P11.2411 POLICY FORMATION AND POLICY ANALYSIS

Course Objectives
This is a required course in the policy specialization of the Wagner School’s MPA program in public and nonprofit management and policy. The prerequisite is successful completion of P11.1022 Introduction to Public Policy or its equivalent. Wagner students in other specializations and graduate students from other schools of NYU are welcome, but must have experience or coursework in the topics covered in the Wagner School’s Introduction to Public Policy.

The purpose of the course is to deepen students’ understanding of the way in which public policy and political realities interact in American government at the national, state, and local levels: how political pressures limit policy choices, how policy choices in turn reshape politics, and how policymakers can function in the interplay of competing forces. The course will focus primarily on contemporary issues, while first laying a historical predicate, which illustrates the enduring nature of the policy/politics interaction in American public life.

In the first part of the course, this theme will be explored through case studies reaching as far back as Lincoln, but largely consisting of those from the recent past. In the second part of the course, students will be divided into teams, each of which will deal with a specific contemporary public policy issue. Each team will develop recommendations in the form of a presentation to be discussed and tested by other students, the instructor, and an invited guest who is expert in both the policy and politics of the issue. Taking account of that process, each team member will then write a final paper recommending a course of action and a strategy to achieve it.

The course will seek to broaden the students’ capacity to conceptualize, strategize, and write like policy analysts. Students will be asked to apply both a policy analysis framework and a political perspective to the issues under discussion. The policy analysis framework is introduced in P11.1022 and a guide to an applied version of it is contained in Eugene Bardach’s A Practical Guide for Policy Analysis, a text in most sections of P11.1022.
Course Requirements and Grading

Each student is required to:

1. Complete the assigned readings in advance of the class session at which they are to be discussed

2. Attend class regularly and participate actively both in class discussions and in the team policy work and presentations in the second part of the course.

3. Complete the memo and the final policy paper.

The student grades will be based on:

- Policy memo – 25%. 5-7 pages, due March 29. Choose one of the following topics (may change at start of semester depending on events):

  1) In a memo to President Obama, discuss how and when to cut the federal deficit. As the economy recovers, the danger may be that the federal stimulus would be reduced too quickly—as happened with FDR in 1937-38—resulting in a second downturn. How should the President balance the timing of a deficit reduction policy with the increasing public concern about the deficit and the increasing pressure coming from his political opponents? How should he balance the economics and the politics? Should he move this year or wait until after the midterm elections, when he may have a less favorably disposed Congress. On the other hand, if he doesn’t move this year, will it hurt Democrats in the midterm elections? When he does act to achieve deficit reduction, are there political costs to letting the bulk of the Bush tax cuts, which he claims benefit the wealthy, be sun-setted as they were scheduled to be in the original bill that President Bush signed? Should he propose other additional taxes? Can he afford to politically, given his promise not to raise taxes on those who make under $250 thousand a year?

  2) As an advisor to Governor David Patterson of New York, recommend the policy priorities he should pursue and their political implications if he is at this point a candidate for reelection. If he decides not to run, assess the consequences of his lame duck status and suggest what policy changes are politically possible in the remaining months of his term. You can also discuss whether the Governor is correct that his real achievements in policy terms have been overshadowed by his political missteps from the bungled Senate appointment process on.

  3) Analyze how Attorney General Andrew Cuomo has used his office and the financial crisis—and the pursuit of malfeasance on Wall Street—to reshape his image to the point where he is now the most popular political figure in the state. How have his political goals influenced—or distorted—his policy choices and investigative and prosecutorial decisions. Will the ultimate outcome strengthen or weaken the future viability of the financial sector in the city?

  4) After the difficulties with closing Guantanamo, and the controversy over the release of reports on torture, amplified by Attorney General Eric Holder’s
decision to investigate the abuse of detainees under the Bush administration, recommend where the President should go from here. Specifically, can he successfully achieve the transfer of prisoners to locations inside the United States—and if so, how? What should he do about other overseas facilities where terror suspects are held? How should he balance the demands of those in his own party who are focused on civil liberties and human rights issues against the charge that greater safeguards will weaken the fight against terrorism—and indeed already have?

- Team policy presentation – 30% See descriptions in the syllabus.
- Final Paper – 35%. 10-15 pages, due May 10. A paper commenting on the interface between policymaking and politics either in terms of general principles, drawing on a number of examples, or focusing on one of the case studies or team projects from the course.
- Class participation – 10%

**Course Readings**

A course packet with all the required readings will be available at Unique Copy Center on Greene St.

Before the course, all students will be expected to be familiar with material from Deborah Stone’s *Policy Paradox: The Art of Political Decision Making, Revised Edition*.

