

SOC 392 (LEGAL ST 376):
Activism and Lawmaking in the United States
Spring 2019

Instructor: Josh Basseches
jbasseches@u.northwestern.edu
781-354-9845

Class Meets: MW, 3:30-4:50pm

Classroom: 555 Clark 230

Office Hours/Location: Fridays, 10am-12:00pm, Library Café (Café Bergson), or
by appointment

Course Description & Learning Objectives:

The vast majority of Americans favor federal climate legislation, as well as federal gun control legislation. Yet Congress has failed to pass either one. Why?

Political change was never supposed to be easy, or a simple matter of majority sentiment. There are so many potential issues for our government to tackle at any given time, that social movement mobilization is often necessary to bring sufficient attention and pressure to a particular issue to launch it to the forefront of public attention, and to compel our elected leaders to act. The gun control and climate change movements may not have reached this threshold yet, but they will keep fighting, and one day, they may see legislative results.

But when is merely compelling the government to act not enough? In 1964, the U.S. Congress passed the historic Civil Rights Act, responding to the demands of the civil rights movement. One important provision of this law was to prohibit employment discrimination on the basis of race, religion, sex or national origin. But this provision was written in such a vague way that it was left to individuals to pursue litigation in order to determine, after the fact, whether or not employers had indeed discriminated against them, and for decades after the law was enacted, employers won more than 75% of these court cases.

In 2010, Congress passed, and President Obama signed, the Affordable Care Act, responding to social movement pressure to reform the American healthcare system. But rather than enact a single-payer system, or at least a “public option” to compete with private insurance, as the movement had been pushing for, the law ended up increasing the profits of America’s largest private health insurance companies.

In this course, we assume that compelling the government to act is a necessary but not sufficient goal of social movement mobilization. We will explore what the obstacles that

social movement activists and organizers face, not only in terms of getting their issue(s) on the formal political agenda, but also in terms of creating laws that uphold the values underpinning the movement, rather than laws that are “watered down” to appease movement opponents.

Then, we will explore how movements might overcome these obstacles, and what tradeoffs are associated with overcoming them. In other words, we will grapple with the question of what social movement “success” means in the policymaking arena, and how such success is most likely to be achieved.

These are questions for which there are no easy answers, and also no “right” or “wrong” answers. But the objective of the course is for students to leave with a better understanding than they came in with of what sorts of tactics are likely to result in what sorts of outcomes, given the other sources of political power that social movements must routinely contend with in the U.S. political system.

This is a small, participatory class that will be conducted like a graduate-style seminar (but rest assured, the reading and workload will be far less). Although the instructor will occasionally lecture, most of class time will be spent in a group discussion format, based in part on the questions students will post on Canvas (more on those below).

We will also hear from a few guest speakers, who will share their first-hand experiences working to advance progressive goals through our political system.

Course Readings:

The readings assigned in this course will be a mix of academic articles, chapters from academic books, and newspaper/journalistic articles. Students are not required to purchase any books. All readings can be found on Canvas. In addition, a hard copy of all books from which chapters have been assigned has been placed on reserve in the Main Library and can be checked out by students for up to 4 hours at a time (in case you prefer to access these readings in hard copy instead of electronically).

Course Requirements and Grading:

There are five elements of the final grade you will receive in this course.

Midterm Writing Assignment (25%): There are two components of the midterm writing assignment. The first component, worth 20% of your final grade, is a 4-6 page paper (double-spaced) that will ask you to respond to a prompt provided by the instructor. The goal of this paper is for you to demonstrate a mastery of the readings/lectures/discussions we have had to date, so you will be asked to cite specific course readings in their responses. It is comparable to a “take-home essay.” The second component, worth 5% of your final grade, is a 2-3 page (double-spaced) memo that asks you to think ahead to the Final Writing Assignment (described below) by proposing two

different topics (i.e. policy changes) you could potentially choose to focus on. You will receive prompt feedback from me on which one I think is most viable (or I might think both are equally viable, or neither are viable, in which case I will say so).

Final Writing Assignment (30%): The final assignment is for you to produce a 10-14 page (double-spaced) “strategic plan” for how to get a policy change of your choice enshrined into American law. More information on the specific requirements of this assignment is posted on Canvas. I may tweak some of the details as the quarter progresses, in which case I will be sure to let you know about any changes I may make.

