SYLLABUS

PUBLIC POLICY IN AMERICA

“To establish and to sustain an advanced culture, we need to avoid being debilitated either by error or by ignorance.”

- Harry Frankfurt, On Truth

OBJECTIVES

The overall objectives of this course are:

1. to increase your potential effectiveness as future policy makers;
2. to improve the quality of public policy; and
3. to protect and improve the capacity of governmental and not-for-profit agencies to advance the welfare of the publics they are intended to serve.

The specific objectives are:

1. to uncover major sources of error in the design and implementation of public policy;
2. to suggest decision-making tactics for avoiding these sources of error;
3. to identify political strategies that can be used to improve policy making processes and outcomes; and
4. to enhance your political skills of analysis, negotiation, and action.

This course, therefore, is intended to have both theoretical and practical value.¹

CAVEATS

To avoid misunderstandings and to help you get the most out of this course, you should keep in mind the following cautionary statements:

1. You may think it’s personal, until you learn that, in politics and policy making, it’s always business.

¹ Indeed, anyone who has thought seriously about the relationship between theory and practice would understand that there is nothing so practical as a good theory and, if theories are not well-connected to reality in clear and demonstrable ways, one should suspect that overly abstract “theories” may be little more than incoherent blather.
2. You may think that political subservience (to me or anyone) is the road to success, until you see how often it has led to policy making disasters.
3. You may feel intimidated, until you learn that intimidation is a self-inflicted wound. (Or, as Eleanor Roosevelt said: “No one can make you feel inferior without your consent.”)
4. You will feel unsure of yourself, uncertain of whether or when to speak (as Secretary of Defense Robert McNamara was during the Vietnam War), until you learn to anticipate and appreciate the human and social costs of silence.
5. You will make mistakes, simply because you’re not infallible.
6. You will learn from your classroom mistakes, now, when they are relatively trivial and before other people, especially others less privileged than you have to suffer from your more important real-world mistakes.
7. You may not be accustomed to the nature of some of the assignments and the grading policy of this course. The nature of the course assignments is a part of the logic of the course: that is, they are meant to parallel, in various ways, assignments that you would take on if you were a central participant in a policy making process. Your experience with the assignment, therefore, is meant to replicate some of the experiences you might have in more socially significant instances of policy making. As a corollary, it should be clear that some of the assignments will be at odds with the expectations you normally have for a typical course. For example, just as in the real world of policy making, you will not always have what you consider to be enough advance notice or time to undertake an assignment; things will not always be as clear as you would like about the expectations of the person giving you the assignment; you will not always get the sort of feedback you are accustomed to about your work. This is purposeful, since the intent is to replicate some of the ambiguity in the reward structures of policy making processes and to create for you an opportunity to begin developing strategies for coping with and, indeed, thriving in such situations. [Nevertheless, this, of course, is an academic course and, later in the semester, I will schedule conferences with every member of the course so that we will have an opportunity to evaluate your progress.]
8. This course is not intended to be the definitive way of preparing for honors exams in American government, even those that focus on the subfield of public policy. Since it is more fragmented than some other subfields of the discipline of political science, the subfield of public policy (or policy analysis or public management) it is more difficult to master. If, therefore, one contemplates doing honors in American, with an emphasis on public policy, they are encouraged to consult early and widely for assistance in mapping out this not-yet-well-aggregated academic domain.
9. For the applied value of this course to be internalized in personally meaningful and lasting ways, you will have to confront, critically examine, and consider replacing those perhaps unconscious or at least unexamined habits of intellect and manner that limit your capacity to be an effective and politically enduring policy maker. [To create opportunities for you to internalize the applied value of the course, I will invite (or even challenge) you to confront, critically examine, and reconsider such habits and paradigms. I, however, wish to make it clear that I’
doing the inviting, not the actually confronting, critiquing, or replacing. Indeed, it’s only meaningful if you do it, because you have to convince yourself that it is in your, and society’s, interest that politically dysfunctional habits and paradigms be modified.]

10. You may find the pedagogy of this course too stressful; in particular, you may not be comfortable with the Socratic method’s reliance upon direct and often probing questions. If you find the course outside your “comfort zone” and if that is most important to you, consider exiting; this, simply, might not be the right course for you at this moment in your life.