**Course Outline**

1. **Introduction: Lincoln and Slavery: his real view and the limits imposed by political realities (January 25)**

   The interaction between policymaking and politics is as old as government itself. We will begin with an issue nearly 150 years in the past. There is substantial evidence that Lincoln always opposed slavery and wanted, as he said, to “put it on the path to extinction,” but the need for unity in the north at the outset of the Civil War militated against any immediate action on slavery. What was the impact of Lincoln’s promise, both before he was elected and in his First Inaugural Address, not too disturb slavery where it already existed? What stratagems did Lincoln then adopt to advance the long-term purpose of abolishing slavery and to shorten the timeframe in which this could be accomplished? How did changing events – and Lincoln’s manipulation of events – lead to the Emancipation Proclamation and then the 13th amendment to the Constitution?

   **Required readings:**
   - David Herbert Donald, *Lincoln*, pp. 362-376 and 395-397
   - *Lincoln: His Speeches and Writings*, pp. 352-365
2. “Balanced” Budgets from FDR to JFK and Nixon (February 8)

In 1932, in a speech in Pittsburgh, candidate Franklin Roosevelt promised to fight the Great Depression by cutting the federal budget by 25%. Instead, in the next four years his administration ran soaring deficits. As he was returning to Pittsburgh in the 1936 campaign, he asked his speechwriter, Sam Rosenman, to reconcile his record with his 1932 speech. Rosenman replied: “The only thing we can come up with is to deny you ever said it.” During this period, Roosevelt met with John Maynard Keynes, who had made the pathbreaking argument for countercyclical fiscal policy; Keynes concluded that Roosevelt didn’t understand and didn’t seem interested in what he was saying. In 1937, Roosevelt, who was drawn to the prevailing wisdom of a balanced budget, proposed a budget that sharply cut the deficit and led to a steep economic downturn. He quickly returned to deficit spending without justifying the shift on any larger policy grounds. For the generation that followed, American presidents and presidential candidates fervently professed their belief in balanced budgets and sometimes followed that belief even when it brought on or deepened recession – for example, three times under President Eisenhower. It was not until President Kennedy’s 1962 speech at Yale rejecting “old ideas” and defending proactive fiscal stimulus that a president actually said (even if at times some had actually carried out the policy) that in downturns, deficits could be good for the economy. When Richard Nixon took office in 1969 the pressures of events prevented him from taking immediate action to balance the budget. He bounced back and forth between different fiscal policies until, in the face of a recession in 1970 and a reelection campaign in 1972, President Nixon claimed: “We are all Keynesians now.”

Why was the balanced budget’s hold on political culture so powerful (e.g., Eisenhower’s comment that the government is just like a family; it has to live within its means)? How did presidents successfully deviate from the rhetoric while continuing to reinforce the notion that a balanced budget was an inherent public good? What pressures led Kennedy – and what events permitted him – to explicitly admit and argue for the desirability of countercyclical fiscal policy? Was Nixon’s economic policy—from deficit spending to wage and price controls—purely a political response or a defensible, even essential, policy option?

President Obama entered office in the face of the largest financial crisis since the Great Depression. He said we could not move toward a balanced budget at that time, and instead introduced and passed the largest financial stimulus in U.S. history in February 2009. Did he pay a political price for this, or has the country largely accepted his logic? Will that logic prevail over time or will the old orthodoxy reassert itself—and be reasserted by political leaders—as events warrant deficit reduction? Consider what happened later in the year: When President Obama confronted political challenges in passing health care reform, he talked about the deficit again, but this time promised to not add to it. Why did the President temper his rhetoric about the budget? What implications will the
President's budget policy during his first year in office have for the rest of his presidency, the 2010 midterm elections, and future rhetoric on the issue?

Required Readings:
- William Leuchtenburg, FDR and the New Deal, pp. 243-251
- Stephen Ambrose, Eisenhower, pp. 85-91 and 496-497
- Seymour Harris, The Economics of the Kennedy Years, Chapters 3-5, 7-8, 10
- Arthur Schlesinger, A Thousand Days, 620-631 and 644-651
- John F Kennedy, Public Papers of the Presidents 1962, Speech at Yale University, pp. 471-472
- Lynn Turgeon, Bastard Keynesianism, 23-26
- “Sensible meets radical; Obama's team of centrist economists is asked to shift its thinking -- and fast,” Los Angeles Times, November 25, 2008.
- Barack Obama, "Remarks by the President to a Joint Session of Congress on Health Care," [excerpts], September 9, 2009.

3. Abortion and Stem Cell Research: The Policy Consequences of Mitt Romney’s Political Positioning, and the Political Consequences of His Policy Decisions (February 22)

Former Massachusetts Governor Mitt Romney said he was pro-choice when he ran for Senator in 1994. He said it again in his 2002 Gubernatorial campaign. But by 2006 Romney had moved to the right on abortion and stem cell research to appeal to the Republican base in the presidential primaries. Romney altered his positions completely, saying that in addition to being “personally pro-life,” he now believed in government control over abortion rights.

