

The Politics of Public Affairs (PA 5012/PA 4490)

Hanson Hall, Room 1-103  
Tuesday and Thursday 1-2:15PM  
Office Hours: Tuesday 2:15-3:15  
and by appt  
137 Humphrey Institute  
Fall 2015

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and by appointment

The ratification of the U.S. Constitution more than two centuries ago precipitated an enduring debate – How should America reconcile the twin imperatives of national security and the rights and protections enshrined in the Constitution? Threats to America from the 19<sup>th</sup> century through the attacks of 9/11 have often short-circuited our system of checks and balances in favor of expanded presidential power and precipitated infringements on the individual liberties promised by the Constitution and the Bill of Rights – from the rounding up and internment of Asian Americans during the Second World War to the unwarranted surveillance and searches during the 1960s and after 9/11.

America now faces national security threats that are elusive to detect as they can be deployed not by armies or governments but by a few obscure individuals boarding a plane or slipping over the U.S. border. In an effort to combat these threats, the powers of presidents (under both Democrats and Republicans) have expanded while legislative authority over war making and national security has receded and the federal government has constructed a vast and often secret apparatus to conduct surveillance and searches of citizens that intrude on our liberties. Is the diminution of the Constitution's rights and system of checking and balancing the necessary cost of security? Or, can we reconcile the imperative of security with our Constitutional system? This course covers the enduring debates over security and justice through a series of seminal episodes over the past half century from Harry Truman's seizure of U.S. steel mills in 1952 to Barack Obama's expanded use of drones abroad and bulk collection of our phone and internet records.

The course uses the struggles over national security and liberty to explore core aspects of the politics of public affairs – power; institutional development; political communications; and democratic accountability. A rigorous understanding of these political dynamics offers a general approach to policy and public affairs that moves beyond superficial impressions to understanding and engaging in the practical work of public affairs. These tools of analysis are indispensable for making sense of America's constitutional crises as well as other issues.

Class sessions are organized around interactive discussions of major Supreme Court decisions, debates in Congress, and other original documents that bring students into direct contact with the competing perspectives of each case, and with penetrating studies of politics. Class sessions also include occasional presentations by Vice President Walter Mondale and by guests, which introduce students to the cross-currents experienced by the real people facing tangible and complex threats and challenges.

Grading Policy: Students will be graded on the following basis:

## 1. Participation (20 points total)

Class will generally begin with presentation(s) by me and Mr. Mondale or a guest that are intended to flesh out readings and trigger your participation. Thoughtful and bold questions that are anchored in the readings and evidence are the lifeblood of our discussions in class and in Moodle discussions. Please pitch in and, as you do, be respectful – a range of perspectives and ideas are likely and should be treated with civility and tolerance. Also, let's work together to encourage wide participation in the class discussions.

The course touches on three levels of analysis: (1) description (what is the argument of a reading or presenter?); (2) interpretation (what are the weaknesses, strengths, and interrelationships among readings and presentations?); and (3) application of frameworks of political analysis to contemporary American politics and policy. Learning and applying these skills to engage across all three levels of analysis will only improve the class and it will also help you develop the ability to make cogent, impactful arguments in public – a valuable tool for public affairs work.

Please come to class having completed the assigned reading and prepared to participate in class discussions. Students are also expected to take advantage of opportunities to participate in the Moodle class discussion board to flesh out questions raised in class, raise new issues, link to appropriate arguments and current news that deepens the class discussion or takes it worthwhile new directions. We will be tracking participation in both class and the Moodle discussion board in order to assign participation grades.

## 2. Papers (20 points each)

Each student is responsible for writing **two** short papers that apply the core concepts for the study of politics (such as those relating to power, institutional analysis, or political communications). These concepts are identified with a \*.

The first paper should use a core concept (e.g. power during the September 22<sup>nd</sup> session) to analyze one of the historical episode covered in class (e.g. the September 24<sup>th</sup> session on the Truman episode related to the seizing of steel mills).

The second paper should use a core concept to analyze the distribution of power and resources that you have observed in your work, internships, or volunteer activities.

