PRESIDENT TRUMP’S EFFECT ON NEW YORK STATE LAW AND POLICY
POLITICAL SCIENCE 204

Tu/Th 4:15pm to 5:35pm
Class #10711, Room AS0014

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COURSE DESCRIPTION

In a few short months, the Trump Administration has already had a dramatic effect on state and local policy. We will examine how the Trump Administration’s policy approach and governing philosophy of giving more “rights” back to states—after eight years of the Obama Administration exercising strong federal policy authority—affects New York State law and public policy. We will review timely topics such as education, civil rights, and trade by using academic texts, media, policy briefings, and original documents. We will compare the Trump Administration to previous presidential administrations. Student will produce policy memoranda and reports to get practical experience dissecting key issues and tensions between state and federal rules, laws, and powers.

COURSE REQUIREMENTS & EXPECTATIONS

This course has both reading of social science literature, think tank pieces, current media, and other timely pieces, as well as writing requirements. In order to fully explore the issues in this class students are expected to:

- Complete all of the reading and to attend all of the class sessions. In order to get the most out of the class, you will need to participate in these discussions in an informed manner, and the writing assignments will demand engagement with and analysis of the readings.

NOTE: Given that we are looking at a current presidency in real time, new issues may emerge. That means we will be flexible in exploring potential new issues and other reading materials.

- Complete five (5) writing assignments and present them in class (details in the appendix). You will write from the perspective of a political/policy advisor to an elected official in New York trying to shape the official’s agenda or response to a new federal policy through concise, evidence-based memoranda.

- The final examination will be a take home writing assignment.
GRADING

The allocation of points for your various obligations is as follows:

- Advocacy memos & presentations (5)* 50 points (10-points per memo)
- Final exam 30 points
- Attendance & participation 20 points

Scoring Range

A 97-100
A- 93-96
B+ 90-92
B 87-89
B- 83-86
C+ 80-82
C 77-79
C- 73-76
D+ 70-72
D 67-69
D- 65-66
E Below 65

*See appendix for guidelines.

POLICIES

Students with disabilities. If you have a documented disability and anticipate needing accommodations in this course, please make arrangements to meet as soon as possible. Please request that Disabilities Resource Center send a letter verifying your disability.

Extensions for papers. Extensions for papers will only be permitted under compelling circumstances and if the extension is requested in advance (e.g. a giant meteor strikes earth). Any student who does not turn in their paper on time or receive permission to extend the deadline will lose a point each day for every day the paper is late unless the student can provide a University-approved excuse.

Class attendance. You will be expected to attend class. Each student is permitted to miss two (2) days of class per term with no questions asked and no penalties or reductions in their class participation grade. Any classes missed beyond those two will be taken into account in determining your class participation grade, regardless of the reason. You can find more information on the University’s medical excuse policy here.

Re-grading of materials. You may request re-grading of materials. You will be asked to provide a written explanation of why you wish to have the assignment regraded.

Academic Integrity. You are responsible to become familiar with the standards of academic integrity at the university (University’s Standards of Academic Integrity Policy, Fall 2013). Please familiarize yourself with the standards. Specifically, plagiarism is the use of someone else’s words or ideas without giving the original author credit by citing that person. If you use someone else’s language directly, you
must use quotation marks. If you rely on another person’s ideas in creating your argument, you must provide a citation even if you are not using that person’s words. If you have any questions about plagiarism, please contact me before you submit the assignment for grading. If you plagiarize or cheat in this class, the BEST outcome you can hope to achieve is a failing grade, in addition to any mandatory university sanctions.

MATERIALS

Materials are hyperlinked in this syllabus unless otherwise noted.

SYLLABUS

August 29
Introduction

August 31
Prelude: When state and federal policy agendas collide


- Gillian Graham, “U.S. attorney general’s request for prosecution powers alarms Maine’s medical pot industry” Press Herald (June 13, 2017)


- Last Week Tonight with John Oliver (HBO): Marijuana (warning: explicit language)

September 5
Making sense of who’s supreme, where, when, and why

- “Cabinet Battle #1” Hamilton, The Musical (note: explicit language)

- HBO Clip from John Adams: Hamilton versus Jefferson on federal authority

- Charles Cooper, “The Constitution in One Sentence: Understanding the Tenth Amendment” The Heritage Foundation

• Jeffrey Rosen, “States’ Rights for the Left” New York Times (December 3, 2016)


• Tim Donner, “The 10th Amendment and revival of federalism” The Washington Times (December 12, 2016)

• The U.S. Constitution: Article I, section 8; Article I, section 10; Article VI; X Amendment; XIV Amendment


• “Local and State Government Can Protect the Constitution From Trump” Time (November 30, 2016)

• Nathan, Gais, & Fossett “Bush Federalism: Is there One, What is it, and How does it Differ?”

