



Course Syllabus

LPSC7311 Strategizing Public Policy
Thursdays from 5:30pm to 8:00pm in Ryder 107
Spring 2010

Professor:	Stephanie Pollack
Office:	345 Holmes
Office hours:	Monday 4:00-5:00 Thursday 4:00-5:00 or by appointment
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Course Description

This course provides a practical and theoretical overview to crafting effective strategies for advancing public policy changes at the federal, state and local level using a range of legislative, litigation and other policy tools. After developing the technical aspects of a public policy proposal, those working for policy change face an array of strategic and tactical decisions about where and how to intervene in the complicated system of actors and institutions that establishes and implements public policies. The course will use a series of case studies on a wide range of policy topics to understand and evaluate how different policy strategies evolve in the interplay between branches and levels of government. These case studies will be integrated with key readings on policy theory, so that theory (eg on agenda setting, policy solutions, framing) will be presented in the context of case studies that demonstrate the application of that theory. Taking an inter-branch perspective on how policy is made, the course places particular emphasis on the role litigation and the courts in policymaking, an aspect of public policy formulation that is often downplayed or overlooked. Through case studies from a variety of policy areas including education, housing, gay rights and land use, the course will consider what policy issues are best suited to being addressed at different levels of government (federal, state or local) and how to make strategic use of different policy instruments (legislation, litigation, regulation, ballot initiatives and other legal and policy instruments). Through the case studies and class discussions, students will analyze the strengths and weaknesses of policy change options and evaluate which strategy or strategies are most likely to produce desired policy change. The goal of the course is to provide students with both a theory-based and pragmatic framework for developing effective strategies for achieving desired policy change across a broad spectrum of issues and at all levels of government.

Text Books and Readings

There are two required texts for this course:

Miller, Mark C. and Jeb Barnes (eds.) 2004. *Making Policy, Making Law: An Interbranch Perspective*. Washington, D.C.: Georgetown University Press.

Van Horn, Carl E., Donald C. Baumer and William T. Gormley, Jr. (2001) *Politics and Public Policy*. Washington, DC: CQ Press.

In addition, readings will be assigned from the following two books which every public policy student should have in his/her library:

Kingdon, John W. 1995. *Agendas, Alternatives, and Public Policies*. New York: Longman.

Stone, Deborah. 2002. *Policy Paradox: The Art of Political Decision Making*. New York: W. W. Norton & Co.

In addition, there are a series of related readings that make up many of the “case studies” and are essential to get the most out of the class. Material such as court decisions, journal articles and other documents are posted to the course’s Blackboard site either as web links or in electronic format so that students may either read these materials online or print them out. All reading assignments are also listed at the end of this syllabus. All reading assignments are either available on the Blackboard site under Weekly Readings or are in one of these four text books -- there is no reading packet for this course.

Course Requirements

Students are required to read all of the assigned readings prior to class and be prepared to discuss them. The class participation component of your grade will be based on participation in the discussion that demonstrates knowledge of the assigned readings, as well as on the two sessions where students will be required to present aspects of their case study topics.

Final grades will be based on the following:

Class participation	25%
Case Study Part 1	25%
Case Study Part 2	40%
Op-ed	10%

Assignment

The assignment for this class is to create a public policy “case study” on a public policy topic of interest to you. Preferably, your case study topic will take an “interbranch perspective” as discussed in class AND involve an issue that can be addressed by at least two levels of government (local/state/federal) AND involve an issue where litigation at either the state or federal level have played an important role. The policy case studies are expected to draw on literature from more than one academic discipline (eg law, political science, public policy) as well as from serious and trustworthy non-academic sources (eg media, advocacy group publications); while not required, you may also conduct primary source research (eg interviews). The case study will be produced in two pieces, as discussed below. Page numbers are approximate, but the goal is to have a completed case study, of publishable quality, that is approximately 25 pages in length. Each part of the assignment must cite references in parentheses in the text and include a full bibliography. We will discuss details of the assignment in class.

All assignments should be submitted via e-mail on the due date. It is unfair to others in the course as well as to me to extend any assignment deadlines past the due date, except under extenuating circumstances such as a health or family emergency. Any need for an extension must be discussed (via phone or e-mail) in advance of the assignment deadline, preferably at least one day in advance.

Each student should discuss with me, preferably in person or at least by phone or e-mail, their planned case study topic. All topics should be approved no later than Friday, January 29.

