PUAF 620: Political Analysis
Fall Semester, 2011 (revised 8/11)

Wednesdays, 9:15 - 11:45 a.m.
Room 2003 or 2007, Van Munching Hall

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Office hours: By appointment, at most any time.

I. Introduction

This course is designed to provide students with a practical understanding of how public policy is made by our national government. We are concerned with the ways in which the Congress, the Executive Branch, the federal bureaucracy and the courts forge public policy while interacting with interest groups, local constituents, public opinion, the media, political parties, elections, and state and local governments. We may occasionally draw comparisons with policy-making procedures of other advanced democratic governments, but our emphasis remains on the American system.

The Family and Medical Leave Act of 1993 (FMLA) provides a common thread as we follow this law as it wends its way through Congress to signature by President Bill Clinton, refinement and clarification through the administrative process, and challenges and interpretations by the courts.

This course is intended to provide students with

- A framework and a vocabulary for understanding how our political institutions operate in formulating and implementing public policy. We explore several models that can help us separate what’s relevant from the background noise.
- The democratic context in which public policy is made and implemented.
- An understanding of the roles of the principal players inside and outside of government.
- A familiarity with the basic formal procedures governing the operations of all three branches of our national government.
- Strategies followed by proponents and opponents of policy options.
- Improved job-related writing skills through written assignments.
- An opportunity to sharpen critical thinking and verbal expression through class discussions, classroom “public-policy exercises,” and written policy papers.

II. Course Requirements

Class Participation. Students are expected to come prepared for each class, whether to discuss the assigned readings, or to answer the questions in the exercises, or to converse with our guests. The quality of each student’s participation in class is a part of your grade. Even more important, your active participation in class will contribute substantially to how much we all enjoy our time together.
Every student will be assigned at least once during the semester to present to the class either one or the other side in a Public Policy Exercise or summarize and critique an assigned reading.

Policy Memoranda. PUAF 620 is the primary course in the Public Policy curriculum for first-year students intended to help you sharpen your skills in researching and writing policy memoranda. You will be writing three policy memoranda in this course. Each assumes you are employed in an office in a government department or agency or interest group and are writing your memorandum for your boss on a designated topic. The three memoranda are as follows:

1. Policy Memorandum on the Targeted Jobs Tax Credit. This memorandum of not more than three, single-spaced pages will be based on the six-page Targeted Jobs Tax Credit Case Study from the Kennedy School of Government, supplemented by my “Instructions for Your Policy Memorandum on the Targeted Jobs Tax Credit,” both of which are included in your Course Packet. All students will prepare memoranda on the same case study, the principal purpose of which is to familiarize you with a policy memorandum as opposed to an academic-style paper you would have likely written in your undergraduate programs. I will describe the assignment in more detail on September 7. Your policy memorandum is due two weeks later on September 21.

2. Policy Memorandum of 15 to 20 double-spaced pages on a public policy of your choice. By September 14, you are to submit a brief typed statement of not more than two paragraphs on (1) the policy issue about which you want to research and write and (2) the identity of the organization and the hypothetical person in that organization for whom you are writing. The issue must be currently active, but can involve any units of federal, state or local governments. You should select an issue of American policy that interests you. Experience has shown that students do better when they select topics about which they already have some knowledge, but this is not a requirement. If you select an issue of foreign policy, your principal focus must remain the formulation and implementation of that policy within the American government. The merits of the foreign policy itself is not an appropriate topic for this course. International students may select an issue within or involving their home country. I must approve your topic for its appropriateness for this course and also to prevent more than one student from writing on the same topic. More detailed instructions are in Appendix A.

All students must submit to me by October 26 a written list of the sources you have consulted in researching your topic. This list is not expected to be final, but should show significant work on your policy memorandum. I will return your list the following week and request meetings with students who seem to be having difficulty getting a handle on their topics. A memorandum at the back of your Course Packet includes my suggestions for researching your policy memorandum and some specific stylistic matters that I find particularly important.

