

Political Science 9320 Administrative Politics

Instructor: Jennifer Selin

Overview

This course offers an introduction to the study of administrative politics and will examine theories of how the administrative state functions in the modern era. The course focuses on the role of administration in democracy, discusses the administrative process, and highlights important factors one must consider when thinking about the administrative state, how it operates, and the management and implementation challenges administrators face. It will address questions such as:

- *What is the purpose of bureaucracy?*
- *How do politicians design and organize the administrative state?*
- *How do agencies make policy?*
- *Who holds unelected administrators accountable for their actions?*

The course has three aims. The first is to introduce students to the methodology used in the study of administrative politics and political institutions more generally. The second goal of the course is to expose students to key works on the various aspects of modern administrative politics. Finally, the course will highlight potential avenues for future research and require students to think critically about public bureaucracies.

Books

The required texts are as follows:

- Downs, Anthony. 1967. *Inside Bureaucracy*. Boston, MA: Little, Brown and Company.
- Epstein, David and Sharyn O'Halloran. 1999. *Delegating Powers: A Transaction Cost Politics Approach to Policy Making Under Separate Powers*. New York, NY: Cambridge University Press.
- Herd, Pamela and Donald P. Moynihan. 2018. *Administrative Burden: Policymaking by Other Means*. New York, NY: Russell Sage Foundation.
- Light, Paul C. 1995. *Thickening Government: Federal Hierarchy and the Diffusion of Accountability*. Washington, DC: The Brookings Institution.
- Moffitt, Susan L. 2014. *Making Policy Public: Participatory Bureaucracy in American Democracy*. New York, NY: Cambridge University Press.
- Potter, Rachel Augustine. 2019. *Bending the Rules: Procedural Politicking in the Bureaucracy*. Chicago, IL: University of Chicago Press.
- Resh, William G. 2015. *Rethinking the Administrative Presidency: Trust, Intellectual Capital, and Appointee-Careerist Relations in the George W. Bush Administration*. Baltimore, MD: Johns Hopkins University Press.

Course Requirements:

This course operates as a seminar. Each student is expected to do the assigned reading before each seminar and to come to class prepared for discussion. Preparation involves (a) an ability to synthesize the main arguments or findings from each reading and (b) an attempt to assess the validity of the work critically and constructively. Here are some questions students should ask themselves in preparation for class:

- What is the main topic of the article/book? Why does the author believe it is important?
- What is the question being asked and answered?
- How does this work relate to earlier work on the topic?
- What is the argument?
- What evidence does the author use to test the argument and what evidence, if it existed, would falsify the argument?
- What are some alternative explanations for the empirical findings?
- Does the argument pass the “sniff test” (i.e., does it seem to make sense?)

Discussion

Each seminar will consist of a structured discussion of the week’s assigned reading. I will provide the structure and the students will provide the discussion. Our aim is to evaluate the assigned scholarship on a subject and to see what lessons that scholarship offers for those engaged in political science research. *Each student is expected to participate actively in each week’s discussion.*

Two short papers

Each student will write two short papers during the course of the semester. These will be opportunities to review one of the readings assigned for the week, unprompted by me or fellow students. The purpose of these papers is to develop students’ skills at political analysis and to help professionalize students in the discipline.

Each paper will consist of a short (no more than 5 double-spaced pages) response evaluating a piece of scholarship. Students should structure these papers as if students were writing a review for an academic journal. Students may focus on the value of an author’s theory and examine the theory’s logical rigor, the plausibility of the author’s arguments, or the scholarship’s relation to other theories. Students may also focus on the adequacy of the empirical evidence, asking whether the author used the appropriate methods, whether the evidence really supports the hypotheses, or whether other evidence contradicts the author’s findings. Regardless of approach, good papers will do the following: provide a succinct (no more than a paragraph) summary of the importance and main contribution of the work; identify potential problems and counter arguments; and suggest possible improvements or extensions to the work.