REQUIRED READING (Available at the Bookstore)


4. Neustadt and Fineberg. The Swine Flu Affair XanEdu Coursepack (Also available on ERes)

5. Oliver, Thomas. The Real Coke, The Real Story. XanEdu Coursepack (Also available on ERes)


* paperback

ADDITIONAL READING ASSIGNMENTS (Assigned in the body of the syllabus) (Available on the Internet or to be added to Electronic Reserve)

- Etheredge, The Case of the Unreturned Cafeteria Trays [ERes] Also at:
  o [http://www.policyscience.net/case.pdf](http://www.policyscience.net/case.pdf)
  o [http://www.policyscience.net/casefigure1.pdf](http://www.policyscience.net/casefigure1.pdf)


• Vaughan, Diane, “Anomie Theory and Organizations: Culture and the normalization of deviance at NASA.” Pp. 95-121. [ERes]


Additional material may be made available (as xerox copies to be purchased, photocopies to be distributed in class, as reserve reading, or through Web links).

**COURSE REQUIREMENTS [and EVALUATIVE WEIGHT, AS A PERCENTAGE OF FINAL GRADE]**

1. Passing objective quizzes over required reading and other material distributed in class.
2. Coming to class, on time. (See footnote 4)
3. A wordprocessed or typed paper, in dark ink, no longer than 15 pages, in which you apply the ideas of the Calabresi and Bobbitt text to the task of designing a policy for allocating the limited number of seats (24) around the seminar table in King 235. This paper is due on Tuesday, Feb. 16, in the box outside my office door (Rice 230), no later than 2:00 pm.
4. Successful completion of all classroom and written assignments [50 %]: This assumes mastery of assigned reading (I.e., failure to master assigned reading will be negatively rewarded. Absence from class during a discussion of assigned reading will be viewed as failure.)
   • This includes a written report on a group research project. (See below: The Post-Break Research Project)
5. Active, regular, and effective participation in classroom discussion of all assignments [50 %].
   • This includes an oral presentation of the group research project. (See below: The Post-Break Research Project)

**ADDITIONAL NOTES ON OTHER COURSE RULES:**

a) Given the weight placed on classroom discussion, non- or poor participation will result in a No Entry or a failing grade.  

b) An essential, real-world policy making skill is the ability to enter a conversation, smoothly, effectively, and respectfully. (Why?) To help you acquire this skill, we will not rely on artificial devices, such as

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2 The first three “Course Requirements” must be satisfactorily completed to pass this course; they, however, do not contribute to your final grade.

3 I will view non-attendance as evidence of a lack of preparation.
raising your hand, “floating-chairs” (or throwing a Nurf ball from the last to the next speaker).

c) All written assignments are to be typed in dark ink, left-justified only, single-sided, securely fastened, and, unless otherwise directed, turned in at my seat before the class starting time.

d) To facilitate in-class communication, place a sufficiently large name card on the table in front of you at the beginning of every class.

e) To avoid isolating yourself from class interaction, no computers are allowed.

f) To eliminate rudeness and interruptions, no one will be allowed to enter the class room late.\(^4\)

g) Following the above course requirements is, itself, a course requirement.\(^5\)

SCHEDULING

NOTES:

a) The sequence of required course activities will follow roughly the listing below.

b) From time to time, however, we will deviate from the following schedule to accommodate in-class presentations, negotiations, and any of the “Other Topics and Assignments” (Topic # 15) that appear below.

PREMISES

This course présumé s some prior study or knowledge of American government. In particular, it assumes an understanding and a reasoned acceptance of the following premises:

1. **Resources are scarce; scarcity is not a right-wing plot.** Doubters should see, for example, Guido Calabresi and Philip Bobbitt. *Tragic Choices: The conflicts society confronts in the allocation of tragically scarce resources*. New York: W. W. Norton, 1978 and/or take an Economics course.

2. **Governmental authority and political power are limited and fragmented.** See, for example, James Madison, *Federalist No. 10*.


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\(^4\) As defined by my watch. NOTE: Once class starts, the door to the classroom will be closed. If it’s closed when you arrive, you’re late and you may not enter.

\(^5\) This means that the failure to follow any course requirement could result in your not passing the course; this has a pedagogical purpose; namely, to help get you ready for real world policy making responsibilities where your failures may have adverse consequences, especially, tragically, for people less privileged than you.
4. **Most people will not easily band together in pursuit of public goods, even if they believe that they would be better off if they did.** See, for example, Mancur Olson, *The Logic of Collective Action*.