The due date for your Policy Memorandum is December 21. You may, at your option, by Wednesday, November 23, submit a completed or near completed final draft for my review. I will not grade this final draft, but it, along with my comments or red-marks, must accompany your final Policy Memorandum when you turn that in. Students who submit drafts for review generally produce better final memoranda meriting higher grades than the grades their drafts would otherwise have received.

3. Action Memorandum. This is an Action Memorandum of not more than 1 ½ single-spaced pages written for the same person and on the same topic for which you prepared your Policy
Memorandum. You must precisely follow the format in Appendix A. Your Action Memorandum is also due on December 21.

Writing Assistance. All students will have received the School's "Writing Guidelines for Students" and possibly also the School's "Writing Guidelines for Memoranda." In addition, there are student writing tutors who can assist you in your preparation of all writing assignments for this course.

Final Examination. There will be a take-home final examination due on the last day of the exam period. You will be able to choose from among one of three questions. I plan to distribute the final exam early in the course so you can be thinking about the questions as the course proceeds.

III. Grading. Final grades will be computed as follows:

<table>
<thead>
<tr>
<th>Grade Type</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Tax Credit Memorandum</td>
<td>10%</td>
</tr>
<tr>
<td>Policy Memorandum</td>
<td>40%</td>
</tr>
<tr>
<td>Action Memorandum</td>
<td>10%</td>
</tr>
<tr>
<td>Final examination</td>
<td>25%</td>
</tr>
<tr>
<td>Class participation</td>
<td>15%</td>
</tr>
</tbody>
</table>

IV. Schedule of Important Dates -- All dates are Wednesdays.

- **August 31**: First class -- Readings are assigned for this class.
- **September 14**: Due date for your submitting a topic for your Policy Memorandum
- **September 21**: Due date for your Targeted Jobs Tax Credit Memorandum.
- **October 26**: Due date for your preliminary list of research sources.
- **November 23**: Final date for your optional final draft of your Policy Memorandum
- **December 21**: Due date for your Policy Memorandum and your Action Memorandum.
- **December 21**: Due date for your Final Examination paper.

IV. Readings -- Books to Buy, ELMS Reserves, and Other Readings


Course Packet for PUAF 620, available only in Room 1406, Van Munching Hall.

ELMS Reserve. Many readings have been placed on ELMS Reserve at McKeldin Library. These readings can be accessed on your own computer terminals without having to pay royalties. Instructions on how to call up the readings are in Appendix B. These readings are designated as being in ELMS Reserve. All assigned newspaper articles are also posted in the ELMS Reserve.
V. Weekly Topics, Assignments and Guests

Students should read the readings in the order they appear in the syllabus, unless I advise you differently in class or by email.

August 31 Introduction to the course and to each other
The structure of American government: The basics


Memorandum, “Chronological Model of a Public Policy” in your Course Packet.

Suggestion: Begin reading Elving, Introduction, Parts One and Two, pp. 11-125.

September 7 Origins and first beginnings of the Family and Medical Leave Act of 1993 (FMLA)
Public Policy Debate: Does the FMLA have a place in a free market economy?
Instructions for your Policy Memorandum on the Targeted Jobs Tax Credit

Elving, Introduction, Parts One & Part Two, pp. 11-125.

Memorandum, “Background for the Family and Medical Leave Act of 1993,” in your Course Packet.

Outline, “Bill Chronology for Family and Medical Leave Act of 1993” in your Course Packet.

Memorandum: “Topics in Conflict and Compromise,” in your Course Packet.


To prepare for the Public Policy Debate, read or skim as appropriate the “House Report 99-699, Together with Dissenting and Separate Dissenting Views,” under “Public Documents” in your Course Packet.

Memorandum, “Instructions for your Policy Memorandum on the Targeted Jobs Tax Credit” in your Course Packet.

September 14 The democratic context for making public policy:
What are the basic elements of democracy?
The players who make public policy – Outside government
What is the impact of lobbying on public policy?

