

PSC535
Professor Rothenberg
lawrence.rothenberg@rochester.edu

Bureaucratic Politics
Fall 2020

Course Purpose: We overview the literature on bureaucratic politics, particularly as it relates to the American political system (however, we can build in a more comparative component if students care to explore). Emphasis is on current major research areas, of which there are quite a few, as both the real-world importance of the American bureaucracy and scholarly interest has grown considerably in recent years.

Availability: If you want to get in touch with me outside of class for a discussion, send an e-mail to lawrence.rothenberg@rochester.edu and we can arrange how to make it happen.

Requirements: Course requirements include research presentations and a longer final paper– either original research, a detailed literature review, or a research proposal (roughly 15 pages will suffice)

Readings: Required readings will be made available through Dropbox.

Grading: Grading will reflect your class participation and your final paper (weighted approximately 1/2, 1/2).

I. *Introduction* (8/26)

II. *Bureaucratic Delegation—and its Measurement* (9/2)

Epstein, David, and Sharyn O'Halloran. 1994. "Administrative Procedures, Information, and Agency Discretion," *American Journal of Political Science* 38 (3): 697-722.

Fox, Justin, and Stuart V. Jordan. 2011. "Delegation and Accountability," *Journal of Politics* 73 (3): 831-844.

Hill, Adam. 2015. "Does Delegation Undermine Accountability? Experimental Evidence on the Relationship Between Blame Shifting and Control," *Journal of Empirical Legal Studies* 12 (2): 311-339.

Gailmard, Sean, and John W. Patty. 2019. "Giving Advice vs. Making Decisions: Transparency, Information, and Delegation," *Political Science Research and Methods* 7 (3): 471-488.

Bolton, Alexander, and Sharece Thrower. 2019. "The Constraining Power of the Purse: Executive Discretion and Legislative Appropriations," *Journal of Politics* (forthcoming).

Vannoni, Matia, Elliot Ash, and Massimo Morelli. 2020. "Measuring Discretion and Delegation in Legislative Texts: Methods and Application to U.S. States," *Political Analysis* (forthcoming).

Other pieces of potential interest:

Epstein, David, and Sharyn O'Halloran. 1996. "Divided Government and the Design of Administrative Procedures: A Formal Model and Empirical Test," *Journal of Politics* 58 (2): 373-397.

Epstein, David, and Sharyn O'Halloran. 1996. *Delegating Powers: A Transaction Cost Politics Approach to Policy Making Under Separate Powers*. Cambridge.

Huber, John D., Charles R. Shipan, and Madelaine Pfahler. 2001. "Legislatures and Statutory Control of the Bureaucracy," *American Journal of Political Science* 45 (2): 330-345.

Bendor, Jonathan, and Adam Meirowitz. 2004. "Spatial Models of Delegation," *American Political Science Review* 98 (2): 293-310.

Maskin, Eric, and Jean Tirole. 2004. "The Politician and the Judge: Accountability in Government," *American Economics Review* 94 (4): 1034-1054.

- Prendergast, Canice. 2007. "The Motivation and Bias of Bureaucrats," *American Economics Review* 97 (1):180-196.
- Ting, Michael M., James M. Snyder, Shigeo Hirano, and Olle Folke. 2013. "Elections and Reform: The Adoption of Civil Service in the U.S. States," *Journal of Theoretical Politics* 25 (3): 363-387.
- Prendergast, Canice. 2016. "Bureaucratic Responses," *Journal of Labor Economics* 34 (2): S183-215.
- Anastasopoulos, Jason, and Anthony Bertelli. 2018. "Understanding Delegation through Machine Learning: A Method and Application to the European Union," *American Political Science Review* 114 (1): 291-301.
- Fong, Christian. Nd. "Identifying Delegation in Congressional Bills."
<https://cs224d.stanford.edu/reports/christianfong.pdf>
- Lerner, Joshua Y., et al. 2018. "Using Deep and Active Learning Classifiers to Identify Congressional Delegation to Administrative Agencies." [Available upon request]

III. *The Civil Service System* (9/9)

- Ujhelyi, Gergely. 2014. "Civil Service Rules and Policy Choices: Evidence from US State Governments," *American Economic Journal: Economic Policy* 6 (2): 338-380.
- Ash, Elliot, Massimo Morelli, and Vannoni, Matia. 2020. "Divided Government, Delegation, and Civil Service Reform," *Political Science Research and Methods* (forthcoming).
- Doherty, Kathleen, David Lewis, Scott Limbocker. 2019. "Executive Control and Turnover in the Senior Executive Service," *Journal of Public Administration Research and Theory* 29 (2): 159-174.
- Gibbs, Daniel. 2020. "Civil Service Reform, Self-Selection, and Bureaucratic Performance," *Economics & Politics* (forthcoming).
- Huber, John D., and Michael M. Ting. 2020. "Civil Service and Patronage in Bureaucracies." *Journal of Politics* (forthcoming).