5. The contemporary media climate is hazardous to the political health of anyone who is judged to be either too successful or a threat to the status quo. Doubters should see John Heilemann and Mark Halperin, *Game Change: Obama and the Clintons, McCain and Palin, and the Race of a Lifetime*.


7. **Good intentions are not sufficient for the making of good public policy; indeed, good intentions may lead to bad public policy.** See, for example, Charles R. Morris, *The cost of good intentions: New York City and the liberal experiment, 1960-1975*.

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**THE POST-BREAK RESEARCH PROJECT**

1. Form a 3-5 person group.
2. Undertake a research project to identify and explain the mistakes in any one of the following cases:
   - President Obama’s handling of health insurance reform
   - The senatorial campaign of Martha Coakley
   - The financial crisis of 2009 [NOTE: Within this complex case, focus on one major aspect; e.g., de-regulation, adjustable rate mortgages, credit swaps, sub-prime lending, collateralized debt obligations (CDOs), government policies to encourage home ownership, etc.]
   - Governmental policies to limit executive pay (historical and/or current)
   - The contracting and accounting practices of the Cuyahoga County Board of Commissioners
   - Toyota’s post 2004 handling of reports of unintended acceleration
   - The initial on-campus response to the Virginia Tech shootings
   - Iraq (post 9/11) [Any aspect; e.g. the initial decision to invade, post-invasion planning and/or actions, etc.]
   - Actions and non-actions leading up to 9/11
   - Detroit auto industry practices
   - AOL-Time Warner merger
   - Enron practices
   - Actions leading to any film flop
   - Sandy Berger’s unauthorized removal of classified material from the National Archives, prior to testifying before the 9/11 Commission

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http://www.jstor.org/view/00222186/ap020037/02a00050/0?searchID=cc99333c.11059769860&frame=noframe&currentResult=00222186%2bap020037%2b02a00050%2b0%2c01%2b19790400%2b9995%2b80209599&userID=d8cff6bb@oberlin.edu/01cc99333c005017d4a70&dpi=3&sortOrder=SCORE&config=jstor&viewContent=Article
• Any problematic aspect of the Oberlin College presidency of Nancy Dye, Fred Starr, or Bob Fuller
• Any other major policy mistake/disaster of your choosing (seek prior approval)

3. Prepare and present to the class an oral report on your findings, soon after Spring Break.
4. Prepare and turn in a final written report, no later than the last class day: May 13.

COURSE TOPICS AND ASSIGNMENTS [Note: Although the assignment for a particular date is listed below that date, all parts of that assignment (e.g. the reading, some activity, and some written report, if explicitly called for) is to be completed before class on that date.]

1. Introduction [Tuesday, Feb. 9]
   • The purpose of the course
   • Non-collision course collisions
   • Self-inflicted wounds: The fall of Troy
   • Flawed decision making; e.g. asking the wrong question: The Challenger disaster [HO]
   • Ethical choices: Loyalty, voice, exit
   • Levels of analysis and the class bias of disasters: S. S. Titanic
   • Other mistakes in business, politics, love, war, and pre-invasion planning for nation-building (See the Addendum)
   • The political origins and results of mistakes: e.g. overreach, liberal burnout, illegitimacy, apathy, centralization of power, loss of liberty, inadequate and distorted analysis, a high modernist ideology
   • Political strategies and tactics for avoiding self-inflicted wounds: Selfchecks

Reading Assignments

For the next class, read:

- Calabresi and Bobbitt, Tragic Choices, Pages 17-50 [ERes]
- This Syllabus. (Study it. Memorize the parts that have been emphasized in bold type.)

Continue reading and finish by Feb. 16: Tragic Choices (entire) [ERes]

2. Quiz and Personal Insights on Mistakes [beginning Thursday, Feb. 11]

Quiz over reading assignments to date

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7 Albert O. Hirschman, Exit, voice, and loyalty; responses to decline in firms, organizations, and states.
8 “Read”, of course, means read and master, where “mastery” usually requires re-reading some sections and memorizing major propositions and definitions.
**Icebreaker Activity:**

- Be prepared to describe orally, in class, a non-trivial but not-too-embarrassing mistake you made and to lead a discussion of the following questions:

**Discussion Questions:**

a. Was it a mistake? (Or just bad luck?)

b. Why was it a mistake?

c. What were the sources of the mistake?

d. Was there an underlying cause of the mistake?

e. What actions might have been taken to avoid the mistake?

f. What could trigger these actions?

g. What did you learn from this experience?

h. What is a real-world public policy analogue?