The purpose of the papers is to apply the core concepts of politics in order to develop of an explanation and address the “Why” question. Little of your paper should summarize the readings, episode, or work experience.

Each paper should be 5 pages (double spaced, 1” margins, and 12 point font, either Times New Roman or Calibri) and turned in **before** the class in which the core concept or episode is discussed, whichever is first.

We will ask you to sign up for an episode or core concept. There is some value in having students spread-out, though this is not a requirement.

## 3. Quiz (15 points)

A short quiz will be given during class on **October 13**.

#### **4. Take-Home Exam (25 Points)**

A take-home exam will be distributed on the last day of class (December 15<sup>th</sup>); it will be **due Saturday December 19<sup>th</sup> by 1:30pm at my office in the Humphrey School in hard copy form** – electronic form will not be accepted. The exam will ask you to write a synthetic essay that uses the political analyses covered in class to scrutinize an aspect of the security/justice tension.

Readings: The readings are available on Moodle 2.6. All registered students can access Moodle through the official University of Minnesota myU site. A second approach is to access Moodle here (<https://ay15.moodle.umn.edu/course/view.php?id=2558>). Select “PA 5012 The Politics of Public Affairs Fall 2015.” If you have problems accessing the Moodle readings, please contact Matthew.

### **COURSE OUTLINE AND ASSIGNED READINGS**

This is a tentative outline of the course, which is likely to change during the semester. You are responsible for announcements in class including changes in readings, scheduling, and assignments.

#### **Introduction: The Study of Politics and America’s Constitutional Crisis**

**September 8**

##### **Politics as a Vocation\***

- Alan Blinder, "Is Government Too Political," Foreign Affairs, 76 (November/December 1997), pp. 115-126.
- Deborah Stone. Policy Paradox and Political Reason. (Glenview, IL: Scott, Foresman, and Co., 1988), pp.1-26.

#### **U.S. National Security and the U.S. Constitution**

**September 10**

##### **Reconciling US national security and accountability**

- Jack Goldsmith. Power and Constraint: The Accountable Presidency After 9/11. New York: Norton, pp.3-29.
- David Cole. “Must Counterterrorism Cancel Democracy?” New York Review of Books. January 8, 2015. <http://www.nybooks.com/articles/archives/2015/jan/08/must-counterterrorism-cancel-democracy/>

##### **The U.S. Constitution – Invitation to Struggle**

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

Federalist Papers 10, 51, and 70.

The Neutrality Debate of 1793: Alexander Hamilton (Pacificus) and James Madison (Helvidius). Reprinted in The President, Congress, and the Constitution edited by Christopher Pyle and Richard Pious. New York: The Free Press, 1984, pp.54-60.

## **Domestic and International Institutions of Governance\***

**September 15**

Bruce Bueno de Mesquita and Alastair Smith. "Domestic Explanations of International Relations." Annual Review of Political Science. 15 (2012):161–81.

<http://www.annualreviews.org.ezpl.lib.umn.edu/doi/pdf/10.1146/annurev-polisci-070209-174835>

Michael Barnett and Martha Finnemore. 2005. "The Power of Liberal International Organizations." In M. Barnett and R. Duvall. Power in Global Governance. New York, NY: Cambridge University Press. Pp.161-84.

## **Power and Presidential Prerogative**

**September 17**

### **Hamiltonian Tradition:**

Minority Report of the Congressional Committees Investigating the Iran-Contra Affair by Congressmen Cheney, et al in Report of the Congressional Committees Investigating the Iran-Contra Affair (New York: Random House, 1988), pp. 375-393.

### **Madisonian Tradition:**

Church Committee, "Introduction and Summary" from Intelligence Activities and the Rights of Americans, Book II, Final Report of the Select Committee to Study Governmental Operations with respect to Intelligence Activities, U.S. Senate. April 26, 1976, pp.1-24.

<http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIa.htm>

Walter F. Mondale, Robert A. Stein, and Caitlinrose Fisher. "No Longer a Neutral Magistrate: Returning the Foreign Intelligence Surveillance Court to an Article III Court." Minnesota Law Review (Forthcoming). Part I, pp.1-13.

