POL 329 POLICY MAKING IN AMERICA

Fall 2016

Department of Politics   Charles Cameron
Princeton University   Tue/Th 10:00-10:50 145 Peyton Hall

"The less people know about how sausages and laws are made, the better they sleep at night."

> --German Chancellor Otto von Bismarck (possibly apocryphal)

This course provides a realistic introduction to how public policy is made in the United States today. It examines how *people* (voters, activists, wealthy individuals, lobbyists, politicians, bureaucrats, and judges), *organizations* (interest groups, firms, unions, foundations, think tanks, political parties, and the media) and *political institutions* (Congress, the presidency, the bureaucracy, and the judiciary) interact to create and implement public policy in the United States.

Teaching Philosophy: Knowledge + Skills + Engagement = Learning

The course combines social science theory, systematic empirical evidence, case studies of recent policymaking, role-playing simulations, short videos and documentaries, and skill-building exercises. Students learn facts and theories; but beyond that, they acquire tools of proven usefulness for practical political analysis. And, they get to practice using them in fun and sometimes challenging exercises. Students who complete the course will look at American policy making in a more knowledgeable, and probably somewhat more skeptical, way. More than that, they will be equipped to participate in policy-making in a sophisticated and effective fashion.

Lectures provide concepts, analytic frameworks, and vivid examples. Some of these are pre-recorded and available on-line. Student mastery of this material is encouraged via low-stress on-line quizzes. Some lectures remain in class, but many classes explore the lecture material through cases, videos, discussion, and participatory exercises. Precepts usually focus in-depth on specific cases that illustrate the concepts introduced in lecture or on skill-building exercises. The precepts allow students to come to grips with the practical realities of contemporary policy making, and learn how to hold a press conference, write a news story, craft a policy memo, brief a policy maker, negotiate a settlement, and so on.

A major focus of the first half of the course is a role-playing simulation of policy making on immigration. The exercise simulates possible policy action following the 2016 presidential election. The simulation combines congressional action, interest group activities, the media, and the president.

A second role playing simulation in the second half of the course examines negotiated rule-making. This simulation employs material used at Harvard Law School to teach negotiation skills.

Many policy areas – such as health care finance, agricultural price supports, or financial regulation – display an almost baroque complexity. You cannot understand the politics of policy making in these

areas without understanding the substance of the policies, but mastering these can take years of effort. Most of the policy topics in this course were selected because they are easy to understand and thus facilitate learning the principles of practical political analysis; in general, we spend little time on the actual substance of policy arenas.

Finally, you may have strong opinions about some public policies. That' fine, but this class is not a platform for advocacy. Rather, it is a training ground for future participants. Accordingly, you are expected to conduct yourself with courtesy and forbearance toward people whose opinions you may dislike.

GRADING

Grading in the class is based on three components: class participation, precept participation and deliverables, and individual assessment. Specifically:

Participation (15%)

1. On-line lecture quizzes
2. Class attendance
3. Policy Simulation participation (p/f/h)

Precept Deliverables (30%)

1. Precept attendance & participation
2. "Who Am I?" Pre-simulation memo
3. "What are my objectives and Strategy?" Pre-simulation memo
4. Dodd-Frank analysis (various deliverables)
5. Negotiation simulation (p/f/h)
6. Group policy memo and presentation (Uber in DC)

Quizes, Exams, Individual Memo (55%)

1. 10 In-class pop quizzes: 10%
2. Take-home mid-term (2 questions: Simulation analysis + Pivotal Politics problem): 20%
3. Individual policy memo: 5%
4. Final exam (on-line questions + individual policy memo): 20%

COURSE MATERIALS

Materials for this course include:

- 11 on-line lectures with embedded quizzes
- Several professional school cases
- A full length documentary
- Multiple short videos
- Handouts and special readings
- Other on-line quizzes and question banks

- A legislative simulation
- A negotiated rule-making simulation

To the extent possible, all are available through the course's EdX site. However, because of copyright restrictions you need to purchase the following books:

- Robert Kaiser, *Act of Congress* (2013)
- David Kessler, *A Question of Intent: A Great American Battle with a Deadly Industry* (2002)
- Deepak Malholtra and Max Bazerman, *Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond* (2007).