Other piece of potential interest:

- Forand, Jean Guillaume. 2019. "Civil Service and the Growth of Government," *Journal of Public Economics* 177 (1): 1-17.

IV. *Learning and Responsiveness* (9/16)

Patty, John, and Sean Gailmard. 2012. *Learning while Governing*. Chs. 2-7.

Kogan, Vlad. 2017. "Administrative Centralization and Bureaucratic Responsiveness: Evidence from the Food Stamp Program," *Journal of Administration Research and Theory* 4 (1): 629-646.

Lowande, Kenneth. 2019. "Politicization and Responsiveness in Executive Agencies," *Journal of Politics* 81 (1): 33-48.

Other piece of potential interest:

Li, Christopher M., Greg Sasso, and Ian R. Turner. 2020. "Accountability in Government Hierarchies," unpublished paper. <file:///C:/Users/lrot/Downloads/LiSassoTurner-Mar2020-ONLINE.pdf>

V. *Organization and Capacity* (9/23)

Huber, John D., and Nolan McCarty. 2004. "Bureaucratic Capacity, Delegation, and Political Reform," *American Political Science Review* 98 (3): 481-494.

Callander, Steven. 2008. "A Theory of Policy Expertise," *Quarterly Journal of Political Science*. 3 (2): 123-140.

Selin, Jennifer L. 2015. "What Makes an Agency Independent?" *American Journal of Political Science* 59 (4): 971-987.

Richardson, Mark D. 2019. "Politicization and Expertise: Exit, Effort, and Investment," *Journal of Politics* 81 (3): 878-891.

Decarolis, Francesco, Leonardo M. Giuffrida, Elisabetta Iossa, Vincenzo Mollisi, and Giancarlo Spagnolo. 2020. "Bureaucratic Competence on Procurement Outcomes," *Journal of Law, Economics & Organization* (forthcoming).

Other paper of potential interest:

Gailmard, Sean, and John Patty. 2013. "Stovepiping," *Journal of Theoretical Politics* 25 (3): 388-411.

Jo, Jinhee, and Lawrence Rothenberg. 2014. "The Importance of Bureaucratic Hierarchy: Conflicting Preferences, Incomplete Control, and Policy Outcomes," *Economics and Politics* 26 (1): 157-183.

Forand, Jean Guillaume, Michael M. Ting, and Gergely Ujhelyi. 2020. "Equilibrium Administration." <https://www.uh.edu/~gujhelyi/eqadmin.pdf>.

VI. Appointment Processes I (9/30)

McCarty, Nolan, and Rose Razaghian. 1999. "Advice and Consent: Senate Responses to Executive Branch Nominations, 1885-1996," *American Journal of Political Science* 43 (4): 1122-1143.

McCarty, Nolan. 2004. "The Appointments Dilemma," *American Journal of Political Science* 48 (3): 413-428.

Lewis, David E. 2008. *The Politics of Presidential Appointments*, chs. 3-5.

Note: Entire book is available online at

<https://catalog.lib.rochester.edu/vwebv/holdingsInfo?searchId=482&recCount=50&recPointer=0&bibId=7279800&searchType=7>.

Jo, Jinhee, and Lawrence Rothenberg. 2012. "Rational Incompetence," *Journal of Theoretical Politics* 24 (1): 3-18.

Other pieces of potential interest:

Gallo, Nick, and David E. Lewis. 2012. "The Consequences of Presidential Patronage for Federal Agency Performance," *Journal of Public Administration Research and Theory* 2 (2): 219-243.

Hollibaugh, Gary. 2014. "Naïve Cronyism and Neutral Competence: Patronage, Performance, and Policy Agreement in Executive Appointments," *Journal of Public Administration Research and Theory* 25 (2): 341-372.

Hollibaugh, Gary E., Jr., and Lawrence S. Rothenberg. 2020. "The Structure of Appointment Politics: Consistency or Change?" *Legislative Studies Quarterly* (forthcoming).