Kingdon, chapter 3, pp. 45-70.¹

¹ We are not concerned in this course with Kingdon’s methodology that underlie his analysis. Those sections may be skimmed over lightly


Your Policy Memoranda topics are due at the end of class.

September 21  The players who make public policy – Inside government
    How members of Congress spend their days
    Five laws of public policy

Your Targeted Jobs Tax Credit Memorandum is due at the beginning of class.

Kingdon, chapter 2, pp. 21-44.


September 28  Meet and speak: Two Washington lobbyists (9:15 - 10:30).
    Methods of argumentation in policy debate

Guests on Sept. 28  Donald J. Borut
    Executive Director, National League of Cities
    Washington, D.C.
Monica Healy
Healy Associates
Former staff lobbyist, Teach for America
Former Legislative Assistant to Senator Charles "Mae" Mathias ®, MD)

Memorandum, “Basic Concepts Underlying the Federal Estate Tax” in your Course Packet.
Michael J. Graetz & Ian Shapiro, Death by a Thousand Cuts (excerpts), pp. 62-73, 229-238², in ELMS Reserve.

October 5
Factors affecting when policies become law: Problems, policies, politics, policy entrepreneurs, and windows of opportunity
Enacting Health Care Reform in the 111th Congress, a Kingdon analysis
Guidance for your Policy Memoranda: Assessing political feasibility: Adopting political strategies:

Kingdon, chapters 1, 4-9, pp. 1-20, 71-208
Kingdon, Epilogue, pp. 231 - 247. (Pages will be distributed as most students will not have the second revised edition of Kingdon that includes his recently written Epilogue.)


October 12
Our changed political process.
Leadership styles in the 111th Congress
Financing election campaigns.


² This fascinating book tells the story of how the generally accepted principle of taxing part of the estate of the richest two percent of the American public was almost completely upturned in ten year’s time in this “age of polls, sound bites, think tanks, highly organized membership organizations, and single-issue coalitions” (page 1). Unfortunately, we don’t have time in this course to read more than one chapter. Students are urged to read the book in its entirely on their own. It is available in a paperback edition.


Memorandum: “Campaign Finance and Campaign Finance Reform” in your Course Packet


October 19 Funding Federal Programs: The Federal Budget Process.


Outline, “President Obama’s Budget for Fiscal Year 2012” in your Course Packet.


October 26 The FMLA moves through Congress: Two Vetoes, then Success

Meet and speak: Some principals in the FMLA story

Elving, Parts Three - Five & Epilogue, pp. 129 - 296.

Review Memorandum, “Topics in Conflict and Compromise” in your Course Packet.

Guests on October 26 Ronald D. Elving

Senior National Editor, National Public Radio News

author, Conflict & Compromise
Fred Feinstein, Senior Fellow, School of Public Policy  
formerly Staff Director and Chief Counsel,  
Subcommittee on Labor-Management Relations,  
House Committee on Education and Labor.

Judith Lichtman  
Founder and former Chair, National Partnership for Women and Families  
(formerly known as Women’s Legal Defense Fund)

**Due date for your initial list of sources for researching your Policy Memorandum.**

**November 2**  
The tasks of policy implementation:  
Political appointees and career civil servants: Helpmates or saboteurs?  
The “revolving door”: Evil or necessary evil?

**Memorandum**, “A Brief Introduction to the Federal Bureaucracy,” in your Course Packet.  
Mark A. Abramson & Paul R. Lawrence, *Learning the Ropes: Insights for Political Appointees*  
(“Myths about Career Civil Servants” & “Myths about Political Appointees”), Rowman &  
Kennedy School of Government, “Dr. Savitz and the Department of Energy: Abridged” in your  
Course Packet.  
**Memorandum**, “Supplement to ‘Dr. Savitz and the Department of Energy’ and Questions  
for Class” in your Course Packet

14, 2011.