3. The Underlying Tragedy: The allocation of scarcity [beginning as early as Tuesday, Feb. 16]

**Paper and Discussion Assignment:**

**Justify a “Tragic” Choice:**

a) By drawing explicitly on Calabresi and Bobbitt’s *Tragic Choices*, design and evaluate, comparatively, two alternative, plausible mechanisms for allocating the 24 available seats around the seminar table in this classroom.

b) Describe these two mechanisms, along with their theoretical justification, and including appropriate references and citations to Calabresi and Bobbitt, in a typed paper that is no longer than 15 pages. This paper is due on Tuesday, Feb. 16, in the box outside my office door (Rice 230), no later than 2:00 pm.

c) Be prepared to present your preferred mechanism in class, beginning on Tuesday, Feb. 16, and to argue, orally, in support of it.

**Subsequent Discussion Assignment:**

- What has this exercise taught you about public policy and policy-making processes?

**Assignment for the next class:** Go find a public problem, do something constructive about it, and be prepared to (1) report, orally, in class on your experiences and to (2) turn in, during that class, a written report on your
experiences with this assignment. [For more detail in this assignment, see Topic 4, below.]

_Assignment for a future class: This week, write_ someone who loves you. _Tell_ them you’re thinking about a career in politics. _Ask_ them to write you back with their advice. When you receive it, let me know and be prepared to _read_ selected portions to the class and _lead_ a discussion on the following question: “If many members of the public shared these opinions, in what ways might that affect the making and implementation of public policy?”

**THERE IS NO CLASS ON THURSDAY, FEB. 18**

4. The “Go find a public problem and do something constructive about it” assignment [Likely due date: Thursday, Feb. 23]

_Assignment:_

- _Go_ find, on campus or (preferably) in the town of Oberlin, a situation that you believe to be a public problem. _Deal_ constructively with this “problem”; that is, design and implement a policy to make the “problem” less bad. Be prepared to _report_, orally and in writing, on your observations, experiences, and insights. [Both the oral and the written reports are due on Feb. 23.]

_In-class discussion:_

- What was the problem?
- What did you try to do?
- How did it work out?
- What lessons about policymaking do you draw from this experience?

5. Theories of Behavior: “Bad” theory as a source of error [Tuesday, Feb. 25]

_Assignments_10

_Read:_ Etheredge, Lloyd, “The Case of the Unreturned Cafeteria Trays” (entire) [ERes] and at: [http://www.policyscience.net/ws/case.pdf](http://www.policyscience.net/ws/case.pdf)

_Apply Etheredge_ by:

(1) Identifying which of his theories you implicitly used in the above (“Go find …”) assignment (or which combination of theories);

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9 Email is preferred. A blind cc to me also is required: Paul.Dawson@oberlin.edu. (Provide a paper copy if you do not use email.)

10 All reading assignments for a particular class meeting are to be completed before that session.
(2) Describing the ways in which your implicitly used theory of behavior biased the design and implementation of your policy; and by …
(3) Selecting and describing what might happen if you were to use a wholly different theory of behavior (from Etheredge) to deal constructively with the same “problem”.

*Be prepared to present the result of the above three steps, orally and in writing.*

**Discussion:**
- What did Etheredge and your application of it teach you about the preconceptions of policy makers?
- Will you remember that? Promise?

6. Technology and Flawed Decision Making: The shoot down of Iran Air Flight 655

**Assignments for Tuesday, March 2:**

1. **Read:**

2. **In class simulation:** Would an Obie shoot down the Iranian plane?

3. **Discussion:**
   - Identify the types of error in the shoot down case
   - Why was one type preferred over the other?
   - What would be similar or analogous mistakes?
   - What’s the general lesson?

**Assignments for the next class, Thursday, March 4:**

1. **Read:** Fisher and Ury, *Getting to Yes*
2. **Hand in, on March 4:**
   a. A copy of your Personal Résumé: Include the personal information that you think should go on your résumé plus a clear, specific, and meaningful statement of the goals you have for yourself in this course: i.e., what you would like to get out of this course.
   b. A clear copy of a photograph of yourself, taped to your résumé.
   c. A negotiation proposal (See below for required format)
8. Negotiations (beginning as early as this class session, on Thursday, March 4, and continuing, on an intermittent basis throughout the semester)

**Negotiations:**

*Initial Discussion Question:* “In what sort of political system must almost everything be negotiated?”