Walter F. Mondale, The Good Fight (New York: Scribner, 2010), pp.135-156.

## **Power and Powerlessness\***

**September 22**

Jane Mansbridge. 1996. "Using Power/Fighting Power: The Polity." In S. Benhabib, ed., Democracy and Difference: Contesting the Boundaries of the Political. Princeton, NJ: Princeton University Press. Pp. 46-66.

John Gaventa, Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley (Urbana: University of Illinois Press, 1980), Chapter 1 (pp.3-32).

## **Episodes of Constitutional Crises**

### **Truman's Seizure of the Steel Mills**

**September 24**

William Chafe, The Unfinished Journey: America Since World War II, 5<sup>th</sup> Ed. (New York: Oxford University Press, 2003), pp.53-75 and 242-249.

David McCullough. Truman (New York: Simon & Schuster, 1992), pp. 857-865 and 894-903.

*Youngstown Sheet & Tube Co. v. Sawyer*. Reprinted in Pyle and Pious, pp.125-135 (especially, Justice Jackson's Concurring Opinion).

## **Politics and Markets\***

**September 29**

Milton Friedman, Capitalism and Freedom (Chicago: University of Chicago Press, 1962), Chapters 1 and 2 (pp.7-36).

Charles E. Lindblom, “The Market as Prison.” Journal of Politics 44(1992): 324-36.

## **Lyndon Johnson: Unilaterally Escalating the War in Vietnam**

**October 1**

William Chafe, The Unfinished Journey: America Since World War II, 5<sup>th</sup> Ed. (New York: Oxford University Press, 2003), pp.249-293.

George C. Herring, The Pentagon Papers: Abridged Edition (New York: McGraw Hill, 1993) [Excerpts from official U.S. government documents], pp. xiii-xiv, 97-99, 107-115, 120-125, 129-133, 208-210, and 223-225.

Robert McNamara, “In Retrospect” in A History of Our Time ed. by William Chafe, Harvard Sitkoff, and Beth Bailey (New York: Oxford University Press, 2003), pp. 285-289.

## **Public Communications - Education, Framing, and Deception\***

**October 6**

Lawrence Jacobs and Robert Shapiro, Politicians Don’t Pander: Political Manipulation and the Loss of Democratic Responsiveness (Chicago: University of Chicago Press, 2000), pp. 44-67.

Adam Levine. American Insecurity: Why Our Economic Fears Lead to Political Inaction. Princeton: Princeton University Press, 2015, pp. 1-19.

## **Nixon and the Wars in South East Asia**

**October 8**

Jeffrey Kimball, Nixon’s Vietnam War (Lawrence, Kansas: University Press of Kansas, 1998), pp.40-47.

Marilyn Young, The Vietnam Wars, 1945-1990 (New York: Harper Perennial), pp.205-210, 232-238, 251-253, and 281-285.

Congressional Research Service, “Congressional Restrictions on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo,” January 16, 2007, read pp.1-5 and skim pp.6-27.

Congressional Record, May 29, 1973: Debate over Eagleton amendment to end funding for combat activities in Cambodia and Laos. Skim over the debate over procedure and focus on the pro and con arguments to cut off funds (read Barry Goldwater’s inserted testimony at the end of this excerpt) (pp.17124-17140).

## **Political Change – Institutional Challenges and Citizen Capabilities\***

**October 13**

### **Quiz**

John Aldrich. Why Parties? The Origin and Transformation of Political Parties in America (Chicago: University of Chicago Press, 1995), Chapters 1 (pp.18-27) and 2 (pp.28-61).

Frances Fox Piven and Richard Cloward. Regulating the Power: The Functions of Public Welfare. Updated Version. New York: Vintage Press, 1993, pp. 183-198, 330-338, 341-348.

### **Nixon and Watergate: Unilateral Assertion of Executive Privilege**

**October 15**

Stanley Kutler, The Wars of Watergate: The Last Crisis of Richard Nixon (New York: Alfred Knopf, 1990), pp.350-351, 383-391, 400-414, 443-457, 506-516, 544-550, and 617-621 (skim).