These papers are *not* an opportunity to summarize the week’s readings nor are they the typical graduate seminar “reflection paper.” Students should assume that anyone who reads their papers has also read the piece of scholarship at issue. The papers should be well organized and well

written. *Papers are due at the start of the seminar in which the reading is scheduled for discussion.*

Final paper

Students are required to write a final research paper. The purpose of the paper is to help develop students' skills at political analysis and to provide each student an opportunity to discuss a topic relating to administrative politics. The key to a good paper is to pose an interesting question and answer it. Students may choose any research question relating to administrative politics that is unresolved in the literature. In writing papers, I encourage students to adopt the following viewpoint, offered by a former colleague:

A paper that fails to develop an argument until the last paragraph is called a rough draft. A paper that fails to anticipate potential counterarguments or is filled with grammatical, spelling, or typing errors is called a second draft. A paper that you would be proud to read to the class is called a final draft. I value final drafts.

I expect students to work on these papers throughout the semester and there will be three assignments designed to help students incrementally develop their papers:

- *Paper Topic Proposal*
 - Each student must select a research question and submit a one-page proposal on the topic. This proposal should contain a paragraph or two outlining the proposed research question and provide a summary of the data the student will use to explore that question.
- *Literature Review Outline*
 - Each student must submit an outline organizing the scholarship relevant to her research question. The outline is expected to be fairly comprehensive and organized in a way that helps the student develop a theory. While there is no “correct” way to create an outline, here are some guidelines:
 - At the beginning of the outline, the student should state clearly and concisely the research question.
 - The outline should provide a blueprint for the student's final research paper. This means that the outline should not only identify common themes across scholarship related to the student's research question, but should also begin to develop a unique argument.
 - The outline should be comprehensive enough to identify gaps in the literature and to clearly explain the student's unique research contribution.
 - The average political scientist studying American political institutions relies on at least 40 to 60 different pieces of scholarship when developing a unique argument. Thus, the outline should contain a minimum of 30 academic references.
- *Research Design*
 - Each student must submit a fully developed research design. This assignment is an opportunity for each student to get feedback regarding both the structure of the project and its content. To be clear, a good research design will do the following:

- Explain the importance of topic of the paper, specifically state the research question addressed, and provide a succinct summary of the author's expected findings.
- Provide a review of literature that synthesizes previous research in thoughtful and creative ways and provides the basis for the paper's theory.
- Develop a theoretical explanation of how the world works. This theory should provide the background for the student's reasoned speculation about the answer to his or her research question.
- Identify and describe the data, variables, and methods the student will use to evaluate his or her theoretical argument.

The final paper should be typed, double-spaced, and a *maximum* of 35 pages (students should target around 10,000 words).

Assessment

Student assessment will be as follows:

Seminar participation: 20%

Short papers: 15%

Paper: 65%

Paper Topic Proposal: 5%

Literature Review Outline: 15%

Research Design: 15%

Final Draft: 30%

Students should plan ahead so that they will be able to meet class requirements and assignments. I will grant extensions for assignments only for officially documented illnesses and family emergencies. Please note that assignments or exams in other classes are not grounds for an extension in this class. While I do accept unexcused late assignments, I assess a penalty of *one third of a letter grade for each day of lateness*. The penalty is in fairness to all students who submit their assignments on time.

Cheating and Plagiarism

University standards for academic integrity apply in this class. Put simply, I do not tolerate cheating or plagiarism of any kind. Students are expected to know and understand the university's policies on this matter.

Disability Resources and Educational Services

To ensure that disability-related concerns are properly addressed from the first day of class, I ask that students with disabilities who require assistance to participate in this class contact me as soon as possible. To obtain disability-related academic adjustments and/or auxiliary aids, students with disabilities should both contact me and the Disability Center as soon as possible.

To contact the Disability Center, you may call 573-882-4696, email disabilitycenter@missouri.edu, or visit the Center's website: <http://disabilitycenter.missouri.edu>.

Class Schedule

The schedule for the course is provided below. Readings not listed above as the required texts are posted on Compass. Students are responsible for all readings listed prior to the class period in which they are discussed.

Introduction to Studying Administrative Politics

Introductory discussion

Introduction and Approaches to Studying Administrative Politics

Adcock, Robert and David Collier. 2001. "Measurement Validity: A Shared Standard for Qualitative and Quantitative Research." *American Political Science Review* 95(3):529-546.

Moe, Terry M. 1984. "The New Economics of Organization." *American Journal of Political Science* 28(4):739-777.

Sartori, Giovanni. 1970. "Concept Misformation in Comparative Politics." *American Political Science Review* 64(4):1033-1053.

Wilson, Woodrow. 1887. "The Study of Administration." *Political Science Quarterly* 2(2):197-222.