• Daniel Vock, “How Obama Changed the Relationship Between Washington, the States and the Cities” Governing (June 2016)

September 7
No class

September 12
The Silent Majority: Is you is, or is you ain’t, my constituency?

• Sam Sanders, “Trump Champions The ‘Silent Majority,' But What Does That Mean In 2016?” NPR (January 2016).

• Excerpts from Katherine J. Cramer’s The Politics of Resentment

• Video: ‘Trump 4 President': my parents, the Donald Trump supporters, The Guardian

• “Inside The ‘Shakespearean Irony' Of Trump And Bannon's Relationship” Fresh Air Podcast

• Phil McClausland, “This county flipped from Obama to Trump. How do voters feel now?” CNBC (April 26, 2017)

• “Trump’s Reluctant Voters Are Getting More Reluctant” A FiveThirtyEight Chat (August 23, 2017)
September 14
The making of politician Donald Trump

- Karen Tumulty and Nia-Malika Henderson, "Donald Trump says he won’t run for president in 2012" Washington Post (May 16, 2011)

- Video: From the movie, Bulworth “South Central Speech”

- Video: Candidate Donald Trump describes “Inner Cities”

- 2016 Presidential Debate, “South Carolina Republican Debate”

- Donald Trump’s, Republican Nomination Convention Speech

- Lisa Desjardins and Nathalie Boyd, “What does Donald Trump believe? Where the candidate stands on 10 issues” PBS News Hour (June 16, 2015)

September 19
The day of reckoning: the 2016 presidential election


  - Plus, listen to How Did That Happen? Podcast in the article above.

- Kevin Uhrmacher, Kevin Schaul and Dan Keating, “These former Obama strongholds sealed the election for Trump” The Washington Post (November 9, 2016)

- John Judis, “Why Trump Won – And Clinton Lost – And What It Could Mean for the Country and the Parties” Talking Points Memo (November 11, 2016)

- Wisconsin Results 2016 Presidential Election, New York Times

- In comparison: 2014 New York State Governor’s Race Election Result Map at the New York Times

September 21
No Class: Holiday

September 26
Seeking shelter from the federal storm (sanctuary cities)

- Attorney General Jeff Sessions, Press Briefing on Cutting Funding to Sanctuary Cities
• Vox’s, How sanctuary cities actually work


• Michael Gartland and Bob Frederick “Trump’s ‘sanctuary city’ funding threat could cost NYC $7B,” New York Post (January 26, 2017)

• Jon Campbell, “Attorneys general fight Trump's 'sanctuary city' threats,” USA Today (May 17, 2017)


• Jim Patterson, “Sanctuary cities and states' rights,” The Hill (August 7, 2015)

• Cesar Vargas, “Sanctuary Cities Have a Legal Right to Defy the Federal Government,” New York Times (December 1, 2016)

• David Rivkin and Elizabeth Price Foley, “Can Trump cut off funds for sanctuary cities? The Constitution says yes.” The Los Angeles Times (December 7, 2016)


• Tal Kopan, “Judge blocks part of Trump's sanctuary cities executive order,” CNN (April 26, 2017)


September 28
Advocacy Memo #1 and Presentation Due

October 3
All politics is local: fight over education reform — federal edition (education, pt 1)

• Dustin Hornbeck, US Federal role in education has a long history, World Education Blog (April 2017)

• President George W. Bush Video: “Bush touts ‘No Child Left Behind’” CNN (January 2001)

• Video of 2008 Obama/McCain debate: The role of the federal government in education (2008)

• Education Week Video: The Many Goals of Race to the Top (September 2011)

• Former Governor Rick Perry Video: Danger of National Standards (September 2010)
• David Whitman, *The Surprising Roots of the Common Core: How Conservatives Gave Rise to ‘Obamacare’*, (September 2015)

• Video: *New education law shifts federal influence over public schools*, *PBS News Hour* (December 2015)

• Kenneth Wong, *Redefining the federal role in public education: The 1st quarter of the Trump “insurgent” presidency*, *Brookings* (March 27, 2017)


**October 5**
All politics is local: fight over education reform—New York edition (education, pt. 2)

• “*Education*” on page 25 from Protections in the New York State Constitution Beyond the Federal Bill of Rights, *Albany Government Law Center and the Rockefeller Institute*


• “*Gov. Cuomo’s Sound Budget*” *New York Times* (January 17, 2012)

• Video: *Andrew Cuomo Challenges Schools and Unions in Syracuse NY*, *CNYCentral*

• Aaron Short, “*Cuomo proposes sweeping education reforms*” *New York Post* (January 21, 2015)

• Video: *Governor Cuomo to face a double edged sword in education reform*, *WIBVTV*

• Keshia Clukey, “*Education adviser touts Cuomo’s move away from Common Core, evaluations*” *Politico* (February 29, 2016)