Richard Nixon's Legal Argument (Brief for President Nixon filed by James St. Clair et al with the U.S. Supreme Court, June 21, 1974), pp. 17-20, 39-49, and 54-56.

Ruling of the U.S. Supreme Court (*United States v. Richard Nixon*, July 24, 1974), pp. 1 and 21-27.

### **Executive Evasion**

**October 20**

Re-read: Jack Goldsmith. Power and Constraint: The Accountable Presidency After 9/11. New York: Norton, pp.3-29.

### **Democratic Accountability and Elite Governance\***

**October 22**

Joseph Schumpeter, Capitalism, Socialism, and Democracy, 2nd Ed. (New York: Harper & Brothers Publishers, 1947), pp.250-263, 269-273.

Robert Dahl, Democracy and Its Critics (New Haven: Yale University Press, 1989), pp.52, 65-79, and 106-115.

### **Reagan and the Support of the Nicaraguan Contras**

**October 27**

Harold Koh, The National Security Constitution (New Haven: Yale, 1990), pp.1-8 and 117-149.

Testimony of Oliver L. North, Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition and House Select Committee to Investigate Covert Arms Transactions with Iran, July 9, 1987. Washington, D.C.: Government Printing Office, pp.187-93, 270-78.

Lawrence Walsh (Independent Counsel), Final Report of the Independent Counsel for Iran/Contra Matters. New York: Times Books, 1994, pp.xiii-xxi.

#1: Trust and Verify - Performance and Measurement

Beryl A. Radin. “*Federalist* No. 71: Can the Federal Government Be Held Accountable for Performance?” Public Administration Review. Volume 71, December 2011, pp. s128–s134,

#2: The promise of constitutional and civic checks

David Cole, “After September 11: What We Still Don’t Know.” New York Review of Books. September 29, 2011. <http://www.nybooks.com.ezp1.lib.umn.edu/articles/archives/2011/sep/29/after-september-11-what-we-still-dont-know/>

#3: Presidential power threatens the established order but is necessary

Daniel Galvin. “Presidents as Agents of Change.” Presidential Studies Quarterly. 44 (March 2014): 95-119. [http://faculty.wcas.northwestern.edu/~djk249/Galvin\\_PSQ\\_2014.pdf](http://faculty.wcas.northwestern.edu/~djk249/Galvin_PSQ_2014.pdf)

**Power and Accountability: Presidents and Congressional Deadlock\***

**November 3**

Terry Moe, “The Presidency and the Bureaucracy: The Presidential Advantage” in The Presidency and the Political System, 7<sup>th</sup> edition, ed. by Michael Nelson (Washington, D.C.: Congressional Quarterly Press, 2003), pp. 425-457.

Louis Fisher, “Teaching the Presidency: Idealizing a Constitutional Office,” PS: Political Science and Politics. 45 (January 2012): 17-31.

**Bush and Foreign Intelligence Surveillance Act (FISA)**

**November 5**

**Legal challenge against 2008 Foreign Intelligence Surveillance Amendments Act:**

- Amnesty International et. al v. McConnell, July 10, 2008 (esp. pp. 10-18 and 41-42). [http://www.aclu.org/files/pdfs/safefree/faa\\_complaint\\_20080710.pdf](http://www.aclu.org/files/pdfs/safefree/faa_complaint_20080710.pdf)
- Judge Gerald Lynch’s concurrence in Order by U.S. Court of Appeals for Second Circuit to permit legal challenge against 2008 Foreign Intelligence Surveillance Amendments. March 21, 2011 (pp.3-19). <http://www.nyclu.org/files/Amnesty%20nd%20Circuit.pdf>
- Supreme Court Overrules U.S. Court of Appeals for Second Circuit and prevents the challenge against the 2008 Foreign Intelligence Surveillance Amendments. February 26, 2013. Opinion of the Court Delivered by Justice Alito (pp.1-2, 8-15 [skim], and 23-24). [https://www.aclu.org/files/assets/amnesty\\_v\\_clapper\\_sotus\\_opinion.pdf](https://www.aclu.org/files/assets/amnesty_v_clapper_sotus_opinion.pdf)

Walter F. Mondale, Robert A. Stein, and Caitlinrose Fisher. “No Longer a Neutral Magistrate: Returning the Foreign Intelligence Surveillance Court to an Article III Court.” Minnesota Law Review (Forthcoming). Part I, pp.13-39.