Recommended:

Cohen, Michael D., James G. March, and Johan P. Olsen. 1972. "A Garbage Can Model of Organizational Choice." *Administrative Science Quarterly* 17(1):1-25.

Hall, Peter A. and Rosemary C.R. Taylor. 1996. "Political Science and the Three New Institutionalisms." *Political Studies* 44(5):936-957.

Quattrone, George A. and Amos Tversky. 1988. "Contrasting Rational and Psychological Analysis of Political Choice." *American Political Science Review* 82(3):719-736.

Shepsle, Kenneth A. and Mark S. Bonchek. *Analyzing Politics*. New York, NY: W. W. Norton and Company.

Classics in Administrative Politics

Downs, Anthony. 1967. *Inside Bureaucracy*. Boston, MA: Little, Brown and Company.

Recommended:

Kettl, Donald F. 2017. *Politics of Administrative Process*, 7th Ed. Washington, DC: CQ Press.

Simon, Herbert A. 1976. *Administrative Behavior*. New York, NY: Free Press.

Wilson, James Q. 1989. *Bureaucracy: What Government Agencies Do and Why They Do It*. New York, NY: Basic Books.

Classics in Administrative Politics

- Freeman, J. Leiper. 1958. "The Bureaucracy and Pressure Politics." In, Francis E. Rourke, ed., *Bureaucratic Power in National Politics*. Boston, MA: Little, Brown, & Co.
- Gulick, Luther. 1937. "Notes on the Theory of Organization." In Luther Gulick and L. Urwick, eds., *Papers on the Science of Administration*. Concord, NH: The Rumford Press.
- Rourke, Francis E. 1972. "Variations in Agency Power." In, Francis E. Rourke, ed., *Bureaucratic Power in National Politics*. Boston, MA: Little, Brown, and Company.
- Weber, Max. 1946. "Bureaucracy." In H.H. Gerth and C.W. Mills, eds., *Max Weber: Essays in Sociology*. New York, NY: Oxford University Press.

Recommended:

- Fredrickson, H. George. 1971. "Toward a New Public Administration." In, Jay M. Shafritz and Albert C. Hyde, eds., *Classics of Public Administration*. Boston, MA: Thomas Wordsworth.
- Kaufman, Herbert. 1960. *The Forest Ranger: A Study in Administrative Behavior*. Baltimore, MD: Johns Hopkins.
- de Tocqueville, Alexis. 1835. *Democracy in America*. New York, NY: Literary Classics of the United States.

Paper Topic Proposal Due

Purpose and Function of the Administrative State

- Herd, Pamela and Donald P. Moynihan. 2018. *Administrative Burden: Policymaking by Other Means*. New York, NY: Russell Sage Foundation.

Recommended:

- Brodkin, Evelyn Z. and Malay Majmunder. 2010. "Administrative Exclusion: Organizations and the Hidden Costs of Welfare Claiming." *Journal of Public Administration Research and Theory* 20(4):827-848.
- Burden, Barry C., David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan. 2012. "The Effect of Administrative Burden on Bureaucratic Perception of Policies: Evidence from Election Administration." *Public Administration Review* 72(5):741-751.
- Jones, Nryan D., Saadia R. Greenberg, Clifford Kaufman, and Joseph Drew. 1977. "Bureaucratic Response to Citizen-Initiated Contacts: Environmental Enforcement in Detroit." *American Political Science Review* 71(1):148-165.
- Keiser, Lael R. and Joe Soss. 1988. "With Good Cause: Bureaucratic Discretion and the Politics of Child Support." *American Journal of Political Science* 42(4):1133-1156.
- Lipsky, Michael. 1980. *Street-Level Bureaucracy: The Dilemmas of the Individual in Public Service*. New York, NY: Russell Sage Foundation.

Scott, Patrick G. 1997. "Assessing Determinants of Bureaucratic Discretion: An Experiment in Street-Level Decision Making." *Journal of Public Administration Research and Theory* 7(1):35-58.

Organization of the Administrative State

Selin, Jennifer L. and David E. Lewis. 2018. *Sourcebook of United States Executive Agencies*, 2nd Ed. Washington, DC: Administrative Conference of the United States.

Moe, Terry M. 1989. "The Politics of Bureaucratic Structure." In, J.E. Chubb and P.E. Peterson, eds., *Can the Government Govern?* Washington, DC: Brookings.