• Patrick Wall, et al, “*Gov. Cuomo’s Common Core task force calls for evaluation freeze, test changes*” *Chalkbeat* (December 2015)


**October 10**
Federal climate change regulatory denial (climate change, pt. 1)

• President Donald Trump, *An America First Energy Plan*

• Video: *Why the poorest county in West Virginia has faith in Donald Trump*, *The Guardian* (October 2016)
• Video, Speech of President Obama on Power Plant Emissions, CSPAN (August 3, 2015)

• Video, The Clean Power Plan Explained by EPA Administrator Gina McCarthy

• Barry G. Rabe, “The New Era of Climate Federalism” Brookings (June 2, 2014)

• Ellen Lempres and Caroline Peck, Should the federal government impose strict carbon standards on the states?, Rose Institute of State and Local Government


• Tom DiChristopher, “Trump signs executive order to roll back Obama-era climate actions, power plant emissions rule” CNBC (March 27, 2017)

• Juliet Eilperin and Brady Dennis, “Trump moves decisively to wipe out Obama’s climate-change record” The Washington Post (March 28, 2017)

• John Siciliano, “EPA’s Pruitt to governors: 'The days of coercive federalism are over’” Washington Examiner (March 30, 2017)

• Jennifer Ludden, “As Obama Clean Power Plan Fades, States Craft Strategies To Move Beyond It” NPR – All Things Considered (January 25, 2017)

• Jameson Dow, “As Trump administration reverses Clean Power Plan, CA and NY vow to continue pursuing it” Electrek (March 28, 2017)


• Robin Bravender “State lawyers use Pruitt’s playbook against him — by suing” E&E News (August 22, 2017)

October 12
Forget Paris (climate change, pt. 2)

• United Nations Framework Convention on Climate Change: What is the Paris Agreement?

• Video, Trump’s Speech On Paris Climate Agreement Withdrawal, Annotated, National Public Radio (June 1, 2017)

• John Carney, “Every Bad Thing We Will Avoid By Rejecting the Paris Climate Accords,” Breitbart (May 31, 2017)

• Last Week Tonight with John Oliver (HBO): Paris Agreement (warning: explicit language)
• Jacob Pramuk, “New York, California and Washington say they’ll stick to Paris deal as Trump backs out,” CNBC (June 1, 2017)


• Eugene Kontorovich, “The states, the feds and climate change: Hope challenges to Paris beat back the doctrine of ‘implied preemption’” New York Daily News (June 2, 2017)

October 16
Trump v. Trump (trade)

• Video: Trump on globalization—“has wiped out middle class”

• President Donald Trump, Presidential Executive Order on Buy American and Hire American (April 18, 2017)


• Adam Davidson, “The Emptiness of Trump’s “Buy American” Executive Order” The New Yorker (April 20, 2017)

• David Harsanyi, “Why Trump is wrong on trade” New York Post (April 21, 2017)

• Governor Andrew M. Cuomo, 2017 State of the State, “Buy American Act” pgs. 50-2

• Governor Cuomo Presents 27th Proposal of the 2017 State of the State: "Buy American" Plan will Implement the Nation's Strongest State Procurement Laws Mandating the Preference of American Products (January 11, 2017)


• “Quebec mobilizing opposition to New York's 'Buy American' plan” CBC News (March 18, 2017)

• Dan Balz, “At governors gathering, Trudeau takes case to preserve NAFTA directly to states” Washington Post (July 14, 2017)

October 18
Advocacy Memo #2 and Presentation Due
October 24
It’s all about the Benjamins (federal, state, and local budgeting, pt. 1)

- Matt Mayer, “An Era of True Competitive Federalism: Trump's proposed budget is a good start for giving states back the power and responsibility to innovate,” U.S. News and World Report (March 20, 2017)

- Niv Elis, “Here are the 66 programs eliminated in Trump's budget,” The Hill (May 23, 2017)

- Iris j. Lav and Michael Leachman, The Trump Budget’s Massive Cuts to State and Local Services and Programs, Center on Budget and Policy Priorities (June 13, 2017)

- John Hicks, What the Federal Government is Telling States: Statements from the President’s 2018 Budget Proposal, National Association of State Budget Officers (June 2, 2017)


- Donald J. Boyd and Lucy Dadayan, Shortfalls on States’ April Tax Returns: Trump Effect, Weak Economy, or Both?, Rockefeller Institute of Government (July 2017)

October 26
It’s all about the Benjamins (federal, state, and local budgeting, pt. 2)


- “MOYNIHAN SAYS NEW YORK’S ECONOMY IS SHORTCHANGED ON DEFENSE WORK” New York Times (July 2, 1984)

- New York State Office of State Comptroller, New York’s Balance of Payments in the Federal Budget (Fiscal Year 2013