In addition, for class on Thursday February 4 or Thursday February 11, students should be prepared to briefly (five minutes or less) describe and “frame” their chosen policy topic for their case study.

Case Study Part 1: This first part of the case study introduces the public policy topic and provides all necessary history and background information on the policy issues and its current status. Explain your policy issue so that someone unfamiliar with the issue can understand it. Also provide relevant history regarding the current status of policy debate on this issue. This paper should outline how the policy issue has developed to date both in terms of the “interbranch perspective” (executive, legislative and judicial) and with respect to different levels of government (federal, state, regional and/or local). Be sure to include discussion of any relevant state or federal litigation/judicial aspects of this policy area. Also describe the role that different actors or “stakeholders” or “interest groups” (policy advocates, private sector businesses, media, etc.) are currently playing in the policy debate. This portion of the case study should be 8-10 pages, *no longer*.

DUE: Sunday, February 28 (by 12 midnight)

Case Study Part 2: This second part of the case study presents your analysis of the efficacy of the various strategies being used to effect policy change on your chosen topic and your chosen strategy for achieving your desired policy outcome. First, you need to clearly articulate the policy outcome that you are working toward. This may require you to identify critical aspects of your chosen policy problem (or sub-issues) that are currently being debated and will need to be resolved for policy change to occur in your chosen area. Second, you need to analyze how the current policy debate is playing out. At what level(s) of government is the issue currently in play? How are policy developments in different arenas/branches/levels of government influencing each other? What strategies and tactics are the various policy actors using and how effective do you think their approaches are? Finally, based on this analysis, propose and justify your chosen strategy for achieving your desired policy change on this topic. Keep in mind that you may choose to proposed multiple, coordinated strategies or you may choose to focus all of your strategy on a single level/branch of government. After explaining what your strategy is, you must also explain why you think your strategy is the most effective way to achieve the policy change that you seek. You should reference one or more of the policy theories that have been discussed in class to explain why you believe your strategy will be effective; where appropriate, you may wish to draw analogies to one or more of the policy case studies presented in class. In your conclusion, you should predict the likely policy outcome of your proposed strategy. This portion of the case study should be 12-15 pages, *no longer*.

DUE: Sunday, April 11 (by 12 midnight)

Students should be prepared to make a brief presentation (5-10 minutes) about their case study, focusing on the proposed policy solution, in class on either Thursday, April 15 or Thursday, April 22.

Op Ed: The final piece of your assignment is to take an advocacy position on the policy topic addressed in your case study. An “op ed” is a short, persuasive piece of writing that appears “opposite the editorial page” in a newspaper; op eds are included as reading assignments for some classes and additional models will be distributed in class and posted on Blackboard. Your final assignment is to write a 750-word op-ed article making a case for a specific policy change in your topic area. Like all editorial page editors, I will be brutal about the word limit and will not read or consider any text that exceeds the 750 word limit.

DUE: Wednesday, April 28 (by 12 midnight)

Academic Honesty

Northeastern University takes the issue of academic honesty very seriously. Any student who appears to violate the University's Academic Honesty and Integrity Policy (see www.osccr.neu.edu/policy.html) may be referred to the Vice-Provost for Research and Graduate Education. If a proven violation involves an exam or course assignment, the student shall receive a failing grade for the assignment, in addition to sanctions imposed by the Vice-Provost for Research and Graduate Education. Individual faculty, with the support of the Department, can impose harsher penalties as they deem necessary.

The Academic Honesty and Integrity Policy includes cheating, fabrication, plagiarism, and other types of dishonest activities. Plagiarism is defined broadly as taking ideas, concepts, or actual words of another person and passing them off as your own work. Of particular note in recent years is the increase in cut-and-paste plagiarism, which involves downloading phrases from websites or other Internet sources. I will be happy, upon request, to clarify specific guidelines on fair use of material for this class, but you should regard this as an official warning.

Schedule of Topics and Classes

NOTE: All readings other than those in one of the text books are posted to the course Blackboard site.

