

University of Pennsylvania, School of Arts and Sciences
Political Science 130: American Politics and Leadership, Spring 2004

Instructor: Professor John DiIulio

Recitation Leaders:

Prof. John DiIulio

Ms. Jane Eisner

Ms. Wendy Ginsberg

Ms. Lia Howard

Mr. Marc Siegel

Mr. Joseph Tierney

Dr. Catherine Wilson

Description: Who makes public policy in America, and what, if any, difference does government make to how most citizens live? How, if at all, should the nation's constitutional system be reformed? What leadership strategies normally succeed in winning elections, enacting laws, and achieving civic goals? What is politics, and why bother to study it? This course addresses these and related questions while intensively introducing students to the constitutional theory, national institutions, and political processes of American government. The course is co-sponsored by the Robert A. Fox Leadership Program and features ten-student recitations and several guest speakers.

Required Books: All books are or will be available for purchase at the University Bookstore.

*James Madison, Alexander Hamilton, John Jay, *The Federalist Papers*.

*James Q. Wilson and John DiIulio, *American Government*, 9th Edition.

*James Sundquist, *Constitutional Reform and Effective Government*, Rev. Edition.

*Martha Derthick, *Keeping the Compound Republic*.

*Fred Greenstein, ed., *The George W. Bush Presidency*.

*Robert Putnam, *Bowling Alone*.

*Howard Kurtz, *Spin Cycle*.

*R. Douglas Arnold, *The Logic of Congressional Action*.

*Joe Klein, *The Natural*.

*Philip Hamburger, *The Separation of Church and State*.

*Steve Waldman, *The Bill*.

*Alan Murray and Jeffrey Birnbaum, *Showdown at Gucci Gulch*.

Lectures: Lectures are organized into four parts:

I. American Constitutionalism: Founding Leadership

II. American Politics: Leadership, Citizenship, and Democracy

III. American Government: National Leaders and Institutions

IV. American Constitutionalism: Future Leadership

To assist students in learning how to organize lecture notes, sample outlines for the first two regular lectures appear below (please see page 12). Students are required to attend all lectures including any in-class guest lectures and the guest lecture by the Hon. Marc Morial (C'80) scheduled for Tuesday, February 24 in the evening at a specific time and campus location to be announced (please see page 4).

Graded Assignments: The course is graded on a 1,000-point curved scale.

*Recitations (300 points): Recitations begin meeting during the *second* week of classes. Attendance is *strictly* required. While serving as a forum for general questions related to lectures and readings, each recitation focuses on a particular reading and topic. Each student is required to write two brief (700-word maximum) papers (50 points each); give two oral presentations on focus readings and topics on which he or she is *not* writing (50 points each); and come prepared to participate in all discussions (100 points).

*Essays (300 points): Each student is required to write two essays (2,100-word maximum; 150 points each, 300 points total) on assigned topics (please see pages 9-12 below). No re-write option.

*Examinations (400 points): Students are required to take the in-class mid-semester essay examination (100 points) on Tuesday, March 2, 2004 (please see page 5 below), a final examination (200 points) during the final examination period, and an in-class, 25-minute multiple-choice test (100 points) on Tuesday, April 13, 2004 (please see page 8 below) focused specifically on Wilson textbook and *Federalist Papers* readings on Congress, the presidency, and the judiciary.

I. AMERICAN CONSTITUTIONALISM: FOUNDING LEADERSHIP

Tuesday, January 13

ORIENTATION:

What is politics, and why bother to study American politics the way some academics do?

Thursday, January 15

LEADING TO AMERICAN CONSTITUTIONALISM: *Was Madison right?*

- The Declaration of Independence (Wilson, pp. A1-A3)
- The U.S. Constitution and Amendments (Wilson, pp. A4-A20)
- Wilson, chapters 1 and 2
- Sundquist, chapters 1 and 2
- Derthick, introduction and chapter 1

Note: Dr. Martin Luther King, Jr. Day: No Penn classes meet Monday, January 19.

Tuesday, January 20

THE FEDERALISTS VERSUS THE ANTI-FEDERALISTS: *“Publius” won the leadership struggle, but which leaders had the better civic and moral arguments?*

- Federalist Nos. 1, 6, 10, 23, 35, 37, 39, 47, 48, 51, 55, 57, 62, 63, 67, 68, 70, 78-80, 84 and 85

First Recitation Focus Reading and Topic:

James Madison, Federalist No. 10. Sample questions to be distributed in class.
How, if at all, can “enlightened” leaders protect liberty and promote pluralism?