Guest Speaker Memo (15%): Throughout the quarter, we will hear from four distinguished guest speakers. Each of these speakers will share with us a unique set of professional/biographical experiences involving the use of different activist tactics and/or strategies for achieving policy change. For this assignment, you will choose any one speaker and write a 1-2 page (double-spaced) memo analyzing the utility of the tactic(s)/strategy discussed by the speaker of your choice for the topic (i.e. policy change) that you plan to write about for your Final Writing Assignment (described above).

Questions on Canvas (20%): Once per week, you are asked to make a short (1 paragraph max.) post on Canvas, asking a question or two based on one or more of the readings assigned for a given class. I will sometimes incorporate these questions into our in-class discussions. For each of the three classes that we will be visited by a guest speaker, at least one reading assigned for class will be directly related to that guest speaker. Therefore, in these cases, you may post on Canvas a question that you would like to ask directly to the guest speaker (as opposed to a question for us to discuss as a class), but in these cases it should be clear from the question that the relevant reading was completed. In general, these questions are also an opportunity to demonstrate that you have completed the reading and have thought about it critically. Questions must be posted by 12:00pm on the day class meets.

In-Class Participation and Attendance (10%): A seminar-style class only succeeds when students regularly attend and contribute to class discussions. Therefore, 10% of the grade is simply based on you showing up (policies regarding excused absences are described elsewhere) *and* contributing to class discussions and debates. Completion of the first assignment (bringing a news article to our first class meeting) will be considered part of your participation grade as well.

Course Policies:

Attendance: You are required to attend every class meeting unless formally excused. Excused absences can be due to reasons that include religious observances, university-sponsored athletic competition (communication from university athletic staff required), family emergencies and health (communication from the university Health Services or other appropriate medical or psychiatric professional required). Unexcused absences will adversely impact your In-Class Participation and Attendance grades.

Academic Integrity: You are expected to produce work that is your own. Plagiarism and other forms of academic dishonesty will not be tolerated under any circumstances. Please refer to the *Student Handbook* and to [this document](#) (https://www.northwestern.edu/provost/policies/academic-integrity/academic-integrity-guide-june-2018_signed-jsh-rrb_rev10-2-18v2.pdf) to make sure you understand what “academic integrity” means. All student work in this class may be analyzed electronically for violations of the University's Academic Integrity Policy and may also be included in a database for the purpose of testing for plagiarized content. Students who violate standards of academic integrity will automatically fail the course and be reported to the Dean’s office for consideration of further disciplinary action.

Assignment Deadlines: You are expected to submit all written work on time. Submitting assignments late will result in a five-point grade drop (out of 100 possible points) for each day the assignment is late, and no assignments will be accepted more than three days late. Just as you may have excused absences, you may receive excused extensions of deadlines under certain circumstances, but these need to be arranged with me in advance of the deadline, on a student-by-student basis, and through written (email) communications.

Accommodations for Students with Disabilities: Students with documented disabilities will receive reasonable accommodations, and should contact Accessible NU at 847-467-5530 or accessiblenu@northwestern.edu.

Civility and Respect for Differences: I hope and expect that the students enrolled in this class will come from a variety of backgrounds, and have a variety of views about the topics we will discuss. All students must feel comfortable and safe expressing their perspectives in class. Any student who feels disrespected due to the views they choose to express in class, or on the basis of their nationality, race, religion, gender, sexual orientation, gender identity, disability, or socio-economic status, is strongly encouraged to reach out to me to discuss their concerns confidentially.

Electronic Devices: Please use them only for class-related purposes. I reserve the right to ask you not to use them (unless required as a reasonable accommodation for a disability), though I do not plan to do so. However, the use of electronic devices will not be permitted when a guest speaker visits the class.

Office Hours and Appointments: My office hours are listed at the top of the syllabus, and I’m also available by appointment if they do not work with your schedule. I would encourage (though I do not require) every student to come to office hours, or make an appointment with me, during the first couple of weeks of the quarter. It will be a useful opportunity to discuss your goals for the class, to let me know about any individual concerns you might have, and also to begin brainstorming topics for your final assignment. In general, I would appreciate you letting me know via email if you plan to attend my office hours on a given day. If multiple students plan to visit office hours that day, letting me know in advance can also minimize your wait time. Please keep in mind

that, while I am happy to meet outside of office hours, it is important that you request such a meeting as far in advance as possible to ensure we are able to find a mutually convenient time to meet.

Outside Support: Students can find useful resources for safety and security, academic support, and mental and physical health and well-being at the NUhelp [website](#) and [app](#).

