

## Syllabus

### SPP 510: Section 002

#### **The Politics of Public Policy** **Tuesdays and Thursdays, 2:30-4:00 pm**

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#### **Fall 2014**

This course is about the use of policy analysis within the political system. As future policy analysts, administrators, and advocates, you will need to understand what motivates and constrains your fellow actors in the political system. You will also need to approach your own role in the system critically and reflectively, so that you are aware of the usefulness and the limitations of the questions that you have been trained to ask.

What happens after a law is passed? Politics does not end, and many steps must happen for policy to follow. This section of 510 follows the policymaking process after legislators claim credit and the TV cameras shut down: the work of trying to implement and interpret the law. In the United States, the executive branch guides this process through rulemaking, and the judicial branch oversees it. But neither of these two branches of government operates in isolation from each other, from Congress, or most importantly, from the democratic process. This extent to which bureaucracy and the courts are insulated or open to public influence, and the channels through which that influence occurs, explain a large part of what happens “on the ground” in the United States. It also serves as a key point of contrast in understanding how policymaking in other countries compares to the United States.

#### **Class Participation**

Both the Ford School and I are committed to ensuring your full participation in class. Please let me know how accommodations in the classroom and the teaching environment can make it possible for you and your classmates to learn as much and as well as you can, to challenge yourselves to acquire new skills and hone talents you already have, and to help and support each other. You will see that I require accommodations in order to teach, and I encourage you to be open with Lily and me, or with Student Services ([ljprice@umich.edu](mailto:ljprice@umich.edu)) and the Associate Dean, Alan Deardorff, ([alandear@umich.edu](mailto:alandear@umich.edu)) about your needs and your suggestions.

#### **Plagiarism**

Copying and pasting is so quick, and web sources are so numerous, that it is easy to get lazy about citing sources and even about putting ideas into your own words. It is even easier to justify copying and pasting when you are writing from the point of view of a real person/organization: why not use their press releases, their speeches, or their Congressional testimony instead of your own words? Answer: Because doing so does not help you to learn to do their jobs – and it is **CHEATING**. **Be sure to cite any sources you use, especially for the roundtable memos. Copying or cutting and pasting from web sites or published sources is never acceptable. Put ideas in your own words.** The syllabus shows the preferred citation format, but the basic rule is simple: citations help your reader, and you, locate the source. As long as you provide that information, the exact format is secondary.

### Grading

|  |      |
|--|------|
| Short papers: (3 papers, each 10%)*                                | 20%  |
| * I will drop the lowest short paper grade at the end of the term. |      |
| Roundtable powerpoint:   | 10%  |
| Roundtable speech and self-critique:                               | 10%  |
| Roundtable framing memo:   | 15%  |
| Roundtable strategy memo:  | 15%  |
| Peer speech critiques: (5 critiques, graded as a group)            | 10%  |
| Class participation:   | 20%  |
| Total  | 100% |

### Class Schedule and Assignments

All readings are posted at the class CTools website, <http://ctools.umich.edu>

**Tues., 9/2      What is the purpose of politics? Of policy? Of political institutions?**

**Thurs., 9/4      The aftermath of the shooting death of Michael Brown: Ferguson, MO**

“Interactive Timeline: Tracking the Events in the Wake of Michael Brown’s Shooting.” *New York Times*. August 25, 2014.  
[http://www.nytimes.com/interactive/2014/08/12/us/13police-shooting-of-black-teenager-michael-brown.html?\\_r=0](http://www.nytimes.com/interactive/2014/08/12/us/13police-shooting-of-black-teenager-michael-brown.html?_r=0)

Manuel Roig-Franzia, DeNeen L. Brown, and Wesley Lowry. 2014. “In Ferguson, Three Minutes – And Two Lives Forever Changed.” *Washington Post*. August 16. (.pdf)

Emily Wax-Thibodeaux and DeNeen L. Brown. 2014. “Ferguson Protestors: The Peaceful, the Elders, the Looters, and the ‘Militants’.” *Washington Post*. August 18. (.pdf)

DeNeen L. Brown. 2014. "In Ferguson Young Demonstrators Are Finding It's Not Their Grandparents' Protest." *Washington Post*. August 21. (.pdf)