Thursday, January 22

LEADERSHIP PRINCIPLES: *What did the Founders really believe?*

- Derthick, chapters 2-4
- Sundquist, chapter 3

Tuesday, January 27

FEDERALISM I: *Many “communities,” but which values, and which leaders decide?*

- Federalist Nos. 17, 31, 36, 39, 40, 43, 44, 45, 59, 80, 82
- Wilson, chapters 3 and 4
- Derthick, chapters 5-10

Second Recitation Focus Reading and Topic:

Derthick, chapter 11 and Wilson, chapter 17

To what extent does “who gets what” in America depend on “who lives where”? Is federalism “fair,” and what are its other main civic and political virtues and vices?

Thursday, January 29

FEDERALISM II: *Is “government-by-proxy” good for today’s “compound republic”?*

- Wilson, chapters 13 and 17
- Derthick, chapter 11

Tuesday, February 3

GRAND THEORIES OF “WHO GOVERNS”: *Democratic leadership by the one, the two, the many—or the “any”?*

--Wilson, chapters 5 and 6

--Putnam, chapters 1 and 21

II. AMERICAN POLITICS: LEADERSHIP, CITIZENSHIP, AND DEMOCRACY

Thursday, February 5

PARTICIPATION: *Who votes, who volunteers, and who leads if “everyone” doesn’t?*

--Putnam, chapters 2-4, 14

--Jane Eisner, columns to be distributed in class

Third Recitation Focus Reading and Topic :

U.S. Constitution, Amendment XXVI (Wilson page A20),

Putnam, chapter 14, and columns by Jane Eisner to be distributed in class

What explains rates of college-age voting and

volunteering, and what would you recommend if the civic

leadership goal was to get more college-aged citizens to the polls in 2004?

Tuesday, February 10

POLITICAL PARTIES: *Are they dying and what difference would it make if they were?*

--Wilson, chapter 7

--Greenstein, chapter 7 (Charles Jones)

--Sundquist, chapter 4

Fourth Recitation Focus Reading and Topic:

U.S. Constitution Article II, Section 1, Article V,

Amendment XII, and Amendment XX, Section 3

(Wilson pp. A8-A9, A11, A14-A15, and A17-A18),

column by DiIulio to be distributed in class, and excerpt from

Adam Magnus University of Pennsylvania senior thesis to be distributed in class

Should the Electoral College be abolished, reformed, or left alone?

Thursday, February 12

CAMPAIGNS AND ELECTIONS: *What wins presidential and congressional elections, and are “retrospective” or “valence voters” fools?*

--Wilson, chapter 8

--Greenstein, chapter 8 (Gary Jacobsen)

Tuesday, February 17

INTEREST GROUPS I: *Has the “mischief of faction” been cured, and should it be?*

--Re-read Madison, Federalist No. 10

--Wilson, chapter 9

--Birnbaum and Murray, introduction (Al Hunt) and chapter 1

Fifth Recitation Focus Reading and Topic:

Wilson, chapter 9, revisit Federalist Paper No. 10, and visit the websites of the AARP, the NRA, Handgun Control, Inc., NARAL, the FRC, General Motors, the UAW, the University of Pennsylvania, the AAUP, and Political Action Committees (PACS) including the Realtors' PAC
How do "various and interfering interests" influence "the necessary and ordinary operations of government" in America today, and how, if at all, ought "factions" to be regulated by public law for the "common good"? Is one citizen's "faction" inevitably another citizen's "public-interest lobby"?

Thursday, February 19

INTEREST GROUPS II: *What difference do lobbyists and other "un-elected representatives" make?*

--Birnbaum and Murray, chapters 2-5

Tuesday, February 24

MEDIA: *Just how free ought the "free press" to be, and who powers the "spin cycle"?*

--Wilson, chapter 10 and chapter 18 pp. 503-509/top of 510

--Kurtz, introduction and chapters 1-4

Note: All students are required to attend the Tuesday, February 24 evening lecture by the Hon. Marc Morial (C'80), former president of the U.S. Conference of Mayors and present president of the National Urban League. Students are also invited, but not required, to attend the Wednesday, February 25 morning panel featuring Mayor Morial and other leaders. Specific times and on-campus venues are to be announced.