David S. Hilzenrath, “SEC staff’s ‘revolving door’ prompts concerns about agency’s  


**November 9**  
Policy implementation through administrative rule-making

R. Shep Melnick, “The New Regulation” from *Regulation and the Courts*, pp. 5-9, in ELMS  
Reserve.

1, 2008.

September 6, 2005.

**Public Policy Exercise:** “Reconciling FMLA Standards with Private Employer Family and Medical  
Leave Policies” in your Course Packet.  
Kennedy School of Government, “Recession of the Passive Restraints Standard” and  
“Sequel,” in your Course Packet.  
**Memorandum**, “Guide to Reading the Case Study, ‘Recession of the Passive Restraints  
Standard’,” in your Course Packet.

November 16  Policy choices in the executive branch: Three models for decision-making.
Policy choices in the executive branch: Three case studies
Criteria for Cabinet appointments
“A Terrorist Incident”: A Game

Heymann, pp. 3-17, 21-51, 64-82 (includes the “1998 Needle-Exchange Decision” and “Stinger Missile” case studies).
Heymann, pp. 145-159 (“Telling the Boss He’s Wrong: George Schultz and Iran-Contra.”)
Public Policy Exercise: “If You Had Been George Schultz?” in your Course Packet.
Heymann, pp. 137-143 (“A Terrorist Incident”: A Game)

Guest for Nov. 16:  [TO BE DETERMINED]

November 23  Policy enterpreneurs in the executive branch: Taming Tobacco
Policy implementation through administrative adjudication
Congressional oversight of executive branch policies and operations

Heymann, pp. 173-228 (to end of first paragraph)(the “Big Tobacco” case study).
Public Policy Exercise: “The Rapid Shave Case,” in your Course Packet.

Due date for your optional final draft of your Policy Memorandum

November 30  Introduction to the courts
The FMLA in the courts
“Judicial activism” myth or reality?

Public Policy Exercise: “What is a ‘Serious Health Condition’ FMLA in the Courts,” in your Course Packet.
Public Policy Exercise: “May a State Employee Sue His State Employer to Enforce His Rights Under the FMLA?” in your Course Packet

3 The full story behind the movie “Charlie’s War.”

December 7  The Supreme Court making national policy - Ending racial segregation in the public schools - or did it?
Does an unelected United States Supreme Court damage American democracy?

Supreme Court opinions in Brown v. Board of Education I & II, and Bolling v. Sharpe, in your Course Packet.
Kathleen Sullivan, "What Happened to 'Brown'?'" in ELMS Reserve.

December 21  Final Examination due at 5 pm
December 21  Due Date for your Policy Memorandum and Action Memorandum

Happy Holidays!
Appendix A to PUAF 620 Syllabus

Writing Your Policy Memoranda

This may be the first course in your Public Policy curriculum in which you have the opportunity to practice writing policy papers as might be required of you in a job with a unit of government or a private advocacy or interest group. These differ in form and style from academic papers you may have written as undergraduates.

Policy Issue Selection

You will do better if you are genuinely interested in the policy issue about which you will be writing. If you have difficulty settling on a topic, you should read the Washington Post, the New York Times and the Wall Street Journal for several consecutive days. I would be surprised if you cannot find an article on a topic that grabs your attention and motivates you to want to get to the bottom of the matter. Ask to meet with me if you want to try out some possibilities.

I must approve your selected topic for its suitability for this course. Absent some unusual circumstance, two or more students should not be writing on the same issue. If this occurs, we'll try to work out a resolution.

Policy Memorandum.

You are to assume that you are writing for a superior in your organization who has specifically asked you for your analysis and recommendations on the issue. Your Policy Memorandum will also become the file copy, available as a resource for your present and future colleagues and for your superior and her successors.

Framing Your Issue. Your Policy Memorandum should begin with a precisely worded statement or statements of the question for which your superior has asked for your analysis and advice. Since you are writing this statement yourself, it enables you to frame the scope of the policy under study. However, you need to be careful not to deviate from the general topic that I have previously approved.