During his 1994 Senate race, Romney told the story of a family friend who had died during an illegal abortion, saying that it had convinced him to support abortion rights while continuing to personally oppose the procedure. But he never carved out a clear position on the issue, resorting to a nuanced characterization of himself as pro-life but essentially pro-choice that was difficult for Massachusetts voters to swallow. He continued to waffle on the issue depending on his audience,
leading Ted Kennedy to charge in a debate that Romney wasn’t “pro-choice, but multiple choice.”

Returning to Massachusetts and winning a victory in the 2002 gubernatorial race, Romney continued to characterize himself as a pro-choice moderate who personally held pro-life views. As he prepared to run for President in 2008, however, Romney began to move to the right on issues of human life. He claimed that a 2004 meeting with a stem cell researcher had made him realize the perils of Roe v. Wade, saying that he was now publicly pro-life as well. This sparked a fierce battle in 2005, which Romney lost, in the Massachusetts legislature to drastically limit stem cell research. He then vetoed a bill to expand access to emergency contraception, citing his pro-life position. In an editorial defending his veto, Romney claimed that he had a deal with the people of Massachusetts, pledging to maintain the abortion status quo, but this did not bind him to a view. In part, this was simply political posturing with no real policy consequences: the overwhelmingly Democratic Massachusetts legislature could easily override Romney’s vetoes. Did the fact that he could only exercise a symbolic veto influence Romney’s tactics?

Romney’s amorphous position on abortion followed him throughout the 2008 primary campaign. His opponents cited it at every opportunity, using his policy shifts as proof of a candidate with no convictions, a man who would say or do anything for votes. In a New Hampshire debate, for instance, John McCain derisively referred to Romney as “the candidate of change.” Romney struggled to define and defend his views over several debates, but his candidacy fell apart in the wake of early defeats that culminated in his Super Tuesday trouncing.

How did Romney’s political posturing affect his tenure as governor? How did it affect his presidential campaign? Could Romney have balanced his position on these issues to satisfy both his Massachusetts constituents and the Republican base? How? Would he have been better off just running as who he was—or had been?

Required Readings:

- “Romney takes more heat on abortion,” The Boston Globe, September 10, 1994
- “Romney admits advice against abortion; Says he sees no conflict with political stance,” The Boston Globe, October 20, 1994
- Robert Shrum, No Excuses, 244-250
- “Supporters Want to See Real Romney” The Boston Globe, March 19, 2002
- “Romney Draws Fire on Stem Cells,” The Boston Globe, Feb. 11, 2005
• “Mitt Romney vs. the Boys From Boston,” The Weekly Standard, Feb. 17, 2005
• “Seducing Scientists: California and Massachusetts do battle over stem cells,” Newsweek, March 7, 2005
• “Harvard Provost OKs Stem Cell Cloning Procedure,” The Boston Globe, March 20, 2005
• Mitt Romney, “Why I vetoed contraception bill,” The Boston Globe, July 26, 2005
• “Massachusetts Governor Tries to Accentuate the Conservative,” The New York Times, Aug. 2, 2005
• “In tangled issues like embryonic stem cell research, does the term ‘religious extremist’ have a place?,” The New York Times, Jul 22, 2006
• "What Romney Believes," Time, May 21, 2007
• “Romney Struggles to Define Abortion Stance,” The Washington Post, August 23, 2007
• “Credibility pounded, Romney wrestles uncertainties Position shaky at front of GOP pack” The Boston Globe, December 31, 2007
• Dan Balz and Haynes Johnson, The Battle For America 2008, pg. 238-9, 244-5, 250-3, 274-7, 280-5

4. Civil Right or Social Wrong? Politics and Policy in the Advance of Gay Rights in America (March 1)
Guest: David Mixner

In 1978, the initiative banning gay school teachers in California seemed headed for victory as part of the trend that began with a similar proposal spearheaded by former Miss America Anita Bryant in Dade County Florida. But the initiative was soundly defeated, and one of the turning points was ex-Governor Ronald Reagan’s decision to oppose it. What argument persuaded Reagan to reject what many would have assumed to be his predictable position? And what does that tell policymakers about how to make their cases in apparently difficult circumstances?