Sixth Recitation Focus Reading and Topic:

Visit the websites of the National Urban League and Big Brothers Big Sisters of America
Your summer job is to serve as a consultant to major national nonprofit organizations that want to influence public policy in accordance with their respective civic missions. On day one you are asked to research two brand-name national nonprofit organizations, each led by a Penn alum—the National Urban League led by the Hon. Marc Morial (C'80) and Big Brothers Big Sisters of America led by Judy Vredenburg (CW'70). You check your old PS 130 notes and visit each organization's website. The former is especially keen on getting popular and political traction for its president's social agenda, and the latter is especially eager to secure public funding for certain of its programs. Your reflective and well-informed but prompt and specific advice to these civic leaders?

Thursday, February 26

NONPROFITS: *How can their leaders best foster partnerships in the "public interest"?*

--Joseph Tierney and Jean Grossman, *Making a Difference*, Big Brothers Big Sisters evaluation study, to be distributed in class

--Amachi: *Mentoring Children*, overview report to be distributed in class

Tuesday, March 2

In-Class Mid-Term Examination, Entire Class Period (50 minutes): Covers all material through February 26. Three-part essay format: one essay that all students answer, one essay that students choose from among three questions, and five of eight brief identifications.

Seventh Recitation Focus Reading and Topic:

Greenstein, chapters 1, 2 (Hugh Hecló), and 10 (DiIulio)

Visit the official White House website and the websites of any three Democratic presidential contenders (including, in the case of those presently in public office, their government websites—for example, the U.S. Senate sites for Senators Edwards, Kerry, and Lieberman). Based on these visits and whatever else you have learned about these candidates, how would you characterize their respective leadership styles and strategies? If “presidential character” matters at all, what traits do you think matter most, and why?

Would you guess that effective executive leadership at whatever level of government (presidents, governors, mayors) differs in important ways from effective legislative leadership at whatever level of government (Congress, state legislatures, city councils)? Do you think the same leadership characteristics that make one a good lobbyist would also make one a good lawmaker? Would you bet that an effective majority leader in a divided legislative body would also make an effective chief justice on a divided court—and what, by the way, is your definition of “effective” political and civic leadership?

III. AMERICAN GOVERNMENT: NATIONAL LEADERS AND INSTITUTIONS

Thursday, March 4

LEADERSHIP: *Even at the “top” within government, how, if at all, does it matter, and what makes for “effective” leadership in present-day America’s civic and political life?*
--Greenstein, chapter 1, chapter 2 (Hecló), and chapter 10 (DiIulio)

Note: Spring Break begins at close of classes, Friday March 5. Classes resume at 8:00 a.m. on Monday, March 15.

Tuesday, March 16

CONGRESSIONAL LEADERSHIP I: *Is the “first branch” now the “broken branch,” and what can and should leaders in Congress or elsewhere do to reform the body?*
--Revisit Federalist Nos. 1, 10, 47, 48, and 51
--Wilson, chapter 11
--Sundquist, chapters 6-8
--Arnold, chapters 1-4

Eighth Recitation Focus Reading and Topic:

Birnbaum and Murray, chapters 6-11

In the end, what happened at “Gucci Gulch”? Did lawmakers “triumph” over lobbyists? Which congressional leaders were central to the story, and how would you characterize their respective leadership roles? Who compromised when, how, and why? What role did President Reagan play? On balance, does this case suggest “the system works”

Thursday, March 18

CONGRESSIONAL LEADERSHIP II: *Under what, if any, conditions does Congress produce general-interest legislation?*

--Arnold, chapters 5-6 and 8

--Birnbaum and Murray, chapters 6-11

--Greenstein, chapter 6 (John Fortier and Norman Ornstein)

Note: Friday, March 19 at 5:00 p.m. is the final deadline for submitting first essays to recitation leaders (please revisit page TK below). Failure to submit a first essay by this deadline results in no points for this graded assignment.