- Beginning today we will practice negotiating.
- In the course of the semester, everyone will negotiate.
- Negotiation Proposal Required Format: One typed page giving:
  - 1. Your name
  - 2. The identity of the two roles of the negotiators
  - 3. A very brief (less than 50 word) statement of what is to be negotiated.
- **NOTES**
  - 1. Not all negotiations will “run their course”; i.e. I will end a negotiation after I have concluded we have extracted most of its pedagogical value.
  - 2. A good proposal will (a) illustrate some important principle from the Fisher and Ury text, (b) be non-trivial (no curfews, allowances, or cars), (c) be personally relevant enough so that you will find it engaging but not so personal that you would find it embarrassing to negotiate in front of the class.
  - 3. During the course of the negotiation, you may call “Time Out” at any time and you may end the simulation at any time.
  - 4. Each simulation will be critiqued, first by the student participant and then by the rest of the class. The critique should help answer three questions: (a) What did the student negotiator do well? (b) What did the student negotiator do not so well? (c) What lesson will (should) be remembered?
  - 5. These are graded exercises, both for the “negotiator” and for the other members of the class who are invited to critique it. (Your evaluation [grade] will be based primarily on your answers to the above three questions.)
  - 6. These, of course, are in-class simulations of negotiations; they are about situations, not you personally.

**Reading:**

- Fisher and Ury. (entire). CAVEAT: To submit a good negotiation proposal (i.e., one that helps you do well in the simulation), make sure you have read this book before you turn in your proposal. Also, since
negotiation sessions will be conducted throughout the semester, you may wish to review this book from time to time.

9. The Case of Swine Flu [as early as March 9]

Assignments:

- Read Neustadt and Fineberg (entire) [Course Packet/ERes]

Discussion Questions:  

a. Was the swine flu policy a mistake? (Or just bad luck?)

b. Why was it a mistake?

c. What were the sources of the mistake?

d. Was there an underlying cause of the mistake?

e. What actions might have been taken to avoid the mistake?

f. What could trigger these actions?

g. What are other real-world public policy analogues?

h. What lessons do you draw about public policy and policy-making processes?

Simulation: Could you have prevented the train wreck?

10. The Case of Coke [For this and all subsequent assignments, no firm dates are provided in advance.]

Read: Oliver (entire) [Course Packet/ERes]

Discussion Questions:

a. Was the decision to launch New Coke (and the decision making process that led up to it) a mistake? (Or just bad luck?)

b. Why was it a mistake?

c. What were the sources of the mistake?

d. Was there an underlying cause of the mistake?

e. What actions might have been taken to avoid the mistake?

f. What could trigger these actions?

g. What are other real-world public policy analogues?

h. What lessons do you draw about public policy and policy-making processes?

11. Misuses of History and their Impact on Public Policy

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11 As an in-class procedure that will lead up to answers to questions (a) through (h), we will go through the text, page by page, looking for and focusing on major mistakes. We also will use this procedure for the Oliver (Coke) reading.
Read: Neustadt and May (entire)

Discussion and Application: Our in-class, chapter-by-chapter discussion of Neustadt and May will focus on the following questions:

a. What have you learned about the uses of history for decision makers?
b. In what ways might the decision makers in the Swine Flu and Coke cases have applied and profited from the lessons of Neustadt and May? That is, if they had read the book, what might they have done differently?
c. What will you do to make sure you remember to apply these lessons? (In answer the second question, you are encouraged to be creative in designing guidelines or mnemonic devices.)

NOTES ABOUT “LESSONS”:

1) Lessons and recommendations, correctly understood, are suggested caveats, not prescribed dogma.
2) The point is to formulate lessons and recommendations in ways that will help you remember them, so you will be more likely to use them to undertake a more careful strategic assessment of the policy making environment. See the Bryson, John M. Strategic Planning for Public and Nonprofit Organizations: A guide to strengthening and sustaining organizational achievement. “A Ten-Step Strategic Planning Process,” Pp. 22-37 and “Assessing the Environment to Identify Strengths and Weaknesses, Opportunities and Threats,” Pp. 82-103. [ERes]
3) Since the lessons and recommendations are meant to be used in this way, it might be useful to express these caveats as “selfchecks” -- questions you ask yourself to (1) create an opportunity for reflective and strategic thinking and (2) alert you to the need to assess fully the risks and rewards of alternative policy choices.

