

PS 1281: Capstone Seminar in American Politics: Inter-branch Policymaking
Spring 2016, Thursdays, 10:00am – 12:30pm, 4430 Posvar Hall

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Office Hours:

Tuesdays, 10:30am – noon and Fridays, 2:30pm – 4pm or by appointment

Course Description:

The separation-of-powers system defined with our Constitution was originally designed by the Founding Fathers to prevent the augmentation of power by one single entity by allowing for three branches of government to check the actions of one another. However, such a system of checks and balances has profound consequences on the productivity of our government. American politics over the past few decades has been characterized by increased polarization and gridlock within and between these branches of government. Consequently, this has made it more difficult for government to get things done.

This course examines the ways in which government institutions bargain with each other to pass policies amidst inter-branch conflict by specifically exploring how the three branches of government must depend upon one another in order to be effective. We consider how each branch of government can block the policies of the others and how these branches can anticipate such actions in order to bypass these institutional constraints. This has implications for understanding when, how, and why policy is changed.

Students will be required to complete weekly readings relating to inter-branch policymaking in political science and to be prepared to discuss them in detail for every class. Additionally, this is a writing-intensive course, aimed at improving students' writing skills over the course of the semester. As such, students will be required to complete several short writing assignments throughout the term, in addition to a longer analytical paper due at the culmination of this course.

Required Books:

Mayhew, David. 1991. *Divided We Govern*. New Haven: Yale University Press.
Cameron, Charles. 2000. *Veto Bargaining*. Cambridge: Cambridge University Press.
Howell, William. 2003. *Power without Persuasion*. Princeton: Princeton University Press.
Lewis, David. 2003. *Presidents and the Politics of Agency Design*. Palo Alto: Stanford University Press.
Bailey, Michael A. and Forrest Maltzman. 2011. *The Constrained Court*. Princeton: Princeton University Press.

Recommended Readings (Optional):

Baglione, Lisa A. 2016. *Writing a Research Paper in Political Science*. Thousand Oaks, CA: CQ Press.

Grades:

Class Participation: 20%

Critical Response Papers: 20%

Application Papers: 20%

Final Policy Analysis Paper: 30%

Final Presentation: 10%

Class Participation

This is a seminar style course, meaning that each class is structured around in-depth discussions on the assigned readings. Every week, students are expected to complete the readings and be prepared to summarize the arguments, discuss the research approach, while providing the merits and shortcomings of the works. I will facilitate each class by asking questions, but I expect students to be able to carry on the discussion by engaging with me and their peers through responses, questions, and comments. Students will be evaluated weekly by the quality of their contribution to each class discussion. Participation is mandatory.

Critical Response Papers

Students are required to write 2 critical response papers to any 2 articles in any week of their choosing. Students are permitted to write only of these response papers in any given week and thus cannot choose multiple articles in one week. Additionally, students can only choose to write response papers on articles, not on books or book chapters. These response papers should be aimed at both summarizing and critiquing the reading.

In particular, the papers should answer the following questions: What is the main research question that the author is trying to answer? In what ways does the author go about answering this question (what methods are employed)? What are the author's main theoretical arguments and empirical findings? What are the strengths and weakness of this study? How does it relate to at least one other reading from this course? If you were to do this study again, what ways would you change it and why?

Students should also structure their papers around a set of their own arguments, beyond just summarizing the article. Further, papers should not merely answer this questions point by point, but develop coherent arguments centered on a thesis. These response papers should be 4 – 5 pages, double spaced, 12 pt. font and are due at the beginning of class.

Application Papers

Every few weeks, students should complete short writing assignments designed to give a practical application of the theories discussed that week in class to actual politics. Students are required to discuss at least one of the readings from the week in their application paper. These papers should be 2-3 pages, double spaced, 12 pt. font. Due dates are given below and descriptions are given later in the syllabus. Applications papers are due at the beginning of the designated classes. Students can write a response paper in the same week as an application paper.

- I. "Significant" Legislation (due week 3, January 21st)
- II. Unilateral Powers (due week 7, February 18th)
- III. Appointments (due week 11, March 17th)
- IV. The Supreme Court (due week 13, March 31st)

Final Policy Analysis Paper

Each student is required to analyze a recent federal policy change (since 2012) in a final paper. This change could include a law passed by Congress, a unilateral action by the president, a regulation implemented by an executive branch agency, or Supreme Court ruling. Interesting papers could more generally examine a policy area and analyze multiple ways it changed.

In particular, this paper should focus on the role of multiple branches of government in contributing to this policy change. Even though the policy change could have occurred through one branch of the government, consider how the other branches influenced the outcome. How did the branches of the government facilitate this change? How did they shape the policy? How did they block the policy? Overall, how did the relationship between the different branches of government influence this policy change?

Students should draw upon the theories discussed in class to describe how they explain (or do not explain) this policy change. Additionally, I expect students to use at least 2 other political science papers not mentioned on the syllabus when discussing the related literature that can explain this recent change. Searching the library database is one way to find these articles.