Tuesday, March 23

CONGRESSIONAL LEADERSHIP III: *How, if at all, ought Congress and its “power of the purse” to be reformed?*

--Sundquist, chapters 5 and 9

--Greenstein, chapter 4 (Allen Schick)

--Wilson, chapter 11

-- Thomas Mann and Norman Ornstein statements, and Hon. Tom Foley and Hon. Newt Gingrich column, on Congress during “emergency,” both to be distributed in class

Ninth Recitation Focus Reading and Topic:

Mann and Ornstein statements, and column by Foley and Gingrich

The U.S. Constitution contains no provisions for how government is to function should an “emergency” occur that “incapacitates” many or most members of the “first branch” simultaneously. Prior to 9-11 most discussions of “emergencies” and “emergency powers” focused on the presidency, presidents, and issues of presidential succession.

Since 9-11, and since the anthrax mail that disrupted Congress for months, scholars, journalists, and others have begun to focus more on how the U.S. House and U.S. Senate might best prepare for and cope with “emergency” challenges. How, if at all, should the Constitution be amended to permit Congress to discharge its duties during an “emergency,” what are the majors pros and cons of any given reform proposal, and why do you suppose that Congress has yet to take decisive action in response to the Foley-Gingrich measures, the Mann-Ornstein proposals, or related recommendations?

Thursday, March 25

PRESIDENTIAL POWER I: *Beyond “the power to persuade,” is there enough “energy in the executive,” or too much?*

--Revisit Federalist Nos. 67, 68, and 70, and read Nos. 71-73

--Wilson, chapters 12 and 22

--Greenstein, chapter 3 (Karen Hult) and chapter 9 (Richard Brody)

Tuesday, March 30

PRESIDENTIAL POWER II: *Is the “post-modern presidency” here, and so what if it is?*

--Klein, entire

--Kurtz, chapters 5-17

Tenth Recitation Focus Reading and Topic:

Klein, entire

Summarize Klein's account of "the natural." According to Klein (page 55), despite President Clinton's capacity to compromise with or co-opt the ideas of his political rivals, there were legislative lines "that Clinton would not cross" and policy "promises he wouldn't abandon. Two of his campaign proposals...were sacrosanct.." On Klein's account, what were these two proposals, and how did Clinton achieve legislative victories on each? What has Klein to tell about Clinton's work on the North America Free Trade Agreement? welfare reform? other issues? What general leadership portrait of Clinton emerges from Klein's account, and how, if at all, does it cause you to revise your ideas about "effective" leadership and what leadership traits matter most?

Thursday, April 1

PRESIDENTIAL POWER III: *How might domestic "homeland security" priorities and foreign policy "pre-emption" doctrines transform the president into a "prime minister"? In international affairs, are democracies sure losers or big winners, and how have "checks and balances" hitherto helped "commanders-in-chief" to lead well?*

--Greenstein, chapter 5 (Ivo Daalder and James Lindsay)

--Wilson, chapter 20

Tuesday, April 6

JUDICIAL LEADERSHIP I: *Should the courts find or make law? Whose rights and liberties, and which rights and liberties, ought to be protected by judges, and how?*

--Revisit Federalist Nos. 78-80, and read No. 81

--Wilson, chapters 14 and 19

--Hamburger, first half

--CRS report, *Charitable Choice* (2001), to be distributed in class

--Clinton Education Department guidelines, to be distributed in class

--DiIulio column to be distributed in class

Eleventh Recitation Focus Reading and Topic:

Wilson, chapter 18 pp. 510-512/top 513; hamburger, sections dealing with Justice Black's *Everson* (1947) opinion; CRS report; Clinton guidelines; and visit White House website for links to two reports by the Office of Faith-Based and Community Initiatives. *In 1996, President Clinton signed the first of several bipartisan-backed laws ensuring that, subject to settled constitutional restrictions and statutory regulations, religious groups could compete to administer federal social service delivery programs on the same basis as all other nonprofit organizations. Summarize Hamburger's account of Justice Black's *Everson* (1947) opinion. Compare and contrast the two White House reports *Unlevel Playing Field* (2001) and *Protecting the Religious* (2003). Was Justice Black right? How has the U.S. Supreme Court since decided "establishment" cases? Do you agree with all, some, or none of the Clinton guidelines on religion in public school? Is "charitable choice" constitutional, and subject to what, if any, absolute restrictions?*

Thursday, April 8

JUDICIAL LEADERSHIP II: *What does the First Amendment say, and what does it mean? Where does religious “free exercise” end and “establishment” begin?*

--Wilson, chapter 18

--Hamburger, second half

Tuesday, April 13 (First half of Class)

In-Class Multiple-Choice Test (25 Minutes):

Focuses exclusively on Wilson textbook and *Federalist Papers* readings assigned on Congress, the presidency, and the judiciary (i.e., March 16-April 8).