**Understanding Plagiarism: John Walsh, United States Army War College, 2007**

Jonathan Martin. 2014. "How Sen. John Walsh Plagiarized a Final Paper." *New York Times*. July 23. [http://www.nytimes.com/interactive/2014/07/23/us/politics/john-walsh-final-paper-plagiarism.html?\\_r=0](http://www.nytimes.com/interactive/2014/07/23/us/politics/john-walsh-final-paper-plagiarism.html?_r=0)

**Tues., 9/9      The probable outcome(s) of protest politics**

Recommended: The following summary of news stories can get you started on some of the many, many policy "takes" there are on Ferguson:

Puneet Kollipara. 2014. "Wonkbook: What You Need To Know About the Chaos Last Night in Ferguson." *Washington Post*. August 14.  
<http://www.washingtonpost.com/blogs/wonkblog/wp/2014/08/14/wonkbook-what-you-need-to-know-about-the-chaos-last-night-in-ferguson/>

Puneet Kollipara. 2014. "Wonkbook: The Social and Economic Story Behind the Unrest in Ferguson." *Washington Post*. August 18.  
<http://www.washingtonpost.com/blogs/wonkblog/wp/2014/08/18/wonkbook-the-social-and-economic-story-behind-the-unrest-in-ferguson/>

**Short Paper #1**

**Due Tuesday, 9/9, 1 pm on CTools**

**You may not consult Ann, Lily, or the writing tutors (David, Alex, or Beth) on this (and only this) paper.**

Which policy solution, if any, is *most likely* to gain significant political momentum from the political activity following Michael Brown's shooting death in Ferguson, MO last month? Your paper should (1) identify a specific problem/solution pairing that has come to light in the aftermath of Brown's death; and (2) use evidence to explain how specific aspects of the political organizing and/or reaction in Ferguson *are particularly suited* to advancing the policy solution you've identified. The paper should also consider a counterargument: at least one weakness of your prediction, balanced by why, on balance, you believe the argument you're making.

Some common missteps to avoid:

- A policy solution is a general solution to a general problem. So in this case, any legal action convicting or clearing Officer Darren Wilson of culpability in Michael Brown's death would not be a policy solution, although it is certainly one appropriate response to what has happened.
- The paper is not an argument for the appropriateness or inappropriateness of a specific policy solution, or the presence or absence of a particular problem. In other words, your job is not to convince the reader that police brutality is rampant or that African-Americans should register to vote. It is to explain

why some (or no) aspect of the reaction to the events in Ferguson (not the events themselves) will have a lasting impact.

- This is an argument about *likelihood*. There are many possible answers, and no right answer. For evidence, use history or logic to explain why one type of action will happen (for instance, because it's happened before under the same type of circumstances, because some group has an interest in seeing it through, because it's now possible to build a coalition with similarly minded groups, etc.)
- Don't worry about searching the Internet for a quote that will tell you that "Some One believes that this time 'people will see that they must do' something or the other. The authority and persuasiveness of the paper will rest on your arguments, not on the rhetoric or reputation of the quotes you can find. Instead, think about what you believe is required for political action to be successful, and/or for policy solutions to be accepted, and apply that logic to the Ferguson case.

Length: 300-500 words, double-spaced, in Word (not .pdf).

E-title: Paper1.Lastname.docx

INCLUDE a bibliography of ALL sources consulted, and use in-text citations for anything that you specifically paraphrase or quote. Also, please put your name on your paper. (Your name and bibliography are not included in the word count).

#### **Thurs., 9/11 The public policy agenda: why solutions precede problems**

John Kingdon, 1995. "Problems" (Ch. 5) and "The Policy Primeval Soup" (Ch. 6) in *Agendas, Alternatives, and Public Policies*, 2nd Ed. New York: HarperCollins College Publishers. (.pdf)

#### **Tues., 9/16 Recasting the policy agenda: sugar, high fructose corn syrup, and health**

Frank Baumgartner and Bryan D. Jones, 1991. "Agenda Dynamics and Policy Subsystems," *Journal of Politics* 53:1044-74. November.