David Cole. “The New America: Little Privacy, Big Terror.” New York Review of Books. August 13, 2015. <http://www.nybooks.com.ezp2.lib.umn.edu/articles/archives/2015/aug/13/new-america-little-privacy-big-terror/?pagination=false&printpage=true>

## **How to exert democratic accountability\***

**November 10**

Frances Fox Piven and Richard Cloward. Regulating the Power: The Functions of Public Welfare. (Review)

Carole Pateman. 2012. "Participatory Democracy Revisited." Perspectives on Politics. 10(1): 7-19.

## **Bush and the detention and treatment "Enemy Combatants"**

**November 12**

### **Detention of "Enemy Combatants":**

*Hamdi v. Rumsfeld* (2004), June 28, 2004 (esp., pp. 1 and 22-33).  
<http://www.law.cornell.edu/supct/pdf/03-6696P.ZO>

*Boumediene v. Bush*, June 12, 2008 (esp., pp. 1-2, 8-15, 64-70)  
<http://www.law.cornell.edu/supct/pdf/06-1195P.ZO>

### **Torture:**

John Cassidy. "America's Shame: What's in the Senate Torture Report?" New Yorker. December 9, 2014.  
<http://www.newyorker.com/news/john-cassidy/americas-shame-whats-senate-torture-report>

Robert Jervis. "The Torture Game." Foreign Affairs. May/June 2015, pp.120-127.

UN News Centre. "UN expert calls for prosecution of CIA, US officials for crimes committed during interrogations." December 9, 2014. <http://www.un.org/apps/news/story.asp?NewsID=49560#.VeTqwGOz4xF>

## **Race, Religion, and Constructing Profiles\***

**November 17**

Anne Schneider and Helen Ingram. "Social Construction of Target Populations: Implications for Politics and Policy." American Political Science Review. 87 (June 1993): 334-347.

Joe Soss. 2005. "Making Clients and Citizens: Welfare Policy as a Source of Status, Belief, and Action." In A. L. Schneider and H. M. Ingram, eds., Deserving and Entitled: Social Constructions and Public Policy. Albany, NY: SUNY Press. pp. 291-328.

American Civil Liberties Union. "Unleashed and Unaccountable." September 2013, pp.i-iii, 13-19.  
[https://www.aclu.org/sites/default/files/field\\_document/unleashed-and-unaccountable-fbi-report.pdf](https://www.aclu.org/sites/default/files/field_document/unleashed-and-unaccountable-fbi-report.pdf)

## **Obama's Handling of Metadata - Security and Liberty**

**November 19**

**Ryan Lizza**, "State of Deception: Why won't the President Rein In the Intelligence Community?" New Yorker. December 16, 2013. [http://www.newyorker.com/reporting/2013/12/16/131216fa\\_fact\\_lizza](http://www.newyorker.com/reporting/2013/12/16/131216fa_fact_lizza)

Emerging Legal Battles over government collection and use of metadata

Government Wins in U.S. District Court of New York - ACLU et al v. Clapper

- Judge Pauley's Opinion, December 27, 2013, pp. 1-12, 32-37 (skim), 38-53.



[https://www.aclu.org/files/assets/order\\_granting\\_governments\\_motion\\_to\\_dismiss\\_and\\_denying\\_aclu\\_motion\\_for\\_preliminary\\_injunction.pdf](https://www.aclu.org/files/assets/order_granting_governments_motion_to_dismiss_and_denying_aclu_motion_for_preliminary_injunction.pdf)

Government Loses in the U.S. District Court for the District of Columbia – Klayman et al v. Obama et al

- Judge Leon’s Opinion, December 16, 2013, pp. 1-23 (skim), 42-68 (skim) (read carefully pages 49-50, 55-56, 61-67) <http://www.lawfareblog.com/wp-content/uploads/2013/12/Klayman.pdf>

USA Freedom Act of 2015: Curtailing without handcuffing NSA:

Jodie Liu. “So What Does the USA Freedom Act Do?” Lawfare. June 3, 2015.