IV. AMERICAN CONSTITUTIONALISM: FUTURE LEADERSHIP

Tuesday April 13 (Second Half of Class)

POLICY ENTREPRENEURS I: *How, if at all, can even lone individuals who “act on behalf of the unorganized or indifferent majority” shape the “politics of public policy”?*

--Wilson, chapters 15 and 21

--Waldman, pp. viii-xi, preface, and chapters 1-8

Twelfth Recitation Focus Reading and Topic:

Waldman, entire, columns by Eisner and Bridgeland, and visit the White House website for links to “USA Freedom Corps”.

Your summer job is working as chief research aide to Corporation for National and Community Service chairman, Hon. Stephen Goldsmith, former mayor of Indianapolis. On day one, Goldsmith now also a public policy professor at Harvard’s Kennedy School of Government, asks you for a factual but fast, cautious but candid summary of how AmeriCorps got started, what political problems the program has faced, and whether the civic results to date would justify expending more political and financial capital to preserve and expand it. You check your old PS 130 notes. What do you tell him? In particular, both now and in the past, at which end of Pennsylvania Avenue and among which leadership cadres in government and outside government has the program been least popular? Would it make sense to empanel a bipartisan presidential commission to “study” the program? How about an independent, university-based research evaluation of the program’s extent and efficacy? Just let it muddle through? Work behind the scenes or out front in public to shut it down? What—and how—and why?

Thursday, April 15

POLICY ENTREPRENEURS II: *Under what, if any, conditions do given leadership strategies succeed in translating political rhetoric into policy ideas, policy ideas into administrative action, and administrative action into civic results?*

--Waldman, chapters 9-15 and epilogue

--Jane Eisner, columns to be distributed in class

--John Bridgeland, columns to be distributed in class

Tuesday, April 20

LEADING THE NEW REPUBLIC I: *Should the system be reformed, how, and by whom?*

- Revisit the U.S. Constitution and Amendments
- Revisit Federalist Nos. 1, 10, and 51
- Revisit Wilson, chapters 1, 2, and 22
- Revisit Sundquist, entire
- Catch up on any other assigned readings

Thursday, April 22

LEADING THE NEW REPUBLIC II: *How, if at all, are you prepared to lead in political and civic life—and what's on the final?*

Note: Classes end Friday, April 23. Reading days are Monday, April 26 through Wednesday, April 28. The final examination period is from Thursday, April 29 through Friday, May 7.

Note: Friday, April 23 at 5:00 p.m. is the final deadline for submitting second essays to recitation leaders. Failure to submit a second essay by this deadline results in no points for this graded assignment.

ESSAYS

First Essays: Due to recitation leaders by or before Friday, March 19.

Each student must submit an essay (1,400-word minimum, 2,100-word maximum) on any one of the questions below to his or her recitation leader by or before Friday, March 19 at 5:00 p.m. First essays may be submitted to recitation leaders at the end of any lecture or recitation prior to that date and time. There is no re-write option.

1. How would the James Madison of *The Federalist Papers* rebut the James Sundquist of *Constitutional Reform and Effective Government*? In particular, what might Madison say to Sundquist in defense of the “separation of powers”? Based on your reading of Madison, Sundquist, and other relevant course materials, which, if any, specific constitutional reforms recommended by Sundquist do you think are most worthy of serious consideration, and why? Which do you think are least worthy of serious consideration, and why?
2. Would you agree that federalism in America has long complicated empirically correct answers to most questions about who—and which level of government—actually sets, administers, and finances given public laws, policies, and programs? Based on your reading of Martha Derthick and other relevant course materials, in what sense is the “devolution revolution” referenced in your Wilson textbook old news? In particular, how important, and by what specific measures, do local “polities” remain important today both in absolute terms and relative to national and state governments? On what, if any, issues (anti-poverty policy, criminal justice, health care, transportation, environmental protection, homeland security, to cite just a few examples) do you suppose that the membership of the U.S. Conference of Mayors or the National Governors’ Association

(or both) might actually be more consequential to what most average citizens experience than the “national” leaders at either or both ends of Pennsylvania Avenue, and why?