12. High-Modernist Ideology

Required Reading: Scott (entire)


Discussion: A thoughtful discussion of the Scott text will require that you master the text well before class. By mastery I mean you have:

- Thoroughly absorbed the author's entire argument (the main points and the structure of the argument);
- Sorted thorough what the author provided as supporting evidence; and
• Assessed, critically, the argument and the extent to which it is supported by (or challenged by) evidence – evidence provided by the author and any evidence otherwise available to you.

As a check on these presumptions, this class will start with an invitation to reproduce, orally, the argument, and then to discuss the extent to which it is supported by the evidence. Once that is out of the way, we can explore the extent to which Scott’s theoretical framework helps explain those policy disasters that are the subject of the required reading and related topics, such as many of the approaches to public problems favored by social welfare liberals, neoconservatives, and environmental doomsayers.12

**Extra Credit:** Find and reproduce examples of a high-modernist ideology from the White House web site.

14. Synthesis: What have you learned?

**Assignment:** Hand in, by Tuesday, May 11, a 1-2 page written numbered listing of what you take to be your Top Ten Lessons of the course. I will place a premium on insightful, short, catchy, and original aphorisms.

15. Other Topics and Assignments (May be assigned, more or less at random, depending on time. Also may be available as extra credit projects.)

  a. **Organizational Culture as a Source of Error: The Challenger Disaster**

     **Reading:** Vaughan, “Anomie Theory and Organizations.” [ERes]13
     **Discussion:** If you were presented with risks analogous to those faced in the Challenger disaster, would you launch?

  b. **Group Decision-Making Pathologies**

     **Reading:** Janis, “Victims of Group Think.” [ERes]
     **Discussion:** How do you guard against Groupthink?

  c. **Policy Success as a Cause of Policy Failure**

     **Reading:** Wildavsky, “Doing Better and Feeling Worse” [ERes]
     **Discussion:** Can you claim credit for policy accomplishments, without raising expectations beyond your capacity to deliver? How?

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12 Check out Julien’s words: [http://www.moviewavs.com/php/sounds/?id=bst&media=WAVS&type=Movies&movie=Madagascar&quote=allislost.txt&file=allislost.wav](http://www.moviewavs.com/php/sounds/?id=bst&media=WAVS&type=Movies&movie=Madagascar&quote=allislost.txt&file=allislost.wav)

d. The Mailbox Baseball Exercise

In some rural areas, teenagers drive around and smash mailboxes with baseball bats. Devise a remedy and be prepared to justify it.

e. The Litter Experiment

Most people do not pick up litter. To figure out why, scatter some and interview passers-by. Present your findings and analysis. Devise a policy that encourages people to pick up litter; try it out; report on your experience.

f. The E-mail Exercise

Save your e-mail correspondence for a week or two. Print out and review your e-mail correspondence. Create a scenario in which someone obtains this correspondence and uses it to make you look bad. Assume the role of this awful person and highlight those portions of your e-mail that, within the context of the contrived scenario, make you look bad. Come to class prepared:

1) to present, orally only, the scenario, the highlighted words (out of the original context but in the scenario’s context);
2) to suggest analogous cases (real or hypothetical) where something similar has, or could happen;
3) to state what you have learned about policy making dangers from this exercise; and
4) to suggest things you might do in the future to help you remember what you have learned about managing the risks of policy making from this exercise.

g. The Stay-Out-Of Jail Exercise

Assume that innocent people sometimes go to jail. Assume further that, in the course of your up-coming successful career in public service, you try to do something that is more than trivial. You, therefore, should further assume that some others will view you as an adversary and may even try to set you up, so that you look like you did something wrong and perhaps go to jail -- or at least are taken out of the game. Construct a scenario of this that you find plausible and figure out what, if anything, you can to do protect or inoculate yourself against this possibility. Come prepared to present your insights, orally only.

h. The Ex Post Facto Guilt Exercise
It may be harder to stay out of jail than you think, especially if the standards of guilt become more restrictive and are applied retroactively. Undertake each of the following activities and come prepared to present your results, both orally and in writing:

1) Identify some legal and ethical action (personal, political, commercial, real or hypothetical, etc.) that, plausibly, could soon come to be seen as either illegal or unethical.
2) Figure out what, if anything, one could do if they still wanted to engage in the action.
3) Suggest plausible analogies.
4) Extract, inductively, appropriate lessons and recommendations.
5) Suggest mnemonic devices.

i. College profits at town’s expense?