In 1980, the Democratic Convention approved the first major party platform plank pledging to guarantee equality regardless of sexual orientation. In the decade that followed, the AIDS epidemic plunged the gay community into crisis. Policymakers, especially on the right, had to determine how to address this new problem. Could they support legislation funding research and prevention against a disease that disproportionately affected gay men while publicly continuing to condemn their lifestyle? For many, the simple answer was to avoid the issue entirely. Ronald Reagan, who had opposed prop 6 in 1978, now refused to even say the word “AIDS” in public until 1985. While the CDC studied the disease
throughout the decade, widespread government action didn’t come until after 1987, when President Reagan gave his first speech about the epidemic to the Third International Conference on AIDS. How did the “moral” prejudices of legislatures and their constituents affect policy towards the AIDS epidemic? What policy response would have been appropriate, and could it have been sold to the country, the Republican base, and enacted during the Reagan revolution? In light of government ambivalence, how did non-governmental organizing attempt to fight the AIDS epidemic? Is this a viable model for other types of reform?

While campaigning for president in 1992, Bill Clinton promised to reform federal policy toward gays in the military. Once in office, Clinton attempted to forge a compromise that would satisfy his campaign promise to the gay community without alienating the Joint Chiefs or social conservatives. He was determined to avoid an early loss, especially on what he considered to be a relatively insignificant issue. Thus was born “Don’t Ask Don’t Tell,” a compromise measure that angered Clinton’s liberal base while failing to assuage the ire of the right. Why did Clinton promise action on the relatively specific point of gays in the military during the campaign, instead of proposing, for instance, to end workplace discrimination? What policy should he have pursued? What was right politically? Had he acted differently, could an early loss have actually helped Clinton in this case?

In 1996 Clinton signed the Defense of Marriage Act (In fact, there was only one Democrat running for reelection that opposed it—Massachusetts Senator John Kerry). Was the national consensus so opposed to gay rights that it was politically impossible to oppose this bill?

By 2000, the debate over gay rights had shifted again. In April 2000, Governor Howard Dean signed a law making Vermont the first state to legalize same-sex civil unions—a symbolic compromise of nomenclature that was nevertheless the far left position at this time. How did the country react, and how did politicians attempt to position themselves in light of this new development? Is the concept of “civil unions”—still the norm among mainstream Democratic contenders—simply a form of political cover that makes their views appear more moderate? Does it make sense from a policy standpoint?

In November, 2003 the Massachusetts Supreme Court ordered the state to begin issuing marriage licenses to same-sex couples. While this was a victory for gay rights, this decision had profound consequences for the state’s junior Senator in his 2004 presidential run. As images of same-sex weddings began to appear prominently in newspapers across the country, a national debate raged over the proper definition of marriage in America. George Bush and Karl Rove exploited this development as a wedge issue to mobilize the right and turn out base voters in record numbers, one factor that allowed Bush to eke out a narrow victory in November. In this case, the policy decision of a single state had far-reaching implications for the national political debate.
While the 2008 presidential campaign largely avoided social issues, gay rights still figured prominently. California’s Proposition 8 proposed to amend the state’s constitution to reverse the recent state Supreme Court decision legalizing same-sex marriage. Arkansas considered a ballot initiative that would prohibit unmarried couples from adopting, an obvious assault on gay and lesbian couples who were unable to marry. Both initiatives ultimately passed. How were Prop 8’s opponents and supporters organized and what strategies did they employ? How is a campaign for or against a ballot initiative different than a campaign for an individual? Did the “No on Prop 8” forces make tactical mistakes that led to their defeat? How would you have organized the campaign to either promote or defeat this initiative?

What explains the relative lack of focus on social issues—especially gay marriage—in the 2008 presidential election? Is culture more powerful than politics; and despite the conventional wisdom about the 2004 election, were there culture forces then—and are there cultural forces now—that work long-term against the conservative opposition to gay rights?

While it never became a central issue, President Obama did campaign against DOMA and DADT, and yet took no immediate action on them once in office. He stunned the LGBT community when the Justice Department wrote a legal brief defending DOMA and comparing gay relationships to incest. In the wake of these apparent affronts, prominent LGBT activists pulled out of a Democratic Party fundraiser, and then staged an “Equality March” on Washington. Did Obama make a political calculation to postpone these issues? Was he right, and what are the prospects for substantive action in the future? Has his strategy in this area affected his broader policy agenda?

Possible guest: David Mixner

**Required Readings:**

- Robert Shrum, *No Excuses* 71-3; 111-112; 229-231; 443-5
- Andrew Sullivan, *Same-Sex Marriage: Pro and Con*
  i. The 2003 Massachusetts Supreme Judicial Court ruling in support of same-sex marriage
  ii. Justice Kennedy’s majority opinion and Justice Scalia’s dissent in the 2003 landmark Supreme Court decision striking down anti-sodomy laws
  iii. President George W. Bush’s call for a Federal Marriage Amendment
  iv. Stanley Kurtz on the politics of gay marriage
5. From Hillarycare to Welfare Reform to Obamacare—The politics and policy making of two historic domestic decisions (April 19)
Guest: Doris Kearns Goodwin