VII. Appointment Processes II (10/7)

- Hollibaugh, Gary E., Jr., Gabe Horton, and David E. Lewis. 2014. "Presidents and Patronage," *American Journal of Political Science* 58 (4): 1024–1042.
- Bonica, Adam, Jowei Chen, and Tim Johnson. 2015. "Senate Gate-Keeping, Presidential Staffing of "Inferior Offices," and the Ideological Composition of Appointments to the Public Bureaucracy," *Quarterly Journal of Political Science* 10 (1): 5-40.
- Krause, George A., and Anne Joseph O'Connell. 2016. "Experiential Learning and Presidential Management of the U.S. Federal Bureaucracy: Logic and Evidence from Agency Leadership Appointments," *American Journal of Political Science* 60 (4): 914–931.
- Hollibaugh, Gary E., Jr., and Lawrence S. Rothenberg. 2018. "The Who, When, and Where of Executive Nominations: Integrating Agency Independence and Appointee Ideology," *American Journal of Political Science* 62 (2): 296-311.
- Waterman, Richard W., and Yu Ouyang. 2020. "Rethinking Loyalty and Competence in Presidential Appointments," *Public Administration Review* (forthcoming).

VIII. Putting Agencies in the Policy Space (10/14)

- Clinton, Joshua D., Anthony M. Bertelli, Christian R. Grose, David E. Lewis, and David C. Nixon. 2012. "Separated Powers in the United States: The Ideology of Agencies, Presidents, and Congress," *American Journal of Political Science* 56 (2): 341-354.
- Chen, Jowei, and Tim Johnson. 2015. "Federal Employee Unionization and Presidential Control of the Bureaucracy: Estimating and Explaining Ideological Change in Executive Agencies," *Journal of Theoretical Politics* 27 (1): 151-174.
- Bertelli, Anthony M., Dyana P. Mason, Jennifer M. Connolly, and David A. Gastwirth. 2015. "Measuring Agency Attributes with Attitudes Across Time: A Method and Examples Using Large-Scale Federal Surveys," *Journal of Public Administration Research and Theory* 25 (2): 513-544.
- Richardson, Mark D., Joshua D. Clinton, and David E. Lewis. 2017. "Elite Perceptions of Agency Ideology and Workforce Skill," *Journal of Politics* 80 (1): 303-308.
- Acs, Alex. 2019. "Ideal Point Estimation in Political Hierarchies: A Framework and an Application to the US Executive Branch," *Journal of Law & Economics* 36 (1): 207-230.

Other pieces of potential interest:

Clinton, Joshua, and David E. Lewis. 2008. "Expert Opinion, Agency Characteristics, and Agency Preferences" *Political Analysis* 16 (1): 3-20.

Bertelli, Anthony M., and Christian R. Grose. 2011. "The Lengthened Shadow of Another Institution? Ideal Point Estimates for the Executive Branch and Congress," *American Journal of Political Science* 55 (4): 767-781.

Rulemaking and Administrative Procedures I (10/21)

McCubbins, Mathew, Roger Noll, and Barry R. Weingast. 1987. "Administrative Procedures as Instruments of Political Control," *Journal of Law, Economics, and Organization* 3 (2): 243-277.

Doherty, Kathleen M., and Jennifer L. Selin. 2015. "Does Congress Differentiate? Administrative Procedures, Information Gathering, and Political Control." http://dornsife.usc.edu/assets/sites/741/docs/Panel_4a_paper1_DohertySelin_Does_Congress_Differentiate_SoCLASS_USC_2015.pdf

Gailmard, Sean, and John W. Patty. 2017. "Participation, Process, & Policy: The Informational Value of Politicized Judicial Review," *Journal of Public Policy* 37 (3): 233-260.

Boushey, Graeme and Robert McGrath. 2017. "Experts, Amateurs, and Bureaucratic Influence in the American States," *Journal of Public Administration Research and Theory* 27(1): 85-103.

Lowande, Kenneth, and Rachel Potter. 2020. "Congressional Oversight Revisited: Politics and Procedure in Agency Rulemaking," *Journal of Politics* (forthcoming).

Other pieces of potential interest:

Rodriguez, Daniel B., and Barry R. Weingast. 2015. "The "Reformation of Administrative Law" Revisited," *Journal of Law, Economics, & Organization* 31 (4): 782-807.