Jonathan Foley, 2013. "It's Time to Rethink America's Corn System." *Scientific American*. March 5. <http://www.scientificamerican.com/article/time-to-rethink-corn/>

Michael Pollan. 2002. "When a Crop Becomes King," *New York Times*. July 19. Accessed at MichaelPollan.com, <http://michaelpollan.com/articles-archive/when-a-crop-becomes-king/>

Candace Choi, 2012. "FDA Rejects New Name for High Fructose Corn Syrup," *Associated Press*. May 30. Accessed via USAToday.com. (.pdf)

Eric Lipton, 2014. "Rival Industries Sweet Talk the Public," *New York Times*. February 11. (.pdf).

Joshua Zambrun, 2008. "Sugar's Sweet Deal," *Forbes*. June 30. [http://www.forbes.com/2008/06/27/florida-sugar-crist-biz-beltway-cx\\_jz\\_0630sugar.html](http://www.forbes.com/2008/06/27/florida-sugar-crist-biz-beltway-cx_jz_0630sugar.html)

#### **Thurs., 9/18 The roundtable: Preparing your framing and strategy memos**

**Tues., 9/23      The executive branch and the rulemaking process**

Federal Reserve Bank of St. Louis, "How A Rule Is Made."

<http://www.stlouisfed.org/regreformrules/resources.aspx>

Cornelius Kerwin, "The Core Elements of Rulemaking: Information, Participation, Accountability." *Rulemaking: How Government Agencies Write Law and Make Policy*, 3<sup>rd</sup>. Edition (Washington D.C.: CQ Press 2003), p. 52-71. (.pdf)

Eric Lipton, 2014. "A War Over Sweetener Market Share." *New York Times*. February 11. Read the first document, "Achievements for Discussion During Executive Session," from The Sugar Association, April 9, 2004.

<http://www.nytimes.com/interactive/2014/02/12/business/sugardoc.html?action=click&contentCollection=Business%20Day&module=RelatedCoverage&region=Marginalia&pgtype=article>

**Thurs, 9/25 - What does participation contribute to rulemaking?**

Examine the dockets at [www.regulations.gov](http://www.regulations.gov) for the following two issues:

U.S. Department of Labor, Wage and Hour Division, "Family and Medical Leave Act," ID: WHD-2014-0002-0001. (RIN:1235-AA09)

U.S. Department of Labor, Wage and Hour Division, "Establishing a Minimum Wage for Contractors," ID: WHD-2014-0001-0001. (RIN:1235-AA10)

Be sure to scan both NPRMs and a selection of the comments in each docket.

**Tues., 9/30      Rulemaking as politics**

Final Rule: Animal Welfare - Retail Pet Stores and Licensing Exemption

<https://federalregister.gov/a/2013-22616>

**Short Paper #2**

**Due Tuesday, 9/30, 1 pm on CTools**

You work for one of the (fictional) associations/lawmakers below. Late in the week, your boss, the political director, comes to you with a request. She has been asked to sign on to a coalition supporting a lawsuit against 78 FR 57227, a new rule requiring many Internet pet dealers to obtain a federal license and undergo periodic federal inspections. The lawsuit seeks an injunction preventing the rule from going into effect until further litigation is possible. Your boss asks you to do some quick research into the issue and get her an opinion on the injunction by the beginning of next week.

Your memo should (1) take a stand on whether or not she should join this lawsuit; and (2) use evidence to explain how the rule, or the political process that created it, will affect your organization/lawmaker. The paper should also consider a counterargument: at least one reason why your organization should

not do what you suggest, balanced by why, on balance, you believe the argument you're making.

You can choose from among the following organizations:

- (1) National Association of Self-Employed Women – This membership organization represents the growing community of women who run home-based businesses, supporting themselves, their families, and their communities with their energies and talents. Its mission is to provide a political voice to small businesswomen who are overlooked by both special interest groups and government.
- (2) Animal Heroes – Animal Heroes supports service animals, their trainers, and all those they help to live happy, fulfilling, and productive lives. We leverage our large, multi-state network of volunteers, private and non-profit supporters, and tireless experts to train, place, or rehome the right animal with the right human family. Our reputation is supported by hospitals, schools, and churches as well as by decades of successful matches.
- (3) Rep. Kay Neinne (R-MI) – Rep. Neinne was elected as a first-term Representative in a reliably Republican, rural mid-Michigan district in 2012. She believes in minimal government regulation and is known for supporting farmers and buyers of raw milk against federal and state regulatory interference. She is also a veterinarian, one of three in the U.S. House of Representatives.