January

14 INTRODUCTION AND OVERVIEW: An Institutional, Inter-Branch and Multi-Dimensional Approach to Public Policy

Miller, Mark C. and Jeb Barnes. *Making Policy, Making Law*. Introduction and Chapters 1, 2, 3 and 4 (pp. 3 – 88) [**TEXT BOOK**]

Kingdon, John W. *Agendas, Alternatives, and Public Policies*. Chapter 1 "How Does An Idea's Time Come?" (pp. 1-20) [**TEXT BOOK**]

Stone, Deborah. *Policy Paradox: The Art of Political Decision Making*. Introduction and Chapter 1 "Politics" (pp. 1-34) [**TEXT BOOK**]

Van Horn, Carl E., Donald C. Baumer and William T. Gormley, Jr. *Politics and Public Policy*. Chapter 1 "American Politics and Public Policy" (pp. 1-15) [**TEXT BOOK**]

21 COURTS AS POLICY MAKERS PART 1: Can Courts Make Policy?

Rosenberg, Gerald. 1991. *The Hollow Hope*. Chapter 1 "The Dynamic and Constrained Court" (pp. 9-38)

Schultz, David and Stephen E. Gottlieb. 1998. Legal Functionalism and Social Change: A Reassessment of *The Hollow Hope*. Chapter 4 in David A. Schultz (ed.) *Leveraging the Law*. New York: Peter Lang Publishing.

Canon, Bradley C. 1998. The Supreme Court and Policy Reform: *The Hollow Hope* Revisited. Chapter 5 in David A. Schultz (ed.) *Leveraging the Law*. New York: Peter Lang Publishing.

Miller, Mark C. and Jeb Barnes. *Making Policy, Making Law*. [**TEXT BOOK**]:

- Review Miller, Mark "The View of the Courts from the Hill: A Neoinstitutional Perspective" (Chapter 3)
- Read Melnick, R. Shep "Courts and Agencies" (Chapter 5)

January

28 RIGHTS POLICY: Same Sex Marriage

Goodridge v. Department of Public Health, 440 Mass. 309 (2003) (excerpts)

Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (Sept. 21, 1996) (codified at 1 U.S.C. § 7 and 28 U.S.C. § 1738C)

Anderson, Ellen Ann. 2005. *Out of the Closets & Into the Courts*. Ann Arbor: University of Michigan Press. Chapter One (“The Puzzle of Gay Rights Litigation”) and Chapter Seven (“The Case of Same-Sex Marriage”)

Keck, Thomas M. “Beyond Backlash: Assessing the Impact of Judicial Decisions on LGBT Rights” *Law & Society Review* 43(1): 151-182 (2009); read pp. 151-160 and 175-183; the section on “The Political Reaction” on pp. 160-175 is optional

Additional Topic: Framing policy issues

Lakoff, George. *Simple Framing* (Rockridge Institute, 2006).

Lakoff, George. *What’s In a Word? Plenty if it’s “Marriage”* (AlterNet, 2005).

Frameworks Institute, *Framing Public Issues* (2002); read pp. 1-15.

TOPICS FOR CASE STUDIES SHOULD BE DISCUSSED WITH ME AND APPROVED BY NO LATER THAN FRIDAY, JANUARY 29

February

4 HEALTH POLICY: Learning from Failure and Success

Note: All students should be prepared to briefly (in five minutes or less) summarize and “frame” their chosen policy issue for their case study for this week’s class, although about half of the presentations will take place next week.

Skocpol, Theda. 1996. *Boomerang: Clinton’s Health Security Effort and the Turn Against Government in U.S. Politics*. New York: W.W. Norton. Preface, Introduction, Chapters 2 and 6.

Aaron, Henry and Stuart Butler. 2004. “How Federalism Could Spur Bipartisan Action on the Uninsured.” *Health Affairs*. (31 March 21004, Web Exclusive W4-168-178)

Kaiser Commission on Medicaid and the Uninsured. 2009. *Massachusetts Health Care Reform: Three Years Later*.

Altman, Stuart H. and Michael Doonan. 2006. “Can Massachusetts Lead the Way in Health Care Reform?” *New England Journal of Medicine* 354(20): 2093-95.

Additional topic: Kingdon’s “policy windows”

Kingdon, John W. *Agendas, Alternatives, and Public Policies*. Chapter 8 “The Policy Window, and Joining the Streams” (pp. 165-195) and excerpt from Chapter 9 on “Health Care Reform during the Clinton Administration in 1993” (pp. 217-221). **[TEXT BOOK]**

February

- 11 Note: All students who did not present last week should be prepared to briefly (in five minutes or less) summarize and “frame” their chosen policy issue for their case study.**

EDUCATION POLICY PART 1: Ensuring The Adequacy of Funding

Bosworth, Matthew H. 2001. *Courts as Catalysts: State Supreme Courts and Public School Finance Equity* Pp. 1-6 and Chapter 6

Hancock v. Comm’r of Education, 443 Mass. 428, 822 N.E.2d 1134 (2005) (excerpts)

Griffith, Michael. 2005. *School Finance Litigation and Beyond*. Education Commission of the States Policy Brief.