Dixit, Avinash. 2002. "Incentives and Organizations in the Public Sector: An Interpretative Review." *The Journal of Human Resources* 37(4):696-727.

Recommended:

Howell, William G. and David E. Lewis. 2002. "Agencies by Presidential Design." *Journal of Politics* 64(4):1095-1114.

Lewis, David E. 2002. "The Politics of Agency Termination: Confronting the Myth of Agency Immortality." *Journal of Politics* 64(1):89-107.

Lewis, David E. 2003. *Presidents and the Politics of Agency Design*. Stanford, CA: Stanford University Press.

MacDonald, Jason A. 2007. "Agency Design and Postlegislative Influence over the Bureaucracy." *Political Research Quarterly* 60(4):683-695.

Moe, Ronald C. 1980. *The Federal Executive Establishment: Evolution and Trends*. Washington, DC: Congressional Research Service

Moe, Terry M. and Scott A. Wilson. 1994. "Presidents and the Politics of Structure." *Law and Contemporary Problems* 57(2):1-44.

Zegart, Amy B. 1999. *Flawed By Design*. Stanford, CA: Stanford University Press.

Organization of the Administrative State

Light, Paul C. 1995. *Thickening Government: Federal Hierarchy and the Diffusion of Accountability*. Washington, DC: The Brookings Institution.

Recommended:

Bertelli, Anthony and J. Andrew Sinclair. 2018. "Democratic Accountability and the Politics of Mass Administrative Reorganization." *British Journal of Political Science* 48(3):691-711.

Hammond, Thomas H. 1986. "Agenda Control, Organizational Structure, and Bureaucratic Politics." *American Journal of Political Science* 30(2):379-420.

Hammond, Thomas H. and Paul A. Thomas. 1989. "The Impossibility of a Neutral Hierarchy." *Journal of Law, Economics, and Organization* 5(1):155-184.

Magill, Elizabeth and Adrian Vermeule. 2011. "Allocating Power within Agencies." *Yale Law Journal* 120:1032-1083.

- Pataconi, Andrew. 2009. "Coordination and Delay in Hierarchies." *RAND Journal of Economics* 40(1):190-208.
- Scholz, John T. and Feng Heng Wei. 1986. "Regulatory Structure in a Federalist System." *American Political Science Review* 80(6):1249-1270.

Delegation

- Epstein, David and Sharyn O'Halloran. 1999. *Delegating Powers: A Transaction Cost Politics Approach to Policy Making Under Separate Powers*. New York, NY: Cambridge University Press.
- Selections from Fiorina, Morris P. 1977. *Congress: Keystone of the Washington Establishment*. New Haven: Yale University Press (pg 37-47).

Recommended:

- Bendor, Jonathan, Amihai Glazer, and Thomas Hammond. 2001. "Theories of Delegation." *Annual Review of Political Science* 4(1):235-269.
- Bendor, Jonathan and Adam Meirowitz. 2004. "Spatial Models of Delegation." *American Political Science Review* 98(2):293-310.
- Fox, Justin and Stuart V. Jordan. 2011. "Delegation and Accountability." *Journal of Politics* 73(3):821-844.
- Huber, John D. and Charles R. Shipan. 2002. *Deliberate Discretion?* New York, NY: Cambridge University Press.
- Volden, Craig. 2002. "A Formal Model of the Politics of Delegation in a Separation of Powers System." *American Journal of Political Science* 46(1):111-133.

Literature Review Outline Due

Administrative Process

- Selections from Kerwin, Cornelius M. and Scott R. Furlong. 2011. *Rulemaking: How Government Agencies Write Law and Make Policy*, 4th Ed. Washington, DC: CQ Press (pg 39-88).
- Potter, Rachel Augustine. 2019. *Bending the Rules: Procedural Politicking in the Bureaucracy*. Chicago, IL: University of Chicago Press.

Recommended:

- Chand, Daniel E. 2019. "Protecting Agency Judges in an Age of Politicization: Evaluating Judicial Independence and Decisional Confidence in Administrative Adjudications." *American Review of Public Administration* 49(4):395-410.
- Magill, Elizabeth. 2004. "Agency Choice of Policymaking Forum." *University of Chicago Law Review* 71: 1383-1413.
- Potter, Rachel Augustine. 2017. "Slow-Rolling, Fast Tracking, and the Pace of Bureaucratic Decisions in Rulemaking." *Journal of Politics* 79(3):841-855.