SCHEDULE OF CLASSES (LECTURES & PRECEPTS)

Class	Date	Class	Precept
1	9/15/2016 Th	Intro to Course	(No precept)
2a	9/20/2016 Tu	Focus on the 4I's	Immigration Politics
2b	9/22/2016 Th	Focus on the Interest Group Matrix	
3a	9/27/2016 Tu	Focus on Collective Action Rules	Arsenic Press Conference
3b	9/29/2016 Th	Focus on Information Power 1	
4a	10/4/2016 Tu	Focus on Information Power 2	Who Am I? My simulation role
4b	10/6/2016 Th	Lecture: Media Politics	
5a	10/11/2016 Tu	Focus on Coalition Analysis	Dodd-Frank Coalitions
5b	10/13/2016 Th	Lecture: Logic of Congressional Action	
6a	10/18/2016 Tu	Focus on Pivotal Politics	Pivotal Politics: Immigration
6b	10/20/2016 Th	Simulation strategy free-for-all	
7a	10/25/2016 Tu	Simulation Plenary Session 1	No precept -- plenary week
7b	10/27/2016 Th	Simulation Plenary Session 2	
FALL RECESS			
8a	11/8/2016 Tu	Lecture: Intro to the Administrative State	No precept --Midterm
8b	11/10/2016 Th	Election Conversation/Policy Memos	
9a	11/15/2016 Tu	Lecture: Regulatory Capture	Uber in DC
9b	11/17/2016 Th	Lecture: Presidential Management 1: Direct Action	
10	11/22/2016 Tu	Lecture: Presidential Management 2: Personnel	No precept (Holiday)
THANKSGIVING			
11a	11/29/2016 Tu	Lecture: Reforming Organizations	Reforming DC Schools
11b	12/1/2016 Th	Lecture: Bureaucracies	
12a	12/6/2016 Tu	Lecture: Negotiation Principles	HLS Negotiation Exercise
12b	12/8/2016 Th	Class visit by Teresa Young	
13a	12/13/2016 Tu	Negotiation Debrief	Question of Intent
13b	12/15/2016 Th	Last class	

ASSIGNMENTS & MATERIALS

1 INTRODUCTION TO COURSE

You will learn:

1. What this course is and how it is organized.
2. Your responsibilities in the course and how grading works.
3. Why good policy analysis demands good political analysis.
4. What tools a political analyst needs in her toolbox.
5. Why good policy, good politics, and good practice go together.

<u>Assignment</u>
Watch on-line lecture "What Does Government Do?"
In-class: Do scaling exercise

2A THE 4 I'S

You will learn:

1. The four questions that begin a practical political analysis.
2. The participants in policy making, and how they change over the issue life cycle.
3. What motivates the people who participate in policy-making.
4. What is political ideology and how it differs between political elites and ordinary citizens.
5. The big four political institutions, and how they change over the life cycle of an issue.
6. The importance of information and ideas in politics.

<u>Assignment</u>
 Watch on-line lecture "The 4Is."

<u>Optional</u>
Watch on-line lecture "Introduction to American Government" (for those who have not taken a course in American government)

2B THE INTEREST GROUP MATRIX

You will learn:

1. How to identify four distinct interest group configurations.
2. What politics to expect in each configuration.
3. What kind of policies emerge from each configuration.
4. The best political tactics for supporting or opposing a policy initiative, in each of the four kinds of politics.
5. How to change the politics you have into the politics you want.

Assignment
Watch the on-line lecture "The Interest Group Matrix"
Read: Joseph E. Aldy, "Mobilizing Political Action on Behalf of Future Generations," *The Future of Children* Vol 26(1): 157-178 (Spring 2016)

2C PRECEPT: INTRODUCTION TO IMMIGRATION POLITICS

You will learn:

1. Basic facts about immigration, immigration policy, and immigration politics
2. How to apply the 4 I's and IGM to Immigration Politics

Assignment
Watch the documentary PBS Frontline "Immigration Battle"
http://www.pbs.org/wgbh/frontline/film/immigration-battle/

Read: A variety of readings on immigration are available on EdX.

Note: Instructions for the next week's Precept (Press Conference) will be distributed this week.