Important Dates:

April 19: Last day to take the class P/F.

May 10: Last day to drop the class.

May 27: Memorial Day. Class does not meet.

Course Schedule:

Unit I: What Do Movements Do and How Far Does It Get Them?

Week 1:

Monday, April 1: Introduction to the Course

Readings Due: None

Assignments Due:

- Find and share an article about a social problem you care about that has been inadequately addressed through public policy, despite activists' efforts

Wednesday, April 3: Celebrating Movement Success

Readings Due:

- Crutchfield (2018). *How Change Happens*. Intro Chapter, p. 1-14
- Fandos (2017). "Climate March Draws Thousands of Protesters Alarmed by Trump's Environmental Agenda." *New York Times*.
- Harris (2018). "The Year the Gun Conversation Changed." *The Atlantic*.

Assignments Due:

- Question on Canvas due by 12:00pm. Since no readings were due on Monday, April 1, everyone must post a question today.

Week 2:

Monday, April 8: Movements Do More Than Protest!

Readings Due:

- Johnson et al. (2010). "Movement Organizations, Synergistic Tactics, and Environmental Public Policy." *Social Forces*.
- McCann (2006). "Law and Social Movements: Contemporary Perspectives." *Annual Review of Law and Social Science*.
- Edelman et al. (2010). "On Law, Organizations and Social Movements." *Annual Review of Law and Social Science*. (p. 654-659, p. 668-675).

Assignments Due:

- Question on Canvas due by 12:00pm

Unit II: When Movements Fall Short

Wednesday, April 10: Partial Success

Guest Speaker: Brayden King

Readings Due:

- Guest Speaker Reading: King et al. (2005). "Winning Woman Suffrage One Step at a Time: Social Movements and the Logic of the Legislative Process." *Social Forces*.
- Pavone (2015). "The Massachusetts Global Warming Solutions Act: A Very Shy Statute." *Environmental Claims Journal*.
- Kaufman (2018). "Democrats Just Blocked Alexandria Ocasio-Cortez's Push for a Green New Deal Committee." *Huffington Post*.

Assignments Due:

- Question on Canvas due by 12:00pm

Week 3:

Monday, April 15: Affordable Care Act Case Study

Readings Due:

- Jacobs & Skocpol (2010). *Health Care Reform and American Politics: What Everyone Needs to Know*. Chapter 2 (skip section on p. 82-88).
- Navarro (2009). "Obama's Mistakes in Health Care Reform." *Physicians for a National Health Program*.
- Alonso-Zaldivar (2012). "Insurers Nervous Over Prospect of Romney Victory." *Associated Press*.
- Béland et al. (2016). *Obamacare Wars: Federalism, State Politics, and the Affordable Care Act*. Intro Chapter.

Assignments Due:

- Question on Canvas due by 12:00pm

Wednesday, April 17: “Symbolic Law” and Deference to the Courts

Readings Due:

- Edelman (2016). *Working Law*. Chapter 1 (p. 1-16), Chapter 3.

Assignments Due:

- Question on Canvas due by 12:00pm

Unit III: What Movements Are Up Against

Week 4:

Monday, April 22: Does Money Equal Power?

Readings Due:

- Gilens & Page (2014). “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens.” *Perspectives on Politics*.
- Page et al. (2018). *Billionaires and Stealth Politics*. Intro Chapter and Chapter 2.

Assignments Due:

- Question on Canvas due by 12:00pm

Wednesday, April 24: How Sophisticated Business Interests “Play the Game,” Part 1

Readings Due:

- Boehmke et al. (2013). “Business as Usual: Interest Group Access and Representation Across Policy-Making Venues.” *Journal of Public Policy*.
- Chen (2019). “In the Private Interest? Business Influence and American Democracy.” In Lee & McCarty (eds), *Can America Govern Itself?* (p. 15-16, p. 22-39)

Assignments Due:

- Question on Canvas due by 12:00pm

Week 5:

Monday, April 29: How Sophisticated Business Interests “Play the Game,” Part 2

Readings Due:

- Hertel-Fernandez (2014). “Who Passes Business’s ‘Model Bills’? Policy Capacity and Corporate Influence in U.S. State Politics.” *Perspectives on Politics*.
- Drutman & Hopkins (2013). “The Inside View: Using the Enron Email Archive to Understand Corporate Political Attention.” *Legislative Studies Quarterly*.