Hanushek, Eric A. and Alfred A. Lindseth. 2009. *The Effectiveness of Court-Ordered Funding of Schools*. American Enterprise Institute for Public Policy Research.

Additional Topic: Stone’s concept of equity as a policy goal

Stone, Deborah. *Policy Paradox: The Art of Political Decision Making*. Read “Goals” (pp. 35-38) and Chapter 3 “Equity” (pp. 39-60) **[TEXT BOOK]**

18 EDUCATION POLICY PART 2:

Accountability and Standards-Based Education Reform

Heise, Michael. 2006. “The Political Economy of Education Federalism” *Emory Law Journal* (56): 125-57; read pp. 125-35 and 150-57.

Miller, Matt. 2008. “First, Kill All the School Boards” *The Atlantic Monthly*.

Rudalevige, Andrew. 2005. *Adequacy, Accountability and the Impact of “No Child Left Behind”*

Additional Topic: Stone’s concept of numbers as a way of defining a policy problem

Stone, Deborah. 2002. *Policy Paradox: The Art of Political Decision Making*. Read “Problems” pp. 131-135 and pp. 163-187 (“Numbers”) **[TEXT BOOK]**

February

25 ENVIRONMENTAL POLICY: Climate Change

Environment America. 2009. *America on the Move: State Leadership in the Fight Against Global Warming and What It Means for the World*.

Kaswan, Alice. 2007. “The Domestic Response to Global Climate Change: What Role for Federal, State and Litigation Initiatives” *University of San Francisco Law Review* (42): 42-109; read pp. 41-42 and pp. 79-109.

Additional Topic: The role of lobbying and “special interests”

Van Horn, Carl E., Donald C. Baumer and William T. Gormley, Jr. *Politics and Public Policy*. Chapter 5 “Cloakroom Politics” (pp. 231-265) [**TEXT BOOK**]

Stone, Deborah. 2002. *Policy Paradox: The Art of Political Decision Making*. Read pp. 210-231 (“Interests”). [**TEXT BOOK**]

PART 1 OF CASE STUDY IS DUE ON OR BEFORE SUNDAY, FEBRUARY 28.

March

4 NO CLASS—SPRING BREAK

11 ECONOMIC DEVELOPMENT PART 1: Raising Workers’ Wages

Filion, Kai. 2009. *Minimum Wage Issue Guide*. Economic Policy Institute.

Gertner, Jon. 2006. “What Is a Living Wage?” *New York Times Magazine*. (January 15, 2006).

Bernstein, Jared. 2004. “The Living Wage Movement: What Is It, Why Is It, and What’s Known About Its Impact?” in *Emerging Labor Market Institutions for the Twenty-First Century* (National Bureau of Economic Research).

Halpin, Michael. 2009. “Is the Living Wage Dead in Detroit? The Role of Stare Decisis, Home rule and Policy Preferences in the Michigan Supreme Court” *University of Illinois Law Review* (3): 911; read pp. 911-27 and 943-45.

Additional topic: Home rule and the powers of local government

Richardson, Jesse, Meghan Zimmerman Gough and Robert Puentes. 2003. *Is Home Rule the Answer? Clarifying the Influence of Dillon’s Rule on Growth Management*. Brookings Institution Center on Urban and Metropolitan Policy.

March

18 ECONOMIC DEVELOPMENT PART 2: Local and State Development Incentives

Burstein, Melvin and Arthur J. Rolnick. 1991. "Congress Should End the Economic War Among the States." (paper prepared for the Federal Reserve Bank of Minneapolis)

Dreier, Peter. 2009. "Good Jobs, Healthy Cities" *The American Prospect* (October 19, 2009).

Peters, Alan and Peter Fisher. 2004. "The Failures of Economic Development Incentives" *Journal of the American Planning Association* 70(1): 27 (Winter 2004).

Additional reading TBD.

Additional topic: Van Horn's policy domain of boardroom politics

Van Horn, Carl E., Donald C. Baumer and William T. Gormley, Jr. *Politics and Public Policy*. Chapter 3 "Boardroom Politics" (pp. 59-90) [**TEXT BOOK**]

25 HOUSING POLICY:

State Efforts to Overcome Local Resistance to Affordable Housing

Haar, Charles M. 1997. Judges as Agents of Social Change: Can the Courts Break the Affordable Housing Deadlock in Metropolitan Areas? *Housing Policy Debate*. V. 8, 3: 633-650.