Some common missteps to avoid:

- This is an impossible paper to write. First, it's set up so that you don't have enough time to do a thorough job. You have no way of knowing how many Internet pet dealers you have in your FICTIONAL organization/district, whether they would be subject to regulation under this rule, and/or whether they would object to that regulation. You can skim the comments, the studies, and the text of the proposed and final rules, but there's no way you can read the entire docket: there were 15,000+ comments submitted to [www.regulations.gov](http://www.regulations.gov) alone! Second, you have incomplete information about your own organization's/ lawmaker's goals. You know the basics, but you're not privy to high-level strategy meetings or future planning, so you have to go with the most logical guess. However – these two conditions are usually found in real life. So do the best job you can, not the best job possible.
- This is not a paper about whether Internet pet dealers should be regulated or whether “puppy mills” are really a problem. It's also not a paper about whether 78 FR 57227 is a good rule.
- Instead, this is a paper about the political process of rulemaking – in this case, why players with an ancillary interest in an issue might get involved in rulemaking. *For you, the eventual success or failure of this rule is not as important as involvement in the process.* Your job is to calculate the potential benefit(s) to your boss of taking a stand on this issue, versus the potential harm that might come from your activity. (This is a low-salience issue, so assume there is no harm, and no benefit, from not participating in the lawsuit. In other words, no one will notice if your boss decides not to act; they will only notice if she does.)

- Any benefit or harm from joining the coalition should be linked to your boss' specific goals for the organization/representative. These goals are not just the organization's general mission; they are strategic objectives for its growth or advocacy that can be advanced, or weakened, by joining the coalition. For instance, don't just argue that joining the coalition will hurt Rep. Neinne's support in her district: explain who won't vote/contribute if she joins this coalition, why they supported her in the past, and why they are likely to support an opponent (or stay home) in the future. Similarly, don't just say that Animal Heroes will gain new supporters who will help it win its political battles in the future. Explain who those supporters are, why they are new (why they didn't support Animal Heroes in the past), and why their support is valuable for the specific kinds of political battles Animal Heroes is likely to face.

Length: 300-500 words, double-spaced, in Word (not .pdf).

E-title: Paper2.Lastname.docx

INCLUDE a bibliography of ALL sources consulted, and use in-text citations for anything that you specifically paraphrase or quote. Also, please put your name on your paper. (Your name and bibliography are not included in the word count).

#### **Thurs., 10/2 Shaping the rulemaking agenda**

Lisa Miller, 2004. "Rethinking Bureaucrats in the Policy Process: Criminal Justice Agents and the National Crime Agenda," *Policy Studies Journal* 32(4): 569-589. (.pdf)

Scott Furlong and Cornelius Kerwin, 2005. "Interest Group Participation in Rulemaking: A Decade of Change." *Journal of Public Administration Research and Theory* 15(3):353-370. (.pdf)

Susan Webb Yackee, 2012. "The Politics of *Ex Parte* Lobbying: Pre-Proposal Agenda Building and Blocking during Agency Rulemaking." *Journal of Public Administration Research and Theory* 22(2):373-393. (.pdf)

#### **Tues., 10/7 Statutory interpretation: Executive accountability to Congress**

Donald F. Kettl and James W. Fessler, "Legislative Control of Administration," in *The Politics of the Administrative Process, 3<sup>rd</sup> Edition* (Washington, DC: CQ Press 2005), p. 367-390. (.pdf)

Michael F. Cannon and Jonathan H. Adler, 2011. "Another ObamaCare Glitch." *Wall Street Journal*, November 16. Accessed at Cato Institute, <http://www.cato.org/publications/commentary/another-obamacare-glitch>

Timothy Jost, 2012. "Tax Credits in Federally Facilitated Exchanges are Consistent with the Affordable Care Act's Language and History." *Health Affairs*. July 18. <http://healthaffairs.org/blog/2012/07/18/tax-credits-in-federally-facilitated-exchanges-are-consistent-with-the-affordable-care-acts-language-and-history/>