<https://www.lawfareblog.com/so-what-does-usa-freedom-act-do-anyway>

## **Who Makes US Diplomacy?**

**November 24**

**Guest speaker:** Eric Schwartz. Dean of the Humphrey School, National Security Council, Assistant Secretary of State. “President Obama’s Iran Deal: Is it Constitutional and Good Policy?”

Ilya Somin. “Is the Iran deal constitutional?” Washington Post. July 21, 2015.

<https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/07/21/is-the-iran-deal-constitutional/>

## **Thanksgiving Holiday**

**November 27**

## **Judge James Robertson**

**December 1**

Former Judge on the US District Court for the District of Columbia (1994-2010) and served on FISA Court (2002-2010) - resigned in protest in December 2005.

## **Institutional Autopilot\***

**December 3**

Paul Pierson, “Increasing Returns, Path Dependence, and the Study of Politics,” American Political Science Review 94 (June, 2000): 251-267.

David Cole. “Can the NSA be Controlled?” New York Review of Books. June 19, 2014.

<http://www.nybooks.com.ezp3.lib.umn.edu/articles/archives/2014/jun/19/can-nsa-be-controlled/>

## **Targeted Killings by Pilotless Drones, U.S. Constitution and Law**

**December 8**

David Cole. “Targeted Killing: The New Questions.” New York Review of Books. April 14, 2015.

<http://www.nybooks.com/blogs/nyrblog/2015/apr/14/targeted-killing-new-questions/?printpage=true>

Lawsuit filed by Aulaqi family and Obama administration defense:

Obama Administration argument in court to drop Al-Aulaqi family lawsuit:

Nasser Al-Aulaqi et al v. Leon Panetta (Defense Secretary), “Defendants’ Motion to Dismiss,” December 14, 2012, pp.1-21

<http://images.politico.com/global/2012/12/15/alawlwakidismot.html>

Nasser Al-Aulaqi et al v. Leon Panetta (Defense Secretary), “Plaintiffs’ Opposition to Defendants’ Motion to Dismiss [Lawsuit],” February 5, 2013, pp.1-9, 15-16, 26-35, and 43-45.

[http://www.aclu.org/files/assets/tk2\\_opposition\\_filed\\_plus\\_declaration.pdf](http://www.aclu.org/files/assets/tk2_opposition_filed_plus_declaration.pdf)

[to be announced]

December 10

**“Leave the world a better place”**

December 15

Walter F. Mondale, The Good Fight (New York: Scribner, 2010), pp.337-356.

Take-Home Exam Distributed in Class

Additional Information:

Policy on incomplete grades and makeup examinations

There will be no incomplete grades or makeup examinations given except for standard University policy reasons (for example, illness with a note from a doctor).

Disability services

The University of Minnesota is committed to providing equitable access to learning opportunities for all students. Disability Services (DS) is the campus office that collaborates with students who have disabilities to provide and/or arrange reasonable accommodations. If you have, or think you may have, a disability (e.g., mental health, attentional, learning, chronic health, sensory, or physical), please contact DS at [612-626-1333](tel:612-626-1333) to arrange a confidential discussion regarding equitable access and reasonable accommodations. If you are registered with DS and have a current letter requesting reasonable accommodations, please contact me early in the semester to review how the accommodations will be applied in the course.

Mental health services

As a student you may experience a range of issues that can cause barriers to learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating, and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance or reduce your ability to participate in daily activities. University of Minnesota services are available to assist you with addressing these and other concerns you may be experiencing. You can learn more about the broad range of confidential mental health services available on campus via [www.mentalhealth.umn.edu](http://www.mentalhealth.umn.edu).