Assignments Due:

- Question on Canvas due by 12:00pm

Wednesday, May 1: Inequality Within Legislatures, Part 1

Readings Due:

- Curry (2015). *Legislating in the Dark: Information and Power in the House of Representatives*. Chapter 1 (p. 1-14).
- Cox & Terry (2008). "Legislative Productivity in the 93rd-105th Congresses." *Legislative Studies Quarterly*.

Assignments Due:

- Question on Canvas due by 12:00pm
- Instructor Mid-Quarter Evaluation

Midterm Writing Assignment Due Friday, May 3rd at 5:00pm (submit via Canvas)

Week 6:

Monday, May 6: Inequality Within Legislatures, Part 2

Guest Speaker: Daniel Biss

Readings Due:

- Guest Speaker Reading: Langas (2018). "After Activism, Legislating, Evanston's Daniel Biss Hopes to Take Next Step as Governor." *The Daily Northwestern*.
- Curry (2015). *Legislating in the Dark: Information and Power in the House of Representatives*. Chapters 2 & 3.

Assignments Due:

- Question on Canvas due by 12:00pm

Wednesday, May 8: The Complexity of Modern Day Legislation

Readings Due:

- Drutman (2015). *The Business of America is Lobbying: How Corporations Became Politicized and Politics Became More Corporate*. Chapter 2.
- Sinclair (2017). *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress*. Chapter 5.

Assignments Due:

- Question on Canvas due by 12:00pm

Week 7:

Monday, May 13: The Lobbying Game, Part 1

Readings Due:

- Drutman (2015). *The Business of America is Lobbying: How Corporations Became Politicized and Politics Became More Corporate*. Chapter 4.
- Hall & Deardorff (2006). "Lobbying as Legislative Subsidy." *American Political Science Review*.
- LaPira & Thomas (2017). *Revolving Door Lobbying: Public Service, Private Influence, and the Unequal Representation of Interests*. Chapter 1 (p. 1-21).

Assignments Due:

- Question on Canvas due by 12:00pm

Wednesday, May 15: The Lobbying Game, Part 2

Guest Speaker: Phil Sego

Readings Due:

- LaPira & Thomas (2017). *Revolving Door Lobbying: Public Service, Private Influence, and the Unequal Representation of Interests*. Chapter 2 (p. 24-28, p. 34-41) and skim Chapter 3 (p. 52-81).
- Guest Speaker Reading: Sego (2018). "Ex-Lobbyist Reveals How the House Really Works." *Commonwealth Magazine*.

Assignments Due:

- Question on Canvas due by 12:00pm

Week 8:

Monday, May 20: The Lobbying Game, Part 3

Readings Due:

- Hula (1999). *Lobbying Together: Interest Group Coalitions in Legislative Politics*. Chapter 1 (p. 1-7), Chapter 3, and Chapter 7.

Assignments Due:

- Question on Canvas due by 12:00pm

Unit IV: Should Movements Change?

Wednesday, May 22: The Pros and Cons of Adapting Movement Strategies, Part 1

Guest Speaker: Gary Rucinski

Readings Due:

- Guest Speaker Reading: Ramos (2018). “This Kennedy Challenger Will Almost Certainly Lose His Race. But Can He Save the Planet?” *The Boston Globe*.
- Bartosiewicz & Miley (2013). “The Too Polite Revolution? Why the Recent Campaign to Pass Comprehensive Climate Legislation in the U.S. Failed.”

Assignments Due:

- Question on Canvas due by 12:00pm

Week 9:

Monday, May 27: NO CLASS – MEMORIAL DAY

Guest Speaker Memo is Due May 28 at 11:59pm (submit via Canvas)

Wednesday, May 29: The Pros and Cons of Adapting Movement Strategies, Part 2

Readings Due:

- Phinney (2017). *Strange Bedfellows: Interest Group Coalitions, Diverse Partners, and Influence in American Social Policy*. Chapters 1 & 2.
- Oberlander (2010). “Long Time Coming: Why Health Reform Finally Passed.” *Health Affairs*.

Assignments Due:

- Question on Canvas due by 12:00pm. Since no readings were due on Monday, May 27 (Memorial Day), everyone must post a question today.

Week 10:

Monday, June 3: Wrap-Up/Discuss Final Writing Assignments

Readings Due:

- None

Assignments Due:

- None; be working on final writing assignment.

Final Writing Assignment is Due June 13 at 5:00pm (submit via Canvas).