*, #51

&&&Alexis de Tocqueville, *Democracy in America*, Chapter XIV: What The Real Advantages Are Which American Society Derives From The Government Of The Democracy, HIGHLIGHTED PORTIONS

Session 3: Systemic Agenda Setting and Issue Types

***Peters, Chapter 1-4, pp. 3 – 93.


Session 4: Institutional Agenda-Setting


###Ellis & Nelson, Chapter 1 (Amending the Constitution)

Session 5: Federalism and Policy Formulation

+++Pietro S. Nivola, “ReBalancing American Federalism.” from the Brookings Institution Metropolitan Policy Program


###Ellis & Nelson, Chapter 2 (State Drinking Age)
Session 6: Institutions in the Policy Process
***Peters, Chapters 5 - 6, pp. 95 – 145.
***Mr. Smith Goes to Washington (1939) [Watch in Class]
###Ellis & Nelson, Chapter 12 (Filibuster)

Session 7: Congress: Committees, Voting, and Representation
PLUS
OR

Session 8: Rules, Norms, and Precedents; and Budget Politics
***Peters, Chapter 7, pp. 147 – 187.
###Ellis & Nelson, Chapter 13 (Line Item Veto)

Session 9: Lobbying, Media and Public Opinion
###Ellis & Nelson, Chapter 8 (No cup of coffee rule)
###Ellis & Nelson, Chapter 3 (National Initiative and Referendum)

Session 10: The Supreme Court
###Ellis & Nelson, Chapter 15 (Term Limits for Justices)
Session 11: The Bureaucracy, Regulation and Implementation
&&&Rulemaking Process from Federal Register
###Ellis & Nelson, Chapter 13 (Line Item Veto)

Session 12: Presidential Decision Making, Foreign Policy and National Security Processes

Session 13: Evaluation of Process and Product
***Peters, Chapters 8 and 17, pp. 189 – 209, 467 - 497.

Session 14: Constraints on and Obligations of Participants