Taratoot, Cole D. 2013. "Review of Administrative Law Judge Decisions by the Political Appointees of the NLRB, 1991-2006." *Journal of Public Administration Research and Theory: J-PART* 23(3):551-580.

Administrators

Andersen, Simon Calmar and Donald P. Moynihan. 2016. "Bureaucratic Investments in Expertise: Evidence from a Randomized Controlled Field Trial." *Journal of Politics* 78(4):1032-1044.

Gailmard, Sean and John W. Patty. 2007. "Slackers and Zealots: Civil Service, Policy Discretion, and Bureaucratic Expertise." *American Journal of Political Science* 51(4):873-889.

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.

Richardson, Mark D., Joshua D. Clinton, and David E. Lewis. 2018. "Elite Perceptions of Agency Ideology and Workforce Skill." *Journal of Politics* 80(1):303-308.

Recommended:

Aberbach, Joel D. and B.A. Rockman 2000. *In the Web of Politics: Three Decades of the U.S. Federal Executive*. Washington, DC: Brookings.

Brehm, John and Scott Gates. 1997. *Working, Shirking, and Sabotage: Bureaucratic Response to a Democratic Republic*. Ann Arbor, MI: University of Michigan Press.

Gailmard, Sean and John W. Patty. 2012. *Learning While Governing: Expertise and Accountability in the Executive Branch*. Chicago, IL: University of Chicago Press.

Golden, Marissa Martino. 2000. *What Motivates Bureaucrats? Politics and Administration During the Reagan Years*. New York, NY: Columbia University Press.

Johnson, Ronald N. and Gary D. Libecap. 1994. *The Federal Civil Service System and the Problem of Bureaucracy*. Chicago: University of Chicago Press

Moe, Terry M. 2005. "Political Control and the Power of the Agent." *Journal of Law, Economics, and Organization* 22(1):1-29.

Niskanen, William A. 1975. "Bureaucrats and Politicians." *Journal of Law and Economics* 18(3):617-643.

Research Design Due

Political Control of Administrative Policymaking

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.

- McCubbins, Mathew D., Roger G. Noll, and Barry R. Weingast. 1987. "Administrative Procedures as Instruments of Political Control." *Journal of Law, Economics, and Organization* 3(2):243-277.
- Haeder, Simon F. and Susan Webb Yackee. 2015. "Influence and the Administrative Process: Lobbying the U.S. President's Office of Management and Budget." *American Political Science Review* 109(3):507-522.
- Rosenbloom, David H. 1983. "Public Administration Theory and the Separation of Powers." *Public Administration Review* 43(3):219-227.
- Selin, Jennifer L. 2015. "What Makes an Agency Independent?" *American Journal of Political Science* 59(4):971-987.

Recommended:

- McCubbins, Matthew D. and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrol Versus Fire Alarm." *American Journal of Political Science* 28(1):165-177.
- Moe, Terry M. 1985. "The Politicized Presidency." In, J.E. Chubb and P.E. Peterson, eds., *The New Direction in American Politics*. Washington, DC: Brookings.
- Weingast, Barry R. and Mark J. Moran. 1983. "Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission." *Journal of Political Economy* 91(5):765-800.
- Wood, B. Dan and Richard Waterman. 1994. *Bureaucratic Dynamics: The Role of Bureaucracy in a Democracy*. Boulder, CO: Westview Press.

Management and Implementation Challenges

- Bertelli, Anthony M. 2016. "Who Are the Policy Workers, and What Are They Doing? Citizen's Heuristics and Democratic Accountability in Complex Governance." *Public Performance and Management Review* 40(2):208-234.
- Buchanan, Bruce II. 1974. "Government Managers, Business Executives, and Organizational Commitment." *Public Administration Review* 34(4):339-347.
- Jong, Jaehee and Michael T. Ford. 2016. "The Lagged Effects of Job Demands and Resources on Organizational Commitment in Federal Government Agencies: A Multi-Level Analysis." *Journal of Public Administration Research and Theory* 26(3):475-492.
- Ting, Michael M. 2017. "Politics and Administration." *American Journal of Political Science* 61(2):305-319.

