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 (Fourth Ed. 2010 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 on TED.

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 & 21-28 [PLEASE READ THESE PAGES AFTER THE OCTOBER 8TH 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 OCTOBER 8TH 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 OCTOBER 15TH ↓↓↓]

A. The History and Rationale 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 OCTOBER 22ND ↓↓↓]

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 OCTOBER 29TH ↓↓↓]

D. Controlling Rulemaking “From the Inside”

Kerwin, Chap. 4 (“The Management of Rulemaking”)
Kerwin, Chap. 6, pp. 221-222 (introductory observations); 232-247 (“Accountability to the President”)
[Perhaps...] Smith, Excerpts from leading court cases

[↓↓↓ PLEASE READ THE FOLLOWING FOR NOVEMBER 5TH ↓↓↓]

E. Controlling Rulemaking “From the Outside”

Kerwin, Chap. 5 (“Participation in Rulemaking”)
Kerwin, Chap. 6, pp. 222-232 (“Accountability and Congress”) & 247-268 (“Accountability to the Courts” and conclusion)
Smith, Excerpts from leading court cases

[An in-class Midterm on the above materials will start promptly at 5 PM on Wednesday, November 12th]