

Spring 2009 -- **POLITICAL SCIENCE 102L**  
**The Politics of Regulation**  
Visiting Professor Glenn Smith

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**FIRST SYLLABUS FOR PHASES I & II**  
(Assignments for first five weeks of classes)

| All references to “Kerwin” are to Kerwin, *RULEMAKING: HOW GOVERNMENT AGENCIES WRITE LAWS AND MAKE POLICY* (2003 Third Ed. CQ Press). Unless page numbers are given the reference to a Chapter is to the entire Chapter.

| All references to “Smith” are to excerpts from leading court cases; these excerpts are prepared by Professor Smith and will be made available in advance of the class for which they are assigned via the P Sc 102L WebPage.

**I. AN INTRODUCTION TO REGULATION AND THE AWKWARD LEGAL AND POLITICAL POSITION OF ADMINISTRATIVE REGULATORS**

- A. An Introduction to the Course and the Importance of Its Subject**  
Introductory lecture (in part covering Chap. 1, pp. 1-2 & 22-28 [*PLEASE READ THESE PAGES AFTER THE MARCH 31<sup>ST</sup> CLASS*])
- B. The Constitutional Scheme of Separated Powers, and the Awkward Place of Regulators in That Framework**  
Introductory Lecture
- C. The Functions and Work Product of Regulators: Federal Regulators as Case Study**  
Introductory Lecture (in part covering Chap. 1, pp. 2-7) [*PLEASE READ THESE PAGES AFTER THE MARCH 31<sup>ST</sup> CLASS*]

**II. SEMI-FORMALIZED LEGISLATING AT THE ADMINISTRATIVE LEVEL (“RULEMAKING”): AN IN-DEPTH LOOK AT THE POLITICAL AND LEGAL ISSUES IT RAISES**

[ *PLEASE READ THE FOLLOWING FOR APRIL 7<sup>TH</sup>*

- A. The History and Rationale for Rulemaking**  
  
Kerwin, Chap. 1, pp. 7-21 (“The History of Rulemaking”) & 28-38 (“The Reasons for Rulemaking”)
- B. Analyzing Rulemaking: Some Initial Theoretical and Practical**

## **Perspectives**

Kerwin, Chap. 3 (“Issues and Contradictions”)

Kerwin, Chap. 7 (“Theory, an Agenda for Research, and an Appreciation”)

[□□□ PLEASE READ THE FOLLOWING FOR APRIL 14<sup>TH</sup> □□□]

### **C. Rulemaking Procedures: Attempting to Control Political Processes through (Largely) Legal Means**

Kerwin, Chap. 2 (“The Process of Rulemaking”)

Smith, Excerpts from leading court cases

[□□□ PLEASE READ THE FOLLOWING FOR APRIL 21<sup>ST</sup> □□□]

### **D. Controlling Rulemaking “From the Inside”**

Kerwin, Chap. 4 (“The Management of Rulemaking”)

Kerwin, Chap. 6, pp. 212-213 (introductory observations); 224-238 (“Accountability to the President”)

Smith, Excerpts from leading court cases

[□□□ PLEASE READ THE FOLLOWING FOR APRIL 28<sup>TH</sup> □□□]

### **E. Controlling Rulemaking “From the Outside”**

Kerwin, Chap. 5 (“Participation in Rulemaking”)

Kerwin, Chap. 6, pp. 213-224 (“Accountability and Congress”) & 238-255 (“Accountability to the Courts” and conclusion)

Smith, Excerpts from leading court cases

## **III. Guest Lecture(s) for Tuesday, May 5<sup>th</sup>: REGULATORY POLITICS “IN ACTION”: Relating Course Themes to Recent Controversies in Telecommunications (and, perhaps, Biotechnology/Food-and-Drug) Regulation**

[□□□ ADVANCED READING ASSIGNMENTS for the May 5<sup>th</sup> class will be provided separately]