After the personal charges against Bill Clinton in the 1992 campaign, and given her own record of policy involvement and advocacy, it was no surprise that Hillary Clinton was put in charge of the health care task force to develop the Clinton Administration’s health care reform proposal. One bill already before the Senate had wide support, but it called for employer mandates requiring companies
to provide health coverage for their workers. President Clinton wanted to avoid the contentious issue of employer mandates. During the campaign, he had outlined principles, but no specific plan. The policy process set up by Hillary Clinton was criticized as cumbersome and complicated and so was the bill that emerged from it. Why did candidate Clinton shy away from employer mandates? Did he lose the battle almost before it began by waiting months instead of making the existing Senate proposal an immediate priority, given that history indicates that new presidents almost always succeed in passing their first major proposal? Did the need to cut the deficit work against such a strategy? Which should have come first, the economic plan or the health plan? What was wrong – and what was right – with the process led by Mrs. Clinton and the bill that resulted from it? What was the effect of the well-financed advertising campaign against the Clinton proposal and could the administration have more effectively countered it? (The campaign essentially led people to believe that in return for a speculative gain, they might lose what they already had – the same problem that undid the 2005 Bush Social Security proposal.)

As it became clear in the late spring and summer of 1994 that the Clinton plan could not pass in its existing form, the administration refused to compromise. Republicans like Senator Bob Dole and Senator John Chafee retreated from their own compromise offers as the president appeared increasingly bound to lose the battle. Should President Clinton have compromised – when and to what degree? When should the presumed superiority of a policy yield to political reality? When is half a loaf better than none?

After the stunning Democratic defeat in the 1994 midterm elections, national health reform was abandoned in favor of an incremental strategy to improve the availability of health care. With a new and far more conservative Congress riding high, the unintended consequence of the health care battle and its political fallout, was that welfare reform emerged as a central issue. Eventually, as the 1996 election approached, at the advice of pollster Dick Morris, and after initially vetoing welfare reform, President Clinton signed a bill far more restrictive than the one he had promised during his 1992 campaign. Was it a mistake not to propose welfare reform earlier when he had a Democratic Congress? To what extent did political pressures override sound policy in Clinton’s decision to approve the welfare reform bill? What lessons can a policymaker draw from a series of events in which the proposal to create a new entitlement actually led to sharp cutbacks in an existing one?

What is the best way, in terms of timing and compromise to pass a major new initiative? Did the demands of the 1992 campaign, in which Bill Clinton did not even initially offer a health care plan, actually push him into a position that hobbled his entire first term?

Health care reemerged as a signature issue in the 2008 presidential campaign. Hillary Clinton tried to trumpet her work on health care reform as a qualification
to bolster her theme of “experience.” The other campaigns shot back, implying that experience on a failed reform attempt was no qualification. To what extent did Clinton’s history in the health care debate help her 2008 campaign, and how much did memories of her failure hurt her?

As the Democratic primary moved on, Obama and Clinton incessantly debated their health care plans. In debates and public statements Clinton repeatedly highlighted the key difference between her plan and her opponent’s—the individual mandate. She said it was essential to provide true universal health care; he claimed that such a mandate eliminated real choice, arguing that most people would choose to purchase healthcare once costs were lowered, as his plan proposed to do. It is unclear whether voters ultimately cared about or even understood this difference between the two candidates’ plans, but it remained a prominent issue until the end in a primary fight in which the candidates actually agreed on most policies. In the general election, John McCain took a different approach to attacking Obama’s health care plan. He argued that it would strip away choice, give more power to bureaucrats, and lead to socialized medicine in the United States. However, these attacks apparently lacked saliency in an electorate that was increasingly apprehensive about the economic future. Exit polls in November showed that voters who said they were worried health care voted overwhelmingly for Obama.

Did the fight over the stimulus package influence the way the president handled health care legislation? After the Clinton failure where the White House wrote the entire bill and presented it to Congress, Obama decided to give Congress the latitude to craft the legislation—which resulted in a number of competing proposals. Did he read the history correctly or was his forbearance a mistake? Should he have been more active earlier—or was it more effective for him to use his influence in the final stages of the fight? As for the Republicans, was it smart politics—or for that matter good policy—to ride the wave of town hall discontent and take up charges like “death panels” and “socialized medicine?” How is the outcome likely to shape the politics of 2010 and 2012? Who won and who lost politically? What are the long term policy consequences of the outcome? Are we likely to see more health legislation following in the next several years—or is the battle over?