Be sure to keep the question on which you have been asked to write in sharp focus as you research and write your Policy Memorandum. Your superior is only interested in hearing from you on this issue. As a practical matter, however, in a departure from any real life situation, you may refine or alter your initial statement to restate the question as you gain a greater understanding of your issue, as long as you remain within your approved topic.

Content and Organization. Once you have carefully framed your issue, your Policy Memorandum should include the following information.

1. Context -- You need to provide the relevant background (or contextual) information. This includes why the issue is important -- how it deals with a perceived problem, as John Kingdon would call it -- where matters stand at present, why action is now probably needed (whether to promote the general good or at least the objectives of the organization where you are working), and the options facing policymakers.

Some historical background may be needed to illuminate the current issue, but try to limit your historical background to no more than one or two pages.
2. Data analysis -- Your Policy Memorandum should present and interpret the most relevant available quantitative information relating to the size, scope, complexity, severity, uncertainty or other significant measurable aspects of the issue, including recent trends. The type of data that you discuss will, of course, depend upon the nature of the issue on which you are writing. You are not expected to undertake original data gathering or any attempt at primary research. You will need to rely on secondary sources. However, you must be on the lookout for bias in the data, particularly for data cited by advocacy groups. On the whole, data derived from government, academia, and most think tanks will be more likely to be reliable.

*Personal interviews.* You may decide that you want to interview selected individuals directly involved with your issue. Individuals who would most likely be accessible to you would be from the staffs of the principal policy makers or of concerned interest groups. You may want to discuss with me possible targets for interviews if you want to pursue this avenue for gathering information. Part III of "Suggestions for Researching and Writing Your Policy Memorandum" in your Course Packet includes advice on how to prepare for and conduct personal interviews.

3. Institutional analysis -- You must identify the institutions of government -- legislative bodies, executive agencies or the courts -- involved in your issue. At times, the authority of the institution to take action on your issue will require analysis. This would must likely be necessary in the case of executive agencies that must operate within the authority and policy guidelines given them by the authoritative legislative body. For some issues, the constitutional authority for the legislative body, the executive or the courts may also be in question.

The procedural status of your issue will largely control the available policy options. You need to clearly describe where your issue stands procedurally and what additional procedural measures need to be taken (or blocked) to implement your recommended actions.

4. Interest and political groups -- Identify the relevant interest and political groups, their reasons for concern with the issue, and their strategies and tactics. Much of your information is likely to be obtained from the web sites of each group, along with any interviews with staff you may have conducted.

5. Current Activities and Prospects -- Briefly outline what, if anything, you expect to see happen during the course of the semester.

6. Policy Options and Recommendations -- Describe the leading policy options, indicate which are most likely to prevail and why, and then identify your recommendation as to the preferred option and why. In some cases, your recommendation might not be to adopt the best policy for achieving your desired policy objective, but rather to pursue a less optimum policy that reflects the practical realities of the current political, economic, budget and social situation. Outline what measures need to be taken to make your recommendation a reality.

*Organization.* Other than your opening paragraph, there is no prescribed format or organization for your memorandum. Different issues will suggest different organizations. All, however, must describe all aspects of your issue in a coherent and logical manner. Given the length of your paper, I strongly recommend breaking your paper up with sub-headings. Not only do sub-headings assist my reading of your paper, but they can also help you with its organization.
Requirements

Your Policy Memorandum is to be 15 to 20 double-spaced, typed and numbered pages. All lengthy quotations and documents, including all bills, laws and regulations, are to be placed in Appendices and do not count against the 15 to 20-page target. Most Appendices should be single-spaced.

Your papers are to be delivered to me in hard copy. I do not want to receive any papers from students as attachments to emails unless I have approved this method of delivery because of your special circumstances.