Downs, Anthony. 2002. *Local Regulations and Housing Affordability*.

Carman, Edward, Bluestone, Barry and White, Eleanor. 2003. Building on Our Heritage: A Housing Strategy for Smart Growth and Economic Development. Executive Summary.

Additional topic: Stone's concept of powers as a type of policy solution

Stone, Deborah. 2002. Policy Paradox: The Art of Political Decision Making. Read "Solutions" p. 259-264 and pp. 354-375 ("Powers"). [**TEXT BOOK**]

April

1 LAND USE AND ZONING PART 1: Back and Forth on Property Rights in Oregon

Oregon Department of Land Conservation and Development. *A Summary of Oregon's Statewide Planning Goals and Goal 14: Urbanization.*

Berger, Bethany R. 2009. "What Owners Want and Governments Do: Evidence from the Oregon Experiment." (electronic copy available at <http://ssrn.com/abstract=140843>)

Additional topics: Van Horne's policy domain of "living room politics" and Stone's concept of rights as a type of policy solution

Van Horn, Carl E., Donald C. Baumer and William T. Gormley, Jr. *Politics and Public Policy.* Chapter 8 "Living Room Politics" (pp. 231-265) [**TEXT BOOK**]

Stone, Deborah. 2002. *Policy Paradox: The Art of Political Decision Making.* Read pp. 324-353 ("Rights"). [**TEXT BOOK**]

8 LAND USE AND ZONING PART 2: Kelo and its Aftermath

Kelo v. City of New London. 545 U.S. 469, 125 S. Ct. 2665 (2005).

House Judiciary Subcommittee on the Constitution . Oversight Hearing on the Supreme Court's Kelo Decision and Potential Congressional Responses. September 22, 2005. *Excerpts from opening statement and witness testimony.*

Castle Coalition. August 2008. *50 State Report Card: Tracking Eminent Domain Reform Legislation Since Kelo,* pp. 1-4.

Annie E. Casey Foundation. 2007. *Eminent Domain: Implications for Community Redevelopment Efforts.*

Additional topic: Stone's concept of symbols as a way of defining a policy problem

Stone, Deborah. 2002. *Policy Paradox: The Art of Political Decision Making.* Read pp. pp. 137-162 ("Symbols") [**TEXT BOOK**]

PART 2 OF CASE STUDY IS DUE ON OR BEFORE SUNDAY, APRIL 11

April

15 COURTS AS POLICY MAKERS PART 2: Should Courts Make Policy?

Note: All students should be prepared to make a brief (5-10 minutes) presentation about their case study, focusing on the proposed policy strategy, although about half of the presentations will take place next week.

Sunstein, Cass and Gene B. Sperling. 1991. "Does the Supreme Court Matter? A Dialogue Between Cass Sunstein and Gene B. Sperling" *The American Prospect* Pp. 91-97.

Baum, Lawrence and Lori Hausegger. 2004. The Supreme Court and Congress: Reconsidering the Relationship. Chapter 6 in Miller and Barnes. **[TEXT BOOK]**

Devins, Neal. 2004. Is Judicial Policymaking Counter-majoritarian? Chapter 11 in Miller and Barnes. **[TEXT BOOK]**

Van Horn, Carl E., Donald C. Baumer and William T. Gormley, Jr. *Politics and Public Policy*. Chapter 7 "Courtroom Politics" (pp. 231-265) **[TEXT BOOK]**

22 WRAP UP: Strategizing Public Policy

Note: All students who did not present last week should be prepared to make a brief (5-10 minutes) presentation about their case study, focusing on the proposed policy strategy.

Barnes, Jeb and Miller, Mark C. Governance as Dialogue. Chapter 12 in Miller and Barnes. **[TEXT BOOK]**

Van Horn, Carl E., Donald C. Baumer and William T. Gormley, Jr. *Politics and Public Policy*. Chapters 9 and 10 (pp. 271-330) **[TEXT BOOK]**

Kingdon, John W. *Agendas, Alternatives, and Public Policies*. Chapter 9 "Wrapping Things Up" (pp. 196-208) **[TEXT BOOK]**

Stone, Deborah. 2002. Policy Paradox: The Art of Political Decision Making. Read pp. 376-383 ("Conclusion: Political Reason"). **[TEXT BOOK]**

OP ED DUE ON OR BEFORE WEDNESDAY, APRIL 28