Required Readings:
- State of the Union Address, President Bill Clinton, Jan. 25, 1994, excerpts
- George Stephanopoulos, All Too Human, pp. 297-302
- Dick Morris, Behind the Oval Office, pp. 111, 37-38, 214-215, 593-595
- State of the Union Address, President Bill Clinton, Jan. 23, 1996, excerpts
- “What Happened to America’s Support for the Clinton Health Plan,” Health Affairs, Summer 1995
6. **Monicagate: How Scandal Changed Politics and Policy (March 8)**

The 1998 State of the Union message came one week after the Lewinsky scandal broke. President Clinton’s fundamental need in that speech was not to advance policy, but to save his Presidency at a moment when the Congress and the nation would take their first real look at him amid a storm of controversy. So, for example, a proposal to raise the minimum wage was moved near the top of the speech to make sure that early on, Democratic Senators and members of Congress would rise to their feet and applaud. At the same time, the decision was made not to refer to the scandal in any way, but to show the president as in command, moving toward a balanced budget and thereby saving Social Security, while identifying with voters on issues like education and the environment. The point was less to pass specific legislation than to reassure the nation and begin the process of rebuilding and solidifying support. What role did policymaking versus poll-taking play at this critical juncture? How did policy advocates argue that their ideas could advance what seemed to be an essential political strategy? What policy elements in the speech and in the months that followed were designed to shore up support from specific Democratic constituencies?

The Democrats made major gains in the 1998 midterm election by campaigning on the economy, education, the environment and Social Security, and by assailing the Republicans for their fixation with impeachment. The Senate failed to convict President Clinton. But did Clinton’s opponents win anyway, depriving him of the chance to achieve important new progress on policy in his second term?

In the 2000 campaign, George W. Bush didn’t have to be too conservative because the right was so united in its reaction against Clinton. Without even explicitly mentioning the scandal, candidate Bush could run on “restoring honor to the Oval Office”; even swing voters who had opposed impeachment responded to that appeal. So did the scandal allow conservative policies to win without really being debated, while the phrase “compassionate” conservatism hid a deeply conservative agenda? How was candidate Bush able to assert that he favored a balanced budget, dismissing concerns about the impact of his proposed tax cuts, without ever being held to account?
This case study is a powerful example of the potential for politics to reshape and redirect policy without any in-depth consideration of actual policy merits.

Required Readings:
- State of the Union Address, President Bill Clinton, Jan. 27, 1998, excerpts
- Institute of Politics, Eds., *Campaign for President: The Managers Look at 2000*, pp. 190-198

7. **The 1997 Virginia Gubernatorial Election: How Politics Repealed the Car Tax Despite the Fiscal Realities (March 22)**

For decades, Virginia relied on an annual excise tax on the value of automobiles as major source of revenue. The campaign of the Democratic candidate, Don Beyer, first identified the building backlash against the car tax in focus groups in early 1997. But Democratic legislative leaders and policy experts strongly opposed repealing the car tax on the grounds that this was unaffordable and irresponsible. So Beyer continued to focus on what he assumed from the start would be his centerpiece issue – investment in education. But the Republicans, whose candidate appeared weak, had their own focus groups, eventually found the car tax issue, focused almost exclusively on a promise to repeal it, and handily won the election. Fiscal issues were rendered irrelevant by politics. The aftermath eventually brought fiscal crisis and tax increases under a subsequent Democratic governor, while the car tax still is not fully repealed. Now the political landscape in Virginia has been completely transformed. Mark Warner’s landslide victory over Jim Gilmore in the 2008 Virginia Senate race attests to the longstanding political ramifications of this battle.

As a policy expert, how would you weigh the substance of such an issue against the political considerations? Is there a natural temptation to discount the political risks? Was there a third way to deal with the issue – for example, to replace the car tax with a more progressive, or at least different, form of revenue? What is the role of a policymaker in such a situation – simply to make the policy arguments or to weigh them in a wider context? In a situation where policy and politics are fundamentally at odds, is it more important to be right than to be governor? Did Gilmore ultimately pay a steep political price for a promise he couldn’t keep?
Required Readings:

- “Gilmore Leads in Gubernatorial Race; Majority of Voters are Now Aware of His Tax Plan,” Virginia Commonwealth University, Oct. 28, 1997


How did John Kerry originally decide to vote for the resolution authorizing President Bush to use force in Iraq – and despite the assumptions at that time, was it actually possible to calculate the political consequences of voting differently? Is this a place where, at least from the Kerry perspective, policy actually should have trumped politics – to the ultimate benefit of both?