Excerpts from "Internal Revenue Service, 26 CFR Part 1, Docket IRS 2011-0024-0205, RIN 1545-BJ82, Health Insurance Premium Tax Credit" (Notice of Proposed Rulemaking (8/17/2011) and Final Rule (5/23/2012)). (.docx)

Larry Margasak, "Republicans Grill IRS Commissioner on Health Care," *Associated Press*, August 2, 2012. Accessed at Yahoo! News, <http://news.yahoo.com/republicans-grill-irs-commissioner-health-care-193257220.html>

**Thurs., 10/9 How to read a court case: Federal exchanges and the individual subsidy**

*Halbig v. Burwell*, No. 14-5018. U.S. District Court of Appeals for the District of Columbia Circuit, Decided July 22, 2014. (annotated version) (.pdf)

*King v. Burwell*, No. 14-11588. U.S. District Court of Appeals for the Fourth Circuit, Decided July 22, 2014. (annotated version) (.pdf)

**Tues., 10/14 Fall Break - No Class**

**Thurs., 10/16 Chevron and the role of agency interpretation**

Kerwin, "Accountability to the Courts," *Rulemaking*, p. 238-254. (.pdf)

E. Donald Elliott, 2005. "Chevron Matters: How the *Chevron* Doctrine Redefined the Roles of Congress, Courts, and Agencies in Environmental Law." *Villanova Environmental Law Journal* 16(1):1-18. (.pdf)

Jeremy P. Jacobs. 2014. "Air Pollution: EPA Wins Big As Supreme Court Upholds Cross-State Rule." *Greenwire*. April 29. (.pdf)

Linda D. Jellum, 2011. "The United States Court of Appeals for Veterans Claims: Has It Mastered *Chevron's* Step Zero?" *Veterans Law Journal* 3(2):67-134. (.pdf) **Read p. 67-104.**

**Fri., 10/17 Roundtable Framing Memo due at 5 pm on CTools**

**Tues., 10/21 "Standing": Who gets to go to court?**

Lyle Denniston, "Analysis: Prop 8 Case, Less Than Expected?" SCOTUSBlog, August 12, 2010. <http://www.scotusblog.com/2010/08/analysis-prop-8-case-less-than-anticipated/>

Lisa Keen, "California Court Says Prop 8 Proponents Have Standing in Federal Court." *Keen News Service*, November 17, 2011. <http://www.keenewsservice.com/2011/11/17/california-court-says-prop-8-proponents-have-standing-in-fed-court/>

Adam Liptak, "Spying Program May Be Tested by Terror Case." *New York Times*, August 26, 2007. (.pdf)

David Kravets, 2012. "Appeals Court OKs Warrantless Wiretapping." *Wired*, August 7. <http://www.wired.com/threatlevel/2012/08/appeals-court-oks-wiretapping/>

Lyle Denniston, 2012. "Argument preview: Can global wiretaps be challenged?", SCOTUSblog.com, October 26. <http://www.scotusblog.com/2012/10/argument-preview-can-global-wiretaps-be-challenged/>

Lyle Denniston, 2013. "Opinion recap: Global wiretap challenge thwarted," SCOTUSblog.com, February 26. <http://www.scotusblog.com/2013/02/opinion-recap-global-wiretap-challenge-thwarted/>

#### **Thurs., 10/23 The "new public law": States' attorneys general and amici advocacy**

Colin Provost, 2010. "An Integrated Model of U.S. State Attorney General Behavior in Multi-State Litigation." *State Politics and Policy Quarterly* 10(1): 1-24 (Spring). (.pdf)

Joan Bikuspic, 2012. "Analysis: State Attorneys General: New Republican Power." *Reuters*. April 24. <http://www.reuters.com/article/2012/04/24/us-usa-immigration-attorneys-idUSBRE83N05N20120424>

Understanding the Amici in Proposition 8:

City and County of San Francisco, Office of the City Attorney, "Prop 8 Amicus Briefs" (This list includes only the amici briefs opposing Proposition 8)

<http://www.sfcityattorney.org/index.aspx?page=501>

SCOTUSBlog.com, *Hollingsworth v. Perry* Case Page. Scroll down for a list of all amici briefs filed (highlighted in tan, light green, and dark green).