3. Both before 9-11 and since, Robert Putnam’s “bowling alone” thesis has been widely noticed and hotly debated. Based on your reading of Putnam’s book and other relevant course materials, describe, analyze, and evaluate his thesis as it relates (a) to voting and political participation and (b) to religion and civic engagement. What, if any, lessons and implications do Putnam’s study hold for contemporary leaders who are especially concerned about levels of political participation and civic engagement among college-age Americans? In particular, what, if any, evidence is there to suggest that today’s college-age Americans vote at historically low rates but volunteer at historically high rates? To the extent that this “paradox of youth participation” is real, what, in your view, might explain it? If you were determined to increase college-age voting in the 2004 presidential primaries and general elections—beginning, say, on college campuses—what specific measures might you suggest, and why?

Second Essays: Due to recitation leaders by or before Friday, April 23.

Each student must submit an essay (1,400-word minimum, 2,100-word maximum) on any one of the questions below to his or her recitation leader by or before Friday, April 23 at 5:00 p.m. Second essays may be submitted to recitation leaders at the end of any lecture or recitation after Friday, March 19. There is no re-write option.

1. Few legislative initiatives spark special-interest politics more than tax reform. For good or ill, the U.S. tax code has been revised many times since the end of World War Two. R. Douglas Arnold cites the Birnbaum-Murray account of the Tax Reform Bill (TRB) of 1986. What does Arnold mean by “the logic of congressional action,” and how, on your own reading, does the TRB case confirm or contradict Arnold’s generalizations about the conditions under which general-interest legislation is most likely to be enacted? Do Arnold’s theory and the TRB case suggest that general-interest legislation is more likely to be enacted when Congress conducts most business in public or when it conducts much business out of public view? Who were the key leaders in government that made the TRB happen, and what leadership strategies and tactics did they variously employ? Do a little independent research. What has happened to the U.S. tax code since the TRB was enacted? In particular, what major tax bill did the Bush administration champion in 2001, and what happened? Compare and contrast the legislative politics and leadership dynamics of the TRB and the Bush bill. The president played a major role in each case, but do the similarities end there? The Bush bill moved during the president’s first 100 days, not in the middle of a second term: is that a significant difference? On balance, do both cases support Arnold’s model of congressional action, and what, if any, general lessons about political and civic leadership do they suggest?
2. According to veteran political reporter and *Time* magazine columnist Joe Klein (C’68), Bill Clinton was “the natural,” a gifted politician with an expert’s command of policy details. Despite early mistakes and legislative failures, despite the scandals and media politics as chronicled by Howard Kurtz in *Spin Cycle*, and despite being impeached, Clinton nonetheless won most legislative battles; enacted less well-known but far-reaching policy changes (Klein mentions the “Earned Income Tax Credit”); left office after two full terms (the first two-term Democratic president since Franklin D. Roosevelt) with respectable public approval ratings; witnessed his chief Republican nemesis, former House Speaker Newt Gingrich, relinquish power; and witnessed his two-term vice