Facing the Dean surge and the Iowa caucuses, Senator Kerry voted against the $87 billion supplemental budget for continued post-war operations in Iraq, arguing that the administration was too unaccountable and that the bill should be funded by repealing part of the Bush tax cuts that went to the wealthiest Americans. Policymakers in his own party who weren’t running for president disagreed with him, arguing that, whatever one thought of the war, it was essential to support the troops now that they were there. A John Kerry who was anti-war but not too anti-war won the Iowa caucuses and the Democratic nomination. Was it a political necessity to vote against the $87 billion supplemental? And if the vote was right on the merits, how can a policymaker defend a “nuanced” position, which allowed a president to go to war, but then cast at least a symbolic vote against funding its aftermath? What would you have advised John Kerry to do in this situation? What was the right politics, what was the right policy – and what would you do if they were different? Did political considerations – and miscalculations – get in the way of what he really believed, and ironically undermine the chance of winning the Presidency and forging a new foreign policy?
By the 2006 midterm elections, public opinion had shifted decisively against the war. Its unpopularity was a key component of the Democratic Congressional resurgence, and continued to influence political decisions through the 2008 election. John Edwards apologized for his vote authorizing the war, while Hillary Clinton refused to do so. Who made the right decision? Barack Obama, meanwhile, was the only major Democratic contender who had opposed the war from the start, a credential that may have been crucial to his ultimate victory. The debate over the surge also influenced the 2008 election, as it led to John McCain’s early demise and resurgence. On the Democratic side, none of the candidates could support the tactic for fear of alienating a party that was unwilling to accept any further escalation of the war.

How did the Democratic candidates attempt to frame (or reframe) their positions on the war? Did this affect the ultimate outcome of the primary process? Can politicians who voted for a war ever really position themselves as anti-war candidates? How did the surge shift the debate over the war? Did the politics of the primary process influence the war policies that candidates advocated? How did this change the political debate in the general election?

In the spring of 2009, President Obama reaffirmed the conventional Democratic view that Afghanistan was “the right war.” By the fall, he was facing new decisions and competing pressures from inside and outside the White House—whether to escalate the troop commitment, whether to shift emphasis to counter insurgency and technological warfare like drones instead of nation building. He also faced nearly unprecedented public lobbying from the military to escalate. Was he trapped by the Democratic rhetoric from 2004 and his own rhetoric in 2008? Should he simply have changed his mind? Did the process of apparently agonizing reappraisal strengthen or weaken his authority. Did he make the “right” decision, in terms first of policy and then of politics—and why did he make it?

Required Readings:

- Robert Shrum, No Excuses, 386-9, 451-2, 462-475
- “U.S. could see party realignment; Iraq war propels Democrats' hopes for big electoral gains,” International Herald Tribune, October 16, 2006
• “McCain's Ground War; The senator is calling for more boots on the ground in Iraq. Is this any way to wage a presidential campaign?” Newsweek, December 11, 2006
• “McCain to Stake Bid On Need to Win in Iraq” Washington Post, April 7, 2007
• “Left for dead: John McCain's extraordinary comeback” International Herald Tribune, February 7, 2008
• “John Edwards's changing tune on the Iraq vote” Boston Globe, April 17, 2007
• “Slowly, Clinton Shifts on War, Quieting Foes,” New York Times, August 4, 2007
• [Additional readings to come]

Part II: Team Presentations

Note: Each team will have approximately twenty-five minutes to present its recommendations and will then be questioned for twenty-five minutes by the instructor and an outside expert or political commentator. Other students in the class will also participate in the questioning. There will be two team presentations in each class that covers the topic area.

9. Bloomberg and the Third Term Jinx (April 5)
   Guest: Doug Schoen

The team should recommend to a recently reelected Mayor Bloomberg how to avoid the third term jinx that seems to have stalked figures like Mayor Ed Koch and Governors Mario Cuomo and George Pataki. Their third terms were largely devoid of significant achievement, seemed to lack energy and ideas, and resulted in either defeat or a decision not to run for reelection. Bloomberg can’t run for reelection—even he probably can’t change the term limits law again—but he certainly wants to do something with the job, not just hold onto it. He faces budget shortfalls and perhaps the need to increase taxes. How can he succeed as an activist mayor? Argue that he has made the right policy choices to achieve a successful and ambitious third term—and how his program can be passed. Alternatively, outline a different policy agenda and set out the reasons he should adopt it. How will the choices he’s made or should make affect the city economically, socially, and politically—with candidates to succeed him already lining up and using the offices they now hold to advance their chances for the one they covet. Can Bloomberg use their ambitions to advance his priorities?
10. **Stormy Weather: Obama’s policy on Climate Change (April 16)**
   **Guest: TBD**

Make the case for or against an all-out presidential push for an energy bill that deals with climate change and imposes a cap-and-trade system. Set out the specific elements of the bill and assess if or how the President can win any substantial Republican support—for example from John McCain, who has a long record of favoring action on this issue? How should the President negotiate with Democratic Senators from coal and energy producing states? What policy trade-offs does he have to make, and should he be willing to make, and how would such trade-offs impact the efficacy of the policy? How does the outcome of the Copenhagen Conference affect the President’s options? He faces a series of foreign crises where he needs the support of other nations. From a substantive and foreign policy standpoint, recommend whether the President can afford further delay? Or from a domestic perspective does he have no politically viable choice but to delay?