<http://www.scotusblog.com/case-files/cases/hollingsworth-v-perry/>

#### **Tues., 10/28 The Role of Presidential Discretion**

Constitution of the United States (focus on Article I: Sec. 1, 8-10; Article II, all)

[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

The Emancipation Proclamation of the United States, January 1, 1863.

[http://www.archives.gov/exhibits/featured\\_documents/emancipation\\_proclamation/transcript.html](http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/transcript.html)

Executive Order 9981, "Establishing the President's Committee on Equality of Treatment and Opportunity in the Armed Forces." July 26, 1948.

<http://www.trumanlibrary.org/9981a.htm>

"Desegregation of the Armed Forces: Chronology," Harry S. Truman Library and Museum.

[http://www.trumanlibrary.org/whistlestop/study\\_collections/desegregation/large/index.php?action=chronology](http://www.trumanlibrary.org/whistlestop/study_collections/desegregation/large/index.php?action=chronology)

U.S. Citizenship and Immigration Services, "(Redacted Public Version: Adjudicator's Field Manual, Ch.38.2: Deferred Enforced Departure."

<http://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-16606/0-0-0-16764.html>

Janet Napolitano, "Memo: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children." Department of Homeland Security, June 15, 2012. (.pdf)

**Thurs., 10/30 What are the limits of presidential discretion?**

Mark Krikorian, "What Next on Immigration?" *National Review Online*, June 21, 2012.  
<http://www.nationalreview.com/articles/303548/what-next-immigration-mark-krikorian>

NumbersUSA, "ICE Agents v. Napolitano: Read the Complaint." October 12, 2012. Read Sections 1-6, 8-10, 28-34, 37-59, 67-78, 83-87, 93-102, 111-115.  
<https://www.numbersusa.com/content/news/august-23-2012/ice-agents-v-napolitano-read-complaint.html>

Order, *Crane et al v. Napolitano*, in the Federal District Court, Northern District of Texas, Dallas Division, Civil Action No. 3:12-cv-03247-O. July 31, 2013. (.pdf)

Alex Nowrasteh, 2014. "The Executive Action Obama Should Take on Immigration." *The Hill*. August 29. <http://thehill.com/blogs/pundits-blog/immigration/216207-the-executive-action-obama-should-take-on-immigration>

**Tues., 11/4 How can the federal government "provide for the general welfare?"**

Read Article I, Sec. 8 of the Constitution;  
[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)  
the short explanation at [http://www.archives.gov/exhibits/charters/bill\\_of\\_rights.html](http://www.archives.gov/exhibits/charters/bill_of_rights.html)  
the Preamble to the Bill of Rights, and Amendment X  
[http://www.archives.gov/exhibits/charters/bill\\_of\\_rights\\_transcript.html](http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html)  
and Amendment XIV, Section 1.  
[http://www.archives.gov/exhibits/charters/constitution\\_amendments\\_11-27.html](http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html)

"Jim Crow Stories: The Civil Rights Act of 1875"  
[http://www.pbs.org/wnet/jimcrow/stories\\_events\\_civil.html](http://www.pbs.org/wnet/jimcrow/stories_events_civil.html)

Geoffrey Stone, Louis Seidman, Cass Sunstein, and Mark Tushnet, *Constitutional Law, 2nd Edition*. Boston: Little, Brown, and Co., 1991. Casebook excerpts: The Civil Rights Cases 109 US 3 (1883), p. 1595-1597.

Larry DeWitt. 1999. "The 1937 Supreme Court Rulings on the Social Security Act."  
<http://www.ssa.gov/history/court.html>

*National Federation of Independent Businesses v. Sebelius* 567 US \_\_ (2012) (annotated version) (.pdf)

**Thurs., 11/6 Roundtable #1**

**Tues., 11/11 Roundtable #2**

**Thurs., 11/13 Roundtable #3**

**Tues., 11/18 Roundtable #4**

**Thurs., 11/20 Roundtable #5**

**Tues., 11/25 Roundtable #6**

**Wed., 11/25 Strategy Short Paper Due**

### **Short Paper #3**

**\*\* NOTE: UNUSUAL DATE, TIME AND WORD COUNT! \*\***  
**Due Wednesday, 11/25, 5 pm on CTools**

Your boss is soliciting ideas for a political strategy to accomplish your organization's goals on (your roundtable topic.) He's asked everyone on his team to write him a short memo with the following sections:

1) Goal: One sentence that includes the organizational goal, the preferred policy solution, and the link between them. (Ex: Goal: To lead the nation's feminist groups in creating new legal rationales and coalition partners for women and their reproductive rights.)