Susan Webb Yackee. 2019. "The Politics of Rulemaking in the United States," *Annual Review of Political Science* 22: 37-55.

X. Rulemaking and Administrative Procedures II (10/28)

Yackee, Jason Webb, and Susan Webb Yackee. 2010. "Is Agency Rulemaking 'Ossified'? Testing Congressional, Presidential, and Judicial Procedural Constraints," *Journal of Public Administration Research and Theory* 20: 261-282.

Nelson, David, and Susan Webb Yackee. 2012. "Lobbying Coalitions and Government Policy Change: An Analysis of Federal Agency Rulemaking," *Journal of Politics* 74(2): 339-353.

Potter, Rachel. 2017. "Slow-Rolling, Fast-Tracking, and the Pace of Bureaucratic Decisions in Rulemaking," *Journal of Politics* 79 (3): 841-855.

Bils, Peter, Robert J. Carroll, and Lawrence S. Rothenberg. 2020. "Strategic Avoidance of Rulemaking Procedures," unpublished paper.

Yackee, Susan Webb. 2020. "Hidden Politics? Assessing Lobbying Success During US Agency Guidance Development," *Journal of Public Administration Research and Theory* (forthcoming).

Other papers of potential interest:

Raso, Connor, and William West. 2013. "Who Shapes the Rulemaking Agenda? Implications for Bureaucratic Responsiveness and Bureaucratic Control," *Journal of Public Administration Research and Theory* 23 (3): 495-519.

Raso, Connor. 2015. "Agency Avoidance of Rulemaking Procedures," *Administrative Law Review* 67 (1): 65-132.

Potter, Rachel. 2019. *Bending the Rules*. University of Chicago Press.

XI. Rulemaking and Administrative Procedures III: OIRA and Regulatory Review (11/4)

Acs, Alex, and Charles Cameron. 2013. "Does White House Regulatory Review Produce a Chilling Effect and "OIRA Avoidance" in the Agencies?" *Political Research Quarterly* 43 (3): 443-467.

Bubb, Ryan, and Patrick L. Warren. 2014. "Optimal Agency Bias and Regulatory Review," *Journal of Legal Studies* 43 (1): 95-135.

Bolton, Alexander, Rachel Augustine Potter, and Sharece Thrower. 2016. "Organizational Capacity, Regulatory Review, and the Limits of Political Control," *Journal of Law, Economics, and Organization*. 32 (2): 242-271.

Haeder, Simon, and Susan Webb Yackee. 2018. "Presidentially Directed Policy Change: The Office of Information and Regulatory Affairs as Partisan or Moderator?" *Journal of Public Administration Research and Theory* 28(4): 475-488.

Lewis, David E., Mark D. Richardson, and Eric Rosenthal. 2019. "OMB in its Management Role: Evidence from Surveys of Federal Executives," unpublished paper. <https://cdn.vanderbilt.edu/vu-my/wp-content/uploads/sites/411/2011/12/03103617/lre-omb-paper.pdf>

Other papers of potential interest:

Sunstein, Cass R. 2013. "Commentary: The Office of Information and Regulatory Affairs: Myths and Realities," *Harvard Law Review* 126: 1838-1879.

Jordan, Stuart. 2007. "OIRA Review and Presidential Control of Agencies," unpublished paper. PhD dissertation, Princeton.

Carpenter, Daniel, and Jesse Gubb. 2014. "A Political Clearinghouse? Organizational and Presidential Effects in OIRA Review," http://paperroom.ipsa.org/app/webroot/papers/paper_33430.pdf

XII. Separation of Powers/Congress/President/Courts (11/11, 11/18, 12/2)

1. Separation of Powers

Callander, Steven, and Keith Kreihbiel. 2014. "Gridlock and Delegation in a Changing World," *American Journal of Political Science* 58 (4): 819-834.

Potter, Rachel Augustine, and Charles R. Shipan. 2019. "Agency Rulemaking in a Separation of Powers System," *Journal of Public Policy* 39 (1): 89-113.

Bils, Peter. 2020. "Policymaking with Multiple Agencies," *American Journal of Political Science* 64 (3): 634-648.

2. Congress

Clinton, Joshua D., David E. Lewis and Jennifer L. Selin. 2014. "Influencing the Bureaucracy: The Irony of Congressional Oversight," *American Journal of Political Science* 58 (2): 387-401.