11. **The Biggest State, The Biggest Fiscal Crisis (April 26)**
   **Guest: Tom Oliphant**

California faces an unprecedented fiscal shortfall that has to be resolved in a political system which is proving more adept at paralysis than policymaking. The team should recommend a short-term solution and consider whether there are long-term reforms that could actually be enacted which would avert legislative stalemate in the future. Has Governor Schwarzenegger in his lame duck year presented a viable budget? Can it garner sufficient support from both Democrats and Republicans to pass a legislature where two-thirds approval is required to pass a budget or a tax increase? Recommend a compromise that can be enacted. Does the risk of fiscal insolvency—the state as a sovereign entity can’t declare bankruptcy—weigh against the potential wrath of voters toward a tax increase or deep budget cuts in a time of economic stress? What is the impact of the gubernatorial election and the array of competing promises and proposals from the different candidates? Is the Republican primary pushing the process to the right, while the Democratic primary pushes the process to the left? How can that be dealt with by the Governor and the legislative leaders who have to negotiate with each other? Recommend a compromise that could actually pass and assess both its policy and political consequences.

Finally, explore the possibility of state constitutional changes, including a constitutional convention that would remove obstacles to effective governance. Is it politically impossible to tamper with Proposition 13, which severely limits the level of property taxes? Is there a way to make a case to voters for removing the two-thirds requirement for legislative passage of budgets and tax bills? Is there
any way to secure voter approval of limits on the initiative and referendum process? Recommend whether any such efforts should even be tried.

12. **Immigration: Solution, Stalemate, and Political Fallout** (April 23)
   Guest: TBD

   The immigration debate under the Bush administration ended in stalemate, with the unlikely trio of President Bush, Senator Kennedy and Senator McCain—which should have been a very powerful combination—failing to achieve the objective of comprehensive immigration reform. In one sense, Kennedy and the Democrats won, and McCain lost, as Hispanic voters gravitated to the Democrats in the 2008 election in response to the apparently anti-immigrant policy positions of most congressional Republicans, reinforced by their often heated rhetoric.

   Make the case that President Obama should—or shouldn’t—move ahead with immigration reform. Can he afford to delay it another year when Hispanic voters, who are increasingly part of the Democratic base, are demanding that he move forward? How can he successfully craft and pass a bill? Is it viable to pursue the same strategy that he did on the stimulus and health care—and let Congress formulate the proposal with the President moving only at the end to achieve a final product? Is it possible to recruit McCain once again? Can the President attract any measurable Republican support for comprehensive reform? Assess the effect of the absence of Senator Kennedy, who was both the Democratic leader on this issue and the bridge-builder to moderate Republicans like McCain.

   The team’s recommended proposal should analyze how to balance competing objectives and pressures, set out a strategy for passing legislation, make the case that legislation can’t be passed, or that he would be better off without it. The team should consider whether Obama can win even by losing—that is, could he solidify Hispanic support by advancing and fighting for the bill, and letting conservative Republicans deepen the alienation of Hispanic voters? On the other hand, can he afford to advance this as a signature initiative and be defeated? How should Rahm Emanuel—and not incidentally the President—weigh these factors?

13. **2010: The Policy and Politics of a Midterm Election Year** (April 12)
   (Note: The questions presented may change depending on events and the Obama Administration’s choices)
   Guest: Joe Scaborough

   What strategy has President Obama adopted for his second year in office? Does it make sense in terms of both policy and the politics of the midterm election? How much have the pitched battles of 2009 hurt Democratic prospects in 2010? As he prepared his State of the Union message, he had to choose one of two alternative approaches that would shape not only his administration’s substantive achievements, but its political achievements: Either adopt the Clinton post-1994
option of focusing on more limited, incremental proposals, or staying the course of big initiatives on jobs and financial reform while continuing to push on healthcare and climate change. He chose the latter, was it the right choice? Was there another, better choice, and did he have any other choice on the deficit? Was the course he took politically smart or politically risky? Was it right to continue reaching out to Republicans? Is the reach real, and how is it consistent with his more explicitly populist course? Is it possible for Obama to make an argument for ongoing reforms that will allow him to remain productive through the midterm elections? Consider how the Republican opposition can use his program against him and how he can counter that effort. What’s the likely outcome for his major proposals and for the balance of power between the two parties as a result of the 2010 voting?

(Note: The instructor has been involved in a number of the cases that will be studied, specifically those related to Mitt Romney, the Clinton health care plan, the Clinton impeachment, the 1997 Virginia gubernatorial election, the Kerry campaign and the issue of how to handle the Iraq war.)