Follow this one-sentence introduction with a paragraph justifying the choice and timing of your goal.

2) Strategy: One sentence that sums up the different parts of your political strategy. (Ex: Strategy: We should draft alternate language for the proposed rule, circulate it to other environmental groups for input, and then approach Fortune 500 companies with past histories of Clean Water Act compliance for support of our new rule.)

Follow this one-sentence introduction with one or more paragraph(s) explaining each part of the strategy and how the different parts reinforce each other.

3) Limitations: One or more paragraphs explaining the weaknesses of your strategy. These can be known obstacles or opponents, potential problems with timing (Must the parts of the strategy be pursued sequentially? Will the failure of one part doom the rest?), or the probability of failure.

4) Alternative strategy: One or more paragraphs explaining a different approach to achieving your goal. This should not be a minor change to your recommended strategy, such as approaching Organization A v. B when both groups are very similar. But it should also be a realistic strategy.

5) Recommendation: Despite the limitations and alternative you've discussed, explain why the strategy you've selected best fits the goal you've laid out.

Some common missteps to avoid:

- Your boss is familiar with the background of the issue and of the organization. Don't waste time recapping. Only mention facts when they are evidence for an argument you are making.
- Avoid "do everything" or "by any means necessary" strategies. Resources are always limited. Your recommendations need to be efficient as well as creative.

- If your boss likes your ideas, you will be asked to write a longer memo fleshing them out. So you don't have to get everything into this memo. All you have to do here is figure out the basics of your strategy.

Length: 500-750 words, double-spaced, in Word (not .pdf).

E-title: Paper3.Lastname.docx

INCLUDE a bibliography of ALL sources consulted, and use in-text citations for anything that you specifically paraphrase or quote. Also, please put your name on your paper. (Your name and bibliography are not included in the word count).

**Thurs., 11/27: Happy Thanksgiving - No Class**

**Tues., 12/2 Litigating on social issues through the Commerce Clause**

Geoffrey Stone, Louis Seidman, Cass Sunstein, and Mark Tushnet, *Constitutional Law, 2nd Edition*. Boston: Little, Brown, and Co., 1991. Casebook excerpts: *Heart of Atlanta Motel v. United States* 379 US 241 (1964) and *Katzenbach v. McClung* 379 US 294 (1964), p. 200-208.

*United States v. Lopez* 514 US 549 (1995) (annotated version) (.pdf)

*Gonzales v. Raich* 545 US 1 (2005) Read the opinion by Justice Stevens and the dissent by Justice O'Connor. <http://www.law.cornell.edu/supct/html/03-1454.ZO.html>

**Thurs., 12/4 When are incentives really sanctions?: “Encouraging” states to act**

*South Dakota v. Dole*, 483 U.S. 203 (1987). Read the opinion by Chief Justice Rehnquist and both dissents. <http://laws.findlaw.com/us/483/203.html>

Paul I. Posner, *The Politics of Unfunded Mandates: Whither Federalism?*. (Washington D.C.: Georgetown University Press 1998), p. 1-14, 78-90. (.pdf)

Lilliard E. Richardson Jr. and David J. Houston. 2009. “Federalism and Safety on America’s Highways.” *Publius* 39(1):117-137. (.pdf)

**Tues., 12/9 Limiting federal power: Medicaid expansion in the ACA**

*National Federation of Independent Businesses v. Sebelius* 567 US \_\_ (2012) (annotated version) (.pdf)

John Dinan. 2014. “Implementing Health Reform: Intergovernmental Bargaining and the Affordable Care Act.” *Publius* 44(3):399-425.

**Sat., 12/13 Roundtable Strategy Memo due on CTools at 5 pm**