These papers should be 10 – 12 pages, double-spaced, 12 point font. Students are required to discuss their topics with me and obtain approval by **Tuesday, March 1st**. Students should submit a rough draft of the paper by **Thursday, April 14th**. I will read rough drafts and give feedback to students by the end of the week. Final drafts are due **Wednesday, April 27th**.

Final Presentation

Each student is required to give an oral presentation summarizing their final paper for the rest of the class. Students will be randomly assigned presentation times to be scheduled in the last two weeks of class. The presentations themselves should be 10 minutes and will be followed by a 5 minute question and answer session. Presenters will be graded on the content and style of their presentation as well as how they are able to answer questions. Other students will also be evaluated by the questions they ask as a part of their participation grade.

Students with Disabilities

If you have a disability requiring an accommodation, please contact both me and Disability Resources and Services (as soon as possible): 140 William Pitt Union, (412) 648-7890, drsrecep@pitt.edu, (412) 228-5347 for P3 ASL users. The DRS will verify your disability and determine reasonable accommodations for this course.

Academic Integrity

All students are expected to adhere to the standards of academic honesty. Any student engaged in cheating, plagiarism, or other acts of academic dishonesty would be subject to disciplinary action. Any student suspected of violating this obligation for any reason during the semester will be required to participate in the procedural process, initiated at the instructor level, as outlined in the University Guidelines on Academic Integrity <http://www.pitt.edu/~provost/ail.html>. This may include, but not limited to the confiscation of the examination of any individual suspected of violating the University Policy.

Course Schedule (subject to change) (* indicates a required book to purchase; all other readings posted on CourseWeb):

Week 1: No Class

Week 2: Foundations (January 14th)

Required Readings:

Articles I, II, and III of the U.S. Constitution

Federalist Papers 48, 49, and 51

Gaventa, John. 1980. *Power and Powerlessness*. Chapter 1 – “Power and Participation,” pp. 1 – 20.

*Cameron, Charles. 2000. *Veto Bargaining*. Chapter 3 – “Rational Choice and the Presidency.”

Week 3: Legislative Policymaking, Part I (January 21st)

Required Readings:

*Mayhew, David. 1991. *Divided We Govern*. Chapters 3 – 7.

Due: Application Paper I – “Significant” Legislation

Examine the most recent list of “significant” legislation by David Mayhew for the laws passed for the 113th Congress (2013 – 2014), posted on CourseWeb. Compare this list of significant legislation to the list of all laws passed in the 113th Congress (found online through the Library of Congress’s THOMAS database: [http://thomas.loc.gov/cgi-bin/bdquery/L?d113:/list/bd/d113pl.lst:1\[1-296\]\(Public_Laws\)/TOM:/bss/d113query.html](http://thomas.loc.gov/cgi-bin/bdquery/L?d113:/list/bd/d113pl.lst:1[1-296](Public_Laws)/TOM:/bss/d113query.html)).

Find a law that you think is significant but that is not included on Mayhew’s list. Considering his method for designating “significant” legislation, why do you think this law is not included on his list? Given that Mayhew does not include this law, what flaw(s) do you think this highlights in his methodology?

Week 4: Legislative Policymaking, Part II (January 28th)

Required Readings:

Krehbiel, Keith. 1998. *Pivotal Politics*. Chapters 2 and 3.

Binder, Sarah. 1999. “The Dynamics of Legislative Gridlock.” *The American Political Science Review* 93(3): 519 – 533.

Week 5: Presidential Vetoes (February 4th)

Required Readings:

*Cameron, Charles. 2000. *Veto Bargaining*. Chapters 1 (pp. 1 – 27), 2 (pp. 33 – 50), and 7 (skip pp. 182 – 183).

McCarty, Nolan. 2009. “Presidential Vetoes in the Early Republic: Changing Constitutional Norms or Electoral Reform?” *Journal of Politics* 71(2): 369 – 384.

Week 6: **CLASS CANCELLED** (February 11th)

Week 7: Presidential Unilateral Policymaking (February 18th)

Required Readings:

Barilleaux, Ryan J. and Christopher S. Kelley. 2010. *The Unitary Executive and the Modern Presidency*. Chapter 1 – “Introduction: What is the Unitary Executive?”

*Howell, William. *Power without Persuasion*. Chapters 1, 2 (pp. 24 – 37 and pp. 53 – 54), and 4.

Bolton, Alexander and Sharece Thrower. Forthcoming. “Legislative Capacity and Executive Unilateralism.” *The American Journal of Political Science*.

Due: Application Paper II – Unilateral Powers

Select another unilateral power of the president other than an executive order (e.g. signing statement, memorandum, national security directive, proclamation, executive agreement).