Footnoting. All sources you refer to must be noted in text, footnotes or endnotes. Because I may check out your sources myself, your sources need to be carefully identified. While different disciplines have their own rules for footnoting, I use only one, highly flexible, but practical standard: You need to furnish me with sufficient identifying information that will enable me and any other reader (1) to know the source of the information (e.g., General Accountability Office, Troubled Asset Relief Program: Continued Stewardship Needed as Treasury Develops Strategies for Monitoring and Divesting Financial Interests in Chrysler and GM, November 2009), and (2) to readily access it for my own reading (i.e., the name of the book or official document or address of the web site where I can find the information).

Bibliography. You should also include a bibliography for all sources of information that have not been already identified in your footnotes.

Action Memorandum

This is a memorandum you are writing for the very busy head of the organization where you (hypothetically) work in which you recommend the adoption of a policy on the issue on which you wrote your Policy Memorandum. Your recommended policy does not have to be your preferred policy if you believe and can justify, for example, that the political benefits arising from a different policy outweigh the benefits of your preferred policy. Writing your Action Memorandum will sharpen your skills of condensation and clarity.

Your Action Memorandum needs to inform the head of your organization about everything in summary form that she needs to know in order to make a decision on the issue. All superfluous information and unnecessary detail will be eliminated. Your Action Memorandum will assume that your superior has a basic understanding of the background of the issue. You will therefore go right into the justifications for and problems with your recommendations. In this respect, your Action Memorandum differs from the longer Policy Memorandum in which you assume that your reader, including your instructor, knows little about your topic.

To write a proper Action Memorandum, you need to put yourself in your superior’s place and ask, remembering that she has very limited time to read and act on the Action Memorandum: “Can I trust this memorandum? Does it tell me what I need to know, and nothing more, for me to make the right decision?” This includes the risks and pitfalls that may occur if your recommendations are adopted.
Your Action Memorandum must scrupulously observe the following requirements:

- Single-space and typed.
- One page, or 1 ½ pages maximum in length.
- A self-contained document.
- Follows the format below.

**ACTION MEMORANDUM**

[Maximum total length is 1 ½ pages, single-spaced]

**TO:** [Name of Addressee] [Date of Memorandum]
[Title and agency of Addressee]

**FROM:** [Your Name]
[Your title and agency]

**SUBJECT:** [Subject Matter of your Action Memorandum]

The Issue: [State the issue you are asking to be decided in one or two sentences]

Recommendation: [Your recommendation. If in several parts, they should be listed in short numbered or bulleted paragraphs. This section should mention the procedures to be taken to assure that your recommendation, if accepted, will be carried out.]

Discussion: [State the reasons for your recommendation, being careful to alert the Addressee to all likely costs -- budgetary and otherwise -- and potential opposition. Include the principal competing policy options, if there are any, and why you are not recommending them. The point is that if your recommendation is accepted, you do not want serious obstacles to arise of which you have not warned your Addressee. Your discussion could include alternate procedures to follow, if relevant.]

Decision: [Your superior will check one of the spaces below and possibly add comments.]

_____ Approve _____ Approved as Amended _____ Reject _____ Needs discussion, set up meeting.
Appendix B to PUAF 620 Syllabus

Accessing the ELMS Reserve

Follow these instructions to access the readings listed as being at ELMS Reserve:

2. Log in with your Directory ID and password, the same as you would to access your campus email.
3. Click this course under “My Courses”.
4. Click “Course Tools” once you are in the course site.
5. Click on the tool called “Course Reserves”.
6. Click on desired reading. Your computer must be equipped with Adobe. You may have to wait for a while for the reading to appear, particularly if it is rather lengthy.

The system is maintained by McKeldin Library. If you have a problem, you might find your answer at the above McKeldin web site. Or you can call the McKeldin Library Reserve Desk at 301-405-9046 (i.e., extension 5-9046). They will find someone from the McKeldin ELMS Reserve Desk to help you. If you are having problems, please notify me as well.

If you find that any reading is missing from the ELMS Reserve, or is unreadable, or is missing pages, please inform me as soon as possible. I will promptly do what I can to fix the problem.