By pulling students out of off-campus housing and into College residences, the College may make money (and reduce liabilities). Does it do so at anyone’s expense?

j. Summing Up

“Summing up” a discussion is a politically relevant skill. When it is done well, you (a) recognize explicitly the contributions of others, thereby winning their appreciation, (b) summarize succinctly what everyone should have learned (if they were listening closely), thereby winning their appreciation, (c) “crystallize” what might have been an emerging consensus, thereby creating more of a sense of a group, and (d) get a chance to add something of yourself, such as your own synthesis of what was said or your own redirection of the direction of the discussion, thereby increasing chances that others will defer to you in the future. Each of these consequences create political power for the person who can learn to “sum up” well.

To help you develop this skill, I, from time to time, will call on someone to volunteer. (In addition, anyone always can volunteer, at the end of any discussion or, always, at one minute before the end of any class.)
ADDENDUM

OTHER EXAMPLES/CASES

• Branch Dividian compound, Waco siege and killings (Did Janet Reno’s obsession with child molestation lead, eventually, to the bombing of the Federal Building in Oklahoma?)
• Bush (43): (1) Prescription drug policy; (2) Harriet Miers nomination; (3) Iraq
• Clinton: (1) Was the President distracted during times of foreign threat? (2) Did the President’s “Hope” Scholarships hurt poor kids?14
• Coal mine “accidents” (e.g., Sago and Alma mines in West Virginia)
• Collateralized Debt Obligations
• Columbia space shuttle disaster
• Democratic Party: Does it have a foreign policy? A pre 9/11 mentality?
• Democrats, U. S. Senate: (1) Judiciary Committee’s questioning of Alito; (2) Attempted filibuster of Alito (“I think that this situation absolutely requires a really futile and stupid gesture be done on somebody's part,” said Eric "Otter" Stratton in the classic 1978 film "Animal House.")
• Detroit automobile industry: Why has it been unable to produce cars that people want to buy?
• Fannie Mae’s manipulation of earnings
• Film flops; e.g. Waterworld, Ishtar, Heaven’s Gate, The Last Action Hero, Bonfire of the Vanities, The Adventures of Pluto Nash, Town & Country, Cutthroat Island, The Postman, Gigli, Battlefield Earth15, Freddie Got Fingered, etc. See Razzies at http://www.razzies.com
• Governmental policies to encourage risky lending/home ownership
• Iran: What limits our ability to constrain Iran’s nuclear ambitions?
• Iraq: Post-invasion planning (Did they fail to plan? Was post-invasion planning discouraged or just wrong? Were incorrect plans changed quickly and effectively? Why or why not?)
• Janet Reno’s authorization of the seizure of Elián González


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Katrina: Assorted questions, including: (1) To what extent did the policy of channelization of the Mississippi River contribute to the flooding of New Orleans?; (2) Did local political considerations contribute to the misallocation of levee funds?; (3) Does federal policy provide a “moral hazard”; namely, an encouragement to live in flood prone areas? See, for example:

- Expedited Assistance for Victims of Hurricanes Katrina and Rita: FEMA's Control Weaknesses Exposed the Government to Significant Fraud and Abuse (G.A. O. Report) at: [http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.21&filename=do6403t.pdf&directory=/diskb/wais/data/gao](http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.21&filename=do6403t.pdf&directory=/diskb/wais/data/gao)

Martha Stewart (see also [Bonfire of the Vanities](http://www.amazon.com/Bonfire-Vanities-Sahara-Dee/dp/0743235422))

New York City: Continuing failures of the Administration for Children's Services (ACS) to prevent fatal child abuse (“Quachon Browne, was at least the fifth fatality since November ['05] of a child whose family was known to the child welfare authorities”)

New York Times: Did they mishandle Judith Miller? Why?

North Korea: Were Carter and Clinton duped?