Recommended:

- Bertelli, Anthony. 2019. "Public Goods, Private Partnerships, and Political Institutions." *Journal of Public Administration Research and Theory* 29(1):67-83.
- Jung, Chan Su. 2014. "Why are Goals Important in the Public Sector? Exploring the Benefits of Goal Clarity." *Journal of Public Administration Research and Theory* 24(1):209-234.
- Manna, Paul and Susan L. Moffitt. 2019. "Traceable Tasks and Complex Policies: When Politics Matter for Policy Implementation." *Policy Studies Journal* (early view).

Michaels, John D. 2017. *Constitutional Coup: Privatization's Threat to the American Republic*. Cambridge, MA: Harvard University Press.

Management and Implementation Challenges

Moffitt, Susan L. 2014. *Making Policy Public: Participatory Bureaucracy in American Democracy*. New York, NY: Cambridge University Press.

Recommended:

- Cook, Brian J. 2014. *Bureaucracy and Self Government: Reconsidering the Role of Public Administration*, 2nd Ed. Baltimore, MD: Johns Hopkins University Press.
- Hjortskov, Morten, Simon Calmar Andersen, and Morten Jakobsen. 2019. "Encouraging Political Voices of Underrepresented Citizens through Coproduction: Evidence from a Randomized Field Trial." *American Journal of Political Science* 62(3):597-609.
- Peterson, Steven A. 1986. "Close Encounters of the Bureaucratic Kind: Older Americans and Bureaucracy." *American Journal of Political Science* 30(2):347-356.
- Romzek, Barbara S. and J. Stephen Hendricks. 1982. "Organizational Involvement and Representative Bureaucracy: Can We Have it Both Ways?" *American Political Science Review* 76(1):75-82.
- Yang, Kaifeng and Kathe Callahan. 2007. "Citizen Involvement Efforts and Bureaucratic Responsiveness: Participatory Values, Stakeholder Pressures, and Administrative Practicality." *Public Administration Review* 67(2):249-264.

Management and Implementation Challenges

Resh, William G. 2015. *Rethinking the Administrative Presidency: Trust, Intellectual Capital, and Appointee-Careerist Relations in the George W. Bush Administration*. Baltimore, MD: Johns Hopkins University Press.

Recommended:

- Lewis, David E. 2009. "Revisiting the Administrative Presidency: Policy, Patronage, and Agency Competence." *Presidential Studies Quarterly* 39(1):60-73.
- Maranto, Robert. 2005. *Beyond a Government of Strangers*. Lanham, MD: Lexington Books.
- Nathan, Richard P. 1975. *The Plot that Failed: Nixon and the Administrative Presidency*. New York, NY: Wiley.
- Richardson, Mark D. 2019. "Politicization and Expertise: Exit, Effort, and Investment." *Journal of Politics* 81(3):876-891.

Management and Implementation Challenges

- Bawn, Kathleen. 1995. "Political Control versus Expertise: Congressional Choices about Administrative Procedures." *American Political Science Review* 89(1):62-73.
- Canes-Wrone, Brandice. 2003. "Bureaucratic Decisions and the Composition of the Lower Courts." *American Journal of Political Science* 47(2):205-214.
- Clouser McCann, Pamela J. and Jennifer L. Selin. 2020. "Constraining the Executive Branch Congressional Use of the Courts in the Administrative State." Working paper.
- Walker, Christopher J. 2018. "Administrative Law without Courts." *UCLA Law Review* 65(6):1620-1641.

Recommended:

- Engstrom, David Freeman. 2013. "Agencies as Litigation Gatekeepers." *Yale Law Journal* 123(3):616-712.
- Eskridge, William N. and John Ferejohn. 1992. "Making the Deal Stick: Enforcing the Original Constitutional Structure of Lawmaking in the Modern Regulatory State." *Journal of Law, Economics, and Organization* 8(1):165-189.
- Farhang, Sean. 2008. "Public Regulation and Private Lawsuits in the American Separation of Powers System." *American Journal of Political Science* 52(4):821-839.
- O'Leary, Rosemary. 1989. "The Impact of Federal Court Decision on the Policies and Administration of the U.S. Environmental Protection Agency." *Administrative Law Review* 41(4):549
- Shipan, Charles R. 2000. "The Legislative Design of Judicial Review." *Journal of Theoretical Politics* 12(3):269-304.

Final Paper Due