3A COLLECTIVE ACTION RULES FOR REFORMERS

You will learn:

1. Why collective action in pursuit of a common goal can be problematic.
2. Why free-riding increases as groups get larger.
3. How the mighty are exploited by the meek during collective action.
4. Why leadership is vital for effective collective action.
5. Six basic techniques leaders can use to boost collective action within a group or alliance.

Assignment
Watch the on-line video "Getting Organized & Taking Action: Rules for Reformers"
Read: Kennedy School Case C14-00-1541.0. "'No Prison in East L.A.!' Birth of a Grassroots Movement" (first half of case) – we will discuss in class

3B INFORMATION POWER (1)

You will learn:

1. The difference between transactional lobbying and informational lobbying.
2. Three pathways for communicating with policy makers.
3. General principles for using each pathway effectively.

Assignment
Watch on-line lecture: "Information Power Part 1"
Read: Kennedy School Case C14-00-1541.0. "'No Prison in East L.A.!' Birth of a Grassroots Movement" (second half of case) – we will discuss in class

3C PRECEPT: PRESS CONFERENCE

You will learn:

1. As a member of the press, how to ask effective questions
2. As an official engaged in crisis management, how to answer questions effectively

Assignment
Read: "Dangerous Waters: EPA Administrator Whitman and the Arsenic in Drinking Water
        Standard," WWS Case study.
NYT article accompanying case

As Whitman, prepare a one minute opening remark and be prepared to answer questions from the
        press. As press, select a media outlet and prepare questions. You will write a headline and the
        opening paragraph of your story based on the press conference. We will play several times,
        rotating roles.

Additional Helpful Material
This blog contains many examples of terrible media relations, and some good ones. Have fun
browsing! http://www.mrmediatraining.com/
But here is a real bell ringer on the bad side: Edward Burkhardt's (Montreal, Maine & Atlantic
Railways CEO) disastrous press conference after the Lac-Magantic train crash. See
http://www.mrmediatraining.com/2013/07/31/july-2013-the-worst-video-media-disaster/

and for the missing link to the press conference:
https://www.thestar.com/news/canada/2013/07/10/lac_megantic_explosion_mma_railway_boss_
ed_burkhardt_tours_town.html

Then watch the terrific press conference of Debbie Hersman (Acting Chairwoman of the NTSB)
immediately after the Asiana Air crash at SFO. Note well how she handles the Q&A.
https://www.youtube.com/watch?v=t2sMD-B1d_k

4A INFORMATION POWER (2)

You will learn:

1. Specific techniques for making messages credible to policy makers.
2. Specific techniques for making messages motivational to citizens and group members.
3. How "dark side" lobbying works including soft lobbying, Astro-turf lobbying, and signal
   jamming.
4. Tips for effective direct, indirect, and grass-roots lobbying.

Assignment
Watch on-line lecture: "Information Power Part 2"

4B MEDIA ANALYSIS

You will learn:

1. The goals of mass media outlets and how it affects their coverage of politics and policy
2. How the fragmentation of the media helps create low information people

<u>Assignment</u>
Read: John Zaller, *A Theory of Media Politics: How the Interests of Politicians, Journalists, and Citizens Shape the News* pp. 11-29. (1999) An underground classic.
     http://www.uky.edu/AS/PoliSci/Peffley/pdf/ZallerTheoryofMediaPolitics(10-99).pdf

4C PRECEPT: WHO AM I?

You will learn:

1. Who the major actors are in immigration policy, what they want, and what resources they have.

<u>Assignment (Deliverable)</u>
Write a 1-2 page description of the actor whom you play in the simulation. You should address the history of the actor, its goals, its resources, its allies and its opponents. The description is a deliverable: hand it in in Precept.

5A COALITION ANALYSIS

You will learn:

1. How to evaluate the strength of an individual group or firm for legislative politics.
2. How to evaluate the strength of a coalition of groups, firms, or voting blocks, organized around a legislative goal.
3. How to identify the "weak links" in a coalition.
4. Three techniques for making and breaking legislative coalitions under distributive and ideological politics.