Wood, Abby K., and David E. Lewis. 2017. "Agency Performance Challenges and Agency Politicization," *Journal of Public Administration Research and Theory*, 27 (4): 581-595.

Ritchie, Melinda. 2017. "Back-Channel Representation: A Study of the Strategic Communication of Senators with the US Department of Labor," *Journal of Politics* 80 (1): 240-253.

Feinstein, Brian D. 2018. "Congress in the Administrative State," *Washington University Law Review* 95 (5): 1187-1248.

Patty, John W., and Ian R. Turner. 2020. "Ex Post Review and Expert Policymaking: When Does Oversight Reduce Accountability?" *Journal of Politics* (forthcoming).

3. *Presidency*

Chiou, Fang-Yi, and Lawrence S. Rothenberg. 2014. "The Elusive Search for Presidential Power," *American Journal of Political Science* 58 (3): 653-668.

Acs, Alex. 2018. "Policing the Administrative State," *Journal of Politics* 80 (4): 1225-1238.

Rogowski, Jon C. 2020. "The Administrative Presidency and Public Trust in Bureaucracy," *Journal of Political Institutions and Political Economy* 1 (1): 27-51.

4. Courts

Eskridge, William N., and Connor Raso. 2010. "Chevron as a Canon, Not a Precedent: An Empirical Study of What Motivates Justices in Agency Deference Cases," *Columbia Law Review* 110: 1727-1819.

Turner, Ian R. 2016. "Working Smart *and* Hard? Agency Effort, Judicial Review, and Policy Precision," *Journal of Theoretical Politics* 29 (1): 69–96.

Bils, Peter, and Lawrence S. Rothenberg. 2016. "Active Bureaucrats, Reserved Judges, and ~~Social Welfare~~Social Welfare," unpublished paper.

Barnett, Kent, Christina L. Boyd, and Christopher J. Walker. 2018. "The Politics of Selecting *Chevron* Deference," *Journal of Empirical Legal Studies* 15 (3): 597-619.

XIII. Student Presentations/Conclusions (12/9).

Some Data Sources:

<http://web.stanford.edu/~bonica/data.html> Adam Bonica's Ideal Points

<https://agencydata.wordpress.com/> Relatively old agency preference data

<http://www.tim-j.com/bureaucratic-ideal-points/> Chen-Johnson agency ideal point scores

<http://www.fedview.opm.gov/> Federal Employee View Survey; see also
<http://www.mrichardson.info/data>

<http://www.tim-j.com/feddata/> Federal Personnel Surveys

<http://www.performance.gov/> Government Assessments of Agency Performance

<http://epstein.wustl.edu/research/JCS.html>: Judicial Common Space Scores

<http://georgewbush-whitehouse.archives.gov/omb/expectmore/part.html> PART scores

<http://www2.hawaii.edu/~dnixon/PIMP/index.htm> Political Ideology Measurement Project

<http://www.princeton.edu/~psrc/SFGS/> Survey of the Future of Government Service

<http://sunlightfoundation.com/tools/>: Various big data; note the foundation pulled the plug, but a number of the datasets have been farmed out

<https://dataverse.harvard.edu/dataverse/harvard/?q=alex%20acs>: Includes Alex Acs' recent agency ideal point estimates

Review Papers that Might Be Helpful:

Dal Bó, Ernest. 2006. "Regulatory Capture: A Review," *Oxford Review of Economic Policy* 22 (2): 203-225.

Krause, George. 2011. "Legislative Delegation of Authority to Bureaucratic Agencies," *Oxford Handbook of American Bureaucracy*.
<http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199238958.001.0001/oxfordhb-9780199238958-e-22>

Lewis, David. 2011. "Presidential Appointments and Personnel," *Annual Review of Political Science*.

Gailmard, Sean, and John W. Patty. 2012. "Formal Models of Bureaucracy," *Annual Review of Political Science*.

Moe, Terry M. 2013. "Delegation, Control, and the Study of Public Bureaucracy," in *Handbook of Organizational Economics*.

Krause, George A., and Neal D. Woods. 2014. "Policy Delegation, Comparative Institutional Capacity, and Administrative Politics in the American States," *Oxford Handbook of State and Local Government*.
<https://www-oxfordhandbooks-com.ezp.lib.rochester.edu/view/10.1093/oxfordhb/9780199579679.001.0001/oxfordhb-9780199579679-e-015>