Obama’s home foreclosure policies

Oberlin College: (1) Where there policy mistakes that contributed to the College’s decline in national rankings? (2) Did the Trustees create an artificial budget crisis? Why? (3) Did the College’s on-campus housing policy adversely affect the city and the school system? (4) Is the College-School Partnership, which waives tuition for Oberlin high school graduates who are admitted to Oberlin, a revolving door? What might fix it?

Prosecutorial misconduct (Ebbers, Lay, child mass molestation cases)

Red Cross’s mishandling of 9/11 donations, blood bank

Responses to terrorist threats in Yemen and elsewhere

Ruby Ridge siege and killings

Senator Kerry: (1) 2004 campaign; (2) 2005 promise to release his military records; (3) Quixotic call for a filibuster of Alito (Was it just base-baiting or something more problematic?)

Somalia: Did Clinton embolden Osama bin Laden?

The Catholic Church’s mishandling of sexual abuse by priests

Tiger Woods

UN Oil-for-Food Program

Wen Ho Lee (Why did President Clinton fail to stop the abuse of Mr. Lee’s civil liberties? Why was there no protest on the OC campus?)

What was she thinking? Representative Marcy Kaptur (D-OH) Claimed Osama Bin Laden Could Be Compared To “Revolutionaries That Helped To Cast Off The British Crown.” “One could say that Osama bin Laden and these non-nation-state fighters with religious purpose are very similar to those kind of atypical revolutionaries that helped to cast off the British crown,” Kaptur told an Ohio newspaper, The (Toledo) Blade.” (Malie Rulon, “Lawmaker Compares Osama,
U.S. Patriots,” The Associated Press, 3/6/03) [Suggestion: Ask Matt Kaplan, a former student; he now works for her.]

- 9/11: ignored or misperceived early warning signs
- John Edwards (See Andrew Young, The Politician)
- Obama’s approach to health care legislation (the Harry and Nancy show) (?)
- Toyota’s (and Honda’s) decision to not employ a brake override system
- Obama’s post Scott Brown bank bashing?

Other less contemporary cases:

- Advertising blunders (e.g., what was Volvo thinking when they reinforced their cars before using them in ads that showed how “crush-proof” they were?)
- Agricultural policies that lead to genetic uniformity and single crop reliance
- Air Force Academy (cheating scandals)
- Baseball strike of 1994
- Bay of Pigs, Cuba
- Beirut Marine barracks bombing
- Bush (41st) pledge: “No new taxes”
- Campaign gaffs (e.g., Gerald Ford’s “captive nations”; John Kerry: “I voted for it just before I voted against it.”)
- Challenger space shuttle disaster
- Chao, Steven: the ex-President of Fox Television who hired a male stripper to perform at a business conference
- Cisneros, Henry (extramarital affair and poor damage control)
- Clinton: Gays in the military
- Clinton: health care reform proposals
- Clinton’s withdrawal of the nomination of Lani Guinier
- Clinton and Lewinsky: Why didn’t his staff protect him from himself?
- The Republican Party’s “Contract with America”
- DARE
- Dean (Howard) candidacy
- Ecological disasters-in-progress (e.g., Army Corps of Engineers river straightening projects, earthen dams, global warming, Katrina, etc.)
- The Elyria Exterminator
- Food safety practices (e.g., Food and Drug Administration’s [FDA] “poke and sniff” meat and poultry inspection policies)
- Forest fire control policies that increased the intensity of forest fires
- “Friendly fire” and not-so-friendly accidental attacks (e.g. Iranian Air Flight 655)
- Joe Camel
- Military disasters (e.g. Lee’s strategy of trying to win the Civil War)
- Nixon’s failure to burn the Watergate tapes
- Romeo and Juliet (and other works of Shakespeare or other cases of tragic love)
- SARS (China’s handling of)
• Somalia, esp. media events within the U.S. leading up to American military involvement
• Swine (avian) flu, events since publication of the required course reading
• Tailhook, cover-up (U.S. Navy’s generalized failure to control sexual harassment)
• U.S. Embassy in Moscow, bugging of
• Von Hammerstein, Kurt (Premature announcement of new government, following failed assassination attempt on Hitler)
• War on Drugs, supply side (interdiction) policies
• Whitewater
• World Bank infrastructure policies
• Wright, Jim (events leading to his resignation as Member and Speaker of the U. S. House of Representatives)