<u>Assignment</u>
View the on-line lecture "Coalition Analysis: Gauging, Making, and Breaking IG Coalitions"
Read (for class discussion):
Daniel Diermeier, "Disney and the Copyright on Mickey Mouse," Kellogg School of Management, Northwestern University
Jared Brey and Holly Otterbein, "The Soda Tax's Biggest Winners and Losers," *Philadelphia Magazine* June 16 2016 http://www.phillymag.com/citified/2016/06/16/soda-tax-passes-winners-and-losers/#more-3115784

5B LOCA: THE LOGIC OF CONGRESSIONAL ACTION

You will learn:

1. How congressmen evaluate public policies
2. How to evaluate chains of traceability using the traceability matrix
3. How to manipulate chains of traceability in order to boost or kill policy proposals

<u>Assignment</u>
Read: R. Douglas Arnold, *The Logic of Congressional Action*, Chapter 5 (pp. 88-118) and pp. 119-132.
Optional
Watch: Schoolhouse Rock (just for fun)
http://www.musictory.com/music/Schoolhouse+Rock/How+A+Bill+Becomes+A+Law

5C PRECEPT: THE DODD-FRANK ACT

This is an integrative case, so you will apply the 4 I's, the IG Matrix, Coalition Analysis, and the Traceability Matrix to the Dodd-Frank Act. In addition, the case anticipates Pivotal Politics. Heavy reading and deliverables!

Link to Precept Assignment including the specified pages in *Act of Congress*

Note: The reading is heavy, most of the second half of *Act of Congress*.

6A PIVOTAL POLITICS (1)

You will learn:

1. How to think about politics spatially
2. How to work from the back to the front
3. Why legislative choke points are so important

<u>Assignment</u>
View on-line lecture "Pivotal Politics 1"

6B PIVOTAL POLITICS (2)/SIMULATION STRATEGY

You will learn:

1. How to analyze complex legislative procedures using pivotal politics
2. How to identify when legislative policy windows are open
3. How to identify proposals that can make it through a legislative policy window.

<u>Assignment</u>
Watch on-line lecture "Pivotal Politics Part 2"

Note: Class will allow you some time to meet with others to plan strategy for the simulation.

6C PRECEPT: THE PIVOTAL POLITICS OF IMMIGRATION POLICY

You will learn:

1. The pivotal politics of immigration policy

<u>Assignment</u>

Identify the key legislative players in immigration politics, find their NOMINATE scores, and conduct a pivotal politics analysis of immigration policy.

7A PLENARY SESSION 1

In-class simulation Part I

7B PLENARY SESSION 2

In-class simulation Part II

7C NO PRECEPT

No Precept due to simulation

8A INTRODUCTION TO THE ADMINISTRATIVE STATE

You will learn:

1. How the administrative state has grown, and why
2. The basics of the Administrative Procedures Act
3. The procedure for issuing lawful regulations

Assignment
None but if possible read this mini-case study

- Mini-Case Study: The Department of Education Cracks Down (Sort of) on Abuses in the For-Profit Education Industry

Kevin Bell, "The Saga of the Gainful Employment Regulations," New York University School of Law 2015

8B ELECTION CONVERSATION/POLICY MEMO

You will learn:

1. Why the policy memo is a good tool for decision making
2. How to organize and write an effective policy memo

Assignment
Review two model, graded policy memos. Review slides after lecture. You will need this material to write memos in Precept.

8C PRECEPT: NO PRECEPT, WORK ON MIDTERM

9A REGULATORY CAPTURE

You will learn:

1. What is "regulatory capture"
2. Four theories of regulatory capture
3. How to capture an agency, and how to un-capture an agency.

Assignment
None but you may wish to examine this mini-case study
- Mini-Case Study: Regulatory Capture at the Federal Reserve Bank of New York

http://www.thisamericanlife.org/radio-archives/episode/536/the-secret-recordings-of-carmen-segarra

Optional Reading
James Kwak, 2014. "Cultural Capture and the Financial Crisis," in Daniel Carpenter and David A. Moss, editors, *Preventing Regulatory Capture*. Chapter 4, pp. 71-98.
http://tobinproject.org/sites/tobinproject.org/files/assets/Kwak%20-%20Cultural%20Capture%20and%20the%20Financial%20Crisis.pdf

9B PRESIDENTIAL DIRECT ACTION

You will learn:

1. The varieties of presidential direct action.
2. How to use pivotal politics to create powerful presidential executive orders that stick.