Describe this unilateral tool, its similarities and differences from executive orders, as well as how the president likely uses this power in the face of Congress. Can Howell’s theory be applied to this unilateral power? How, why, or why not? See Phillip Cooper’s *By Order of the President*, excerpts posted on CourseWeb for more information on unilateral powers. See the American Presidency Project for recent examples of unilateral powers

(http://www.presidency.ucsb.edu/index_docs.php).

Week 8: Congressional Delegation to the Bureaucracy (February 25th)

Required Readings:

Epstein, David and Sharyn O’Halloran. 1996. “Divided Government and the Design of Administrative Procedures: A Formal Model and Empirical Test.” *The Journal of Politics* 58(2): 373 – 397.

Epstein, David and Sharyn O’Halloran. 1999. *Delegating Powers*. Chapters 5 and 6.

Week 9: Congressional Oversight of the Bureaucracy (March 3rd)

Required Readings:

McCubbins, Mathew D. and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms." *American Journal of Political Science* 28(1): 165 – 179.

*Mayhew, David. 1991. *Divided We Govern*. Chapter 2 – "High Publicity Investigations"

Kriner, Douglas and Liam Schwartz. 2008. "Divided Government and Congressional Investigations." *Legislative Studies Quarterly* 33(2): 295 – 321.

Aberbach, Joel D. 1991. *Keeping a Watchful Eye*. Chapter 4 – "The Committee Intelligence System."

Week 10: **NO CLASS**, Spring Break (March 10th)

Week 11: Presidential Control Over the Bureaucracy (March 17th)

Required Readings:

Moe, Terry M. 1985. "The Politicized Presidency." *The New Directions in American Politics*. Washington, DC: Brookings Institution.

*Lewis. 2003. *Presidents and the Politics of Agency Design*. Chapters 1 – 4.

Due: Application Paper III – Presidential Appointments

Find a recent presidential nomination to the executive branch under the Obama administration. What was the nature of the president's battle over this nomination with the Senate? Is this consistent with the class theories? Discuss how this nomination did or did not contribute to the president's control over the bureaucracy. Can the theories of presidential control be applied to the case of this nomination? How?

Week 12: Bureaucratic Policymaking (March 24th)

Required Readings:

Acs, Alex. 2015. "Which Statute to Implement? Strategic Timing by Regulatory Agencies." *The Journal of Public Administration Research and Theory*.

Wood, B. Dan and Richard W. Waterman. 1991. "The Dynamics of Political Control of the Bureaucracy." *The American Political Science Review* 85(3): 801 – 828.

Acs, Alex and Charles Cameron. 2013. "Does White House Regulatory Review Produce a Chilling Effect and 'OIRA' Avoidance in the Agencies?" *Presidential Studies Quarterly* 43(3): 443 – 467.

Yackee, Jason Webb and Susan Webb Yackee. 2009. "Divided Government and US Federal Rulemaking." *Regulation & Governance* 3(2): 128 – 144.

Week 13: Judicial Policymaking (March 31st)

Required Readings:

*Bailey, Michael A. and Forrest Maltzman. 2011. *The Constrained Court*. Chapters 1, 6-7.
Moraski, Byron J. and Charles R. Shipan. 1999. "The Politics of Supreme Court Nominations: A Theory of Institutional Constraints," *American Journal of Political Science* 43(4): 1069 – 1095.

<https://www.washingtonpost.com/news/monkey-cage/wp/2016/02/15/if-obama-appoints-scalias-successor-the-supreme-court-will-really-jump-leftward/>

<https://www.washingtonpost.com/news/monkey-cage/wp/2016/02/15/who-will-obama-nominate-to-replace-scalia-heres-how-to-think-about-it/>

Due: Application Paper IV – The Supreme Court

Option 1: Find a recent Supreme Court case (within the last 2 years) and discuss how the Court's decision could have been influenced by another branch of the government. What other factors could have entered into its decision-making over this case? How does this relate to the Bailey and Maltzman reading?

Option 2: Select a potential Supreme Court nominee who is speculated to be on Obama's short list. Based on spatial theory as described in readings, describe how this person would move the median of the Supreme Court and how that could influence the decision of at least one future Supreme Court case. Additionally, discuss the likelihood that the Senate would confirm this nominee based on his or her potential to influence future decisions as well as the Senate's own ideological preferences and other factors.

Week 14: The Executive Branch and the Courts (April 7th)

Required Readings:

*Howell, William. Power without Persuasion. Chapter 6 – "Foundations of Judicial Deference."
Thrower, Sharece. Forthcoming. "The President, the Court, and Policy Implementation."
Presidential Studies Quarterly.

Smith, Joseph L. 2007. "Presidents, Justices, and Deference to Administrative Action." *The Journal of Law, Economics, & Organization* 23(2): 346 – 364.

Canes-Wrone, Brandice. 2003. "Bureaucratic Decisions and the Composition of the Lower Courts" *The American Journal of Political Science* 47(2): 205 – 214.

Week 15: Student Presentations (April 14th) – **Rough draft** of final paper due

Week 16: Student Presentations (April 21st)

Final paper due on **Wednesday, April 27th**.