- president, Al Gore, win the popular vote in the 2000 presidential election. According to most authors in Fred Greenstein's edited volume, George W. Bush's "presidential character" is different from Clinton's yet has served him extremely well, too. Despite pre- and post-9-11 ups and downs in his public approval ratings, and despite divisions over U.S. actions in Iraq, Bush began 2004 with the highest approval rating of any first-term president entering his fourth year in office since Lyndon B. Johnson, and was poised to move significant chunks of his domestic and economic agendas through Congress. How, if at all, does "presidential character" and leadership style matter to how, and how well, a president performs, and by what specific performance measures? In addition to the Klein book and the Greenstein volume, read any edition of James David Barber's book *Presidential Character*, and at least one of the presidential biographies listed under "suggested readings" on page 371 of the Wilson textbook. Based on these readings and other relevant course material, do you agree with Wilson that presidential "character is but one of several factors affecting how, and how well, a president fares politically and discharges his constitutional duties"? Or, do you agree more with Wilson's co-author when, writing in the Greenstein volume, he claims that "presidential character," independent of other variables, is a far more consequential determinant of executive decision-making and White House organization than many scholars have supposed?
3. The Anti-Federalists gave reasons for doubting or rejecting virtually every major argument made by the Federalists, including the claim that the U.S. Supreme Court and the federal judiciary would remain weak—the "least dangerous branch," as *The Federalist Papers* phrase it. As chapters 14, 18, and 19 of the Wilson textbook document, the U.S. Supreme Court is today a co-equal branch of government both in constitutional theory and in everyday policy-making and administrative practice. In particular, as chronicled by Philip Hamburger, the federal courts have powerfully affected religious people and institutions in America. Summarize Hamburger's Harvard University Press study of the "separation of church and state." According to Hamburger, how has Thomas Jefferson's "wall of separation" metaphor been interpreted by various federal courts over time; what were the facts surrounding the U.S. Supreme Court's decision in *Everson v. Board of Education* (1947); and what major U.S. Supreme Court decisions have since rejected, in whole or in part, Justice Hugo Black's *Everson* opinion, and on what grounds? Read the essays by Martha Minnow, David Saperstein, and John DiIulio in the March 2003 issue of *Harvard Law Review*. Read the *Unlevel Playing Field* report posted at the website of the White House Office of Faith-Based and Community Initiatives (linked via the white House website). Read the U.S. Supreme Court's decision in *Zelman v. Simmons-Harris* (2002). Based on these and other relevant course readings, what is the present state of federal "charitable choice" law governing participation by religious nonprofit organizations in federal "government-by-proxy" social service delivery programs? What test(s) do the federal courts now generally apply to determine whether government is either "establishing" religion or preventing its "free exercise"? Under what, if any, conditions should religious nonprofit organizations be permitted to administer social service delivery programs funded in whole or part with public funds? If you alone had to decide the *Everson* and *Zelman* cases, by what understanding of America's "church-state" history (including the so-called Blaine amendments), and by which general criteria governing "sacred places, civic purposes" (public-private partnerships involving religious institutions) would you decide them, and why?
 4. As veteran political reporter and *Time* magazine columnist Joe Klein (C'68), nationally syndicated columnist (and our own) Jane Eisner, and others have noted, few Clinton-era programs have attracted as wide a following as the AmeriCorps program administered by

the Corporation for National and Community Service (CNCS). Summarize Steve Waldman’s account of how “the bill” became law. Do a little independent research. What has happened to AmeriCorps since the program was started? In particular, how has the program fared legislatively with House Republicans over the last half-decade or so? What is “USA Freedom Corps,” what, if any, specific commitments has President George W. Bush made to the AmeriCorps program, and what legislative and administrative problems beleaguered the program in 2002 and 2003? What leadership strategies and tactics did Bush administration supporters of the program, including former Assistant to the President, John Bridgeland, and former Deputy Director of the White House “faith initiatives” office, David Kuo, employ to improve its future prospects? Following the model presented in chapter 15 of the Wilson textbook, did these or other program supporters attempt, in effect, to position it as an instance of “majoritarian” politics, or what? On balance, does the case of “the bill” and the AmeriCorps program, both pre- and post-enactment, suggest that individual leaders both inside and outside of government—what the Wilson textbook discusses as “policy entrepreneurs”—can make a large, even a decisive, difference in the “policy process” (everything from which policy ideas get considered, to which get adopted, how public laws are implemented, and what, if any, significant civic consequences flow from them)? If you were advising someone inclined to push for preserving and expanding AmeriCorps, what would you tell them?

SAMPLE LECTURE OUTLINES

January 13: Leading to American constitutionalism

- A. Five primary texts of American constitutionalism
- B. Basic principles
- C. Core meaning
- D. “Rare bird”
- E. Four fundamental critiques
 - 1. Unbalanced: Anti-Federalists and “Modernists”
 - 2. Unfair
 - 3. Undemocratic
 - 4. Unholy
- F. Madison’s rebuttal
- G. Lead, follow, or get a new Constitution?

January 15: The Federalists versus the Anti-Federalists

- A. Views of human nature: bleak v. bleaker
 - a. Four propositions
- B. The Federalist view
- C. What the Anti-Federalists were for
 - 1. Historical and intellectual context
 - 2. The “anti-power ethic”
 - 3. What the war supposedly taught
 - 4. Alleged problems with the Articles
 - 5. The ratification leadership struggle
- D. Of Politics and poker: “Publius” outplayed them
- E. Bad politicians, but good prophets?
- F. Consolation prize, a.k.a., The Bill of Rights
- G. Old issues, new guises?
- H. Of political and other leadership animals: Are you “Publius”?