Assignment
Skim the White House's site to get a feel for recent/typical direct actions:
https://www.whitehouse.gov/briefing-room/presidential-actions

Optional
- Mini-Case Study: Dick Cheney Shows How to Work the Bureaucracy: The Klamath River Intervention

Barton Gellman, *Angler* 199-204, 209-213

9C PRECEPT: UBER IN DC

Callendar, Steven and David Hoyt, 2012. *Uber: 21st Century Technology Confronts 20th Century Regulation*, Case P-81, Stanford Graduate School of Business (2012)

Assignment (Group Policy Memo and Power Point Briefing)
You are the Vice President of Uber in charge of Non-Market Strategy. Your task is to write a policy memo for CEO Travis Kalanick. Your memo should answer the three questions are the end of the case, and make a recommendation for how Uber should handle the challenge of the proposed legislation in the D.C. City Council. Kalanick is extremely busy so your memo may not exceed 1000 word. Finally, your group will present your policy recommendation in the form of a formal briefing to the CEO during Precept.

10 PRESIDENTIAL PERSONNEL POLITICS

You will learn:

1. The Big Four federal personnel policies – what are they?
2. Why there is a competency-control trade-off.
3. How to politicize an agency using appointments.
4. What the effects of politicization are on the competence of the U.S. federal government.

Assignment
- Mini-case Study: Politicizing FEMA

David Lewis, *The Politics of Presidential Appointments* Chapter 6 "Politicization and Performance: The Case of the Federal Emergency Management Agency" pp. 141-171. On line: http://www.jstor.org/stable/j.ctt7rnqz

- Mini-case Study: Personnel Politics and the Failure of the Obamacare Rollout

Memo from David Cutler to Larry Summers: "Urgent Need for Changes in Health Reform Implementation" May 11, 2010
http://www.washingtonpost.com/blogs/wonkblog/files/2013/11/Cutler-implementation-memo-1.pdf

11A REFORMING PUBLIC ORGANIZATIONS

You will learn:

1. How to write a strategy statement for a public agency.
2. How to integrate an agency's operations and its political strategy.

Assignment
John Roberts, *The Modern Firm: Organizational Design for Performance and Growth* (2007). Chapter 1, "Strategy and Organization," pp. 1-30.

Note: In class we will write a strategy statement for Michelle Rhee. So you should have done the Precept reading if at all possible.

11B THE POLITICS OF PUBLIC MANAGEMENT

You will learn:

1. Why managing government agencies is so difficult
2. How to apply the Interest Group Matrix to public agencies
3. How to use the Measurability Matrix to recognize four kinds of agencies
4. Principles for managing each of the four kinds of agencies.

Assignment
James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (1989). Read in the following order: "Constraints" pp 113-136. Political Environment of Agencies, pp. 75-83. Four kinds of agencies defined by nature of tasks, 154-171. The Key Strategy: 202-205

Steven Kerr, "On the Folly of Rewarding A While Hoping for B"

Optional Cases
- Mini-Case Study: The NYC Passport Office

Ray Fisman and Tim Sullivan, "The Most Efficient Office in the World: Its Run by the US Government. We're Not Kidding," *Slate* July 2013
http://www.slate.com/articles/business/the_dismal_science/2013/07/renewing_your_passport_visit_the_incredibly_efficient_new_york_city_passport.html

- Mini-Case Study: Automation at the Office of Personnel Management

"Sinkhole of Bureaucracy," *Washington Post* March 3 2014
http://www.washingtonpost.com/sf/national/2014/03/22/sinkhole-of-bureaucracy/

11C: PRECEPT: MICHELLE RHEE AND THE D.C. PUBLIC SCHOOLS

You will learn:

1. Why reforming urban school districts is so difficult.
2. What it takes to be a force for change in a challenging political environment.
3. Why agency operations and agency political strategy must be integrated.

Richard Whitmire, *The Bee Eater: Michelle Rhee Takes on the Nation's Worst School District* (2011), v-vii, 65-67, 70; 80-83; 87-89; 94-105; 108-110; 126-129; 171-179; 194-198; 214-226 (about 60 pages)

Optional Readings on Race and Urban Education
Jeff Henig, et al. 1999. *The Color of School Reform* pp. 65-71, 118-122, 152-4, 189-92, 197-202, 243-6.

Assignment
Michelle Rhee has just been fired from the D.C. Schools, and the new mayor has appointed Kaya Henderson as Chancellor. Henderson has hired you a staffer, and has asked you to write her a confidential hard-hitting memo presenting options on how to integrate agency operations and political strategy. Chancellor Henderson is committed to reform but doesn't want to make the same mistakes as Rhee. What should she do to continue reform but also keep her job? The Chancellor is very busy so your memo cannot be longer than 1000 words.

12A NEGOTIATION PRINCIPLES

You will learn:

1. How to claim value in negotiations
2. How to create value in negotiations
3. How to learn key information during negotiations.
4. How to achieve influence during negotiations.

Assignment
Deepak Malhotra and Max Bazerman, *Negotiation Genius*, Chapters 1-3,7, and 12. (pp. 13-102, 159-176, and 259-279). This is fast reading but it is a lot, so budget your time.

Case Study
Class discussion will focus on the following case
Woodrow Wilson School, "Taking on a Pharmaceutical Giant: The State of West Virginia versus Purdue Pharma"

12B CLASS VISIT: TERESA YOUNG

12C PRECEPT: NEGOTIATION SIMULATION: WRITING A REG

You will learn:
   1. What negotiating tactics work and which don't.
   2. How interests shape regulatory policy making.

Assignment
Materials from Lawrence Susskind and Jeffrey Litwak, "Dirty Stuff II," Harvard Law School Project on Negotiation.
Before Precept we will assign simulation roles and distribute background information and confidential instructions for your role. You should read the material and come to class ready to roll! 50 minutes isn't much time to negotiate a regulation.

13A NEGOTIATION DEBRIEF

Assignment
In class, each group facilitator will make an 8 minute presentation on what happened in their group and why, including the content of the final regulation. We will discuss in class, including your appraisal of the value of the negotiation advice in *Negotiation Genius*.

13B LAST CLASS: A DAY IN COURT

You will learn:

   1. When courts can create, facilitate, and enforce new rights, and when they cannot.
   2. The practical difficulties of managing rights-oriented litigation.

Assignment
"The Case Against Eight" (documentary film)

13C INTEGRATIVE CASE FOR SECOND HALF OF COURSE: THE FDA TAKES ON BIG TOBACCO

You will learn:

   1. How to analyze the pivotal politics of regulatory rule-making.
   2. Tactics for opposing federal rules.

3. What life is like inside a regulatory agency.

David Kessler, *A Question of Intent.* pp. 3-6, 27-28, 32-36, 62-66, 76-78, 85-94, 156-164, 168-174, 245-250, 257-260, 266-272, 285-308, 309-318, 319-327, 331-333, 336-338,347-352, 353-358, 361-372, 379-384.

Assignment A
It is Spring 1995. The FDA is working on a rule, which the tobacco companies realize very well. You work for the corporate affairs office of Phillip Morris. Draft a memo to your boss outlining ways to head off the FDA's rule; or in the event it is published, how to weaken it. Indicate a list of recommended actions. Your memo should be at most 1000 words.

Note: You may wish to "cheat" a little by examining what the companies did; you may also wish to examine company documents which became available due to litigation (see for example http://legacy.library.ucsf.edu/tid/xqk92e00). A front end to the documents is http://www.sourcewatch.org/index.php/SourceWatch

Assignment B
It is Spring 1995. You work in the FDA's Office of Communications, for Sharon Natanblut. David Kessler has privately expressed doubts to Natanblut that an FDA rule on tobacco is poltically feasible, given the many political chokes points. She has asked you to write a brief confidential memo identifying the choke points and indicating the gist of a regulation that might make it through. Your confidential memo to Natanblut can be no more than 1000 words.

Note: Again, you can "cheat" some by examining what Kessler actually did.

Charles Cameron
Princeton NJ
Wednesday, November 16, 2016

This course provides a realistic introduction to how public policy is made in the United States today. It examines how people (voters, activists, wealthy individuals, lobbyists, politicians, bureaucrats, and judges), organizations (interest groups, firms, unions, foundations, think tanks, political parties, and the media) and political institutions (Congress, the presidency, the bureaucracy, and the judiciary) come together to create and implement public policy. The course combines social science theory and systematic empirical evidence with case studies, simulations, films and many other materials. And provides students with tools of proven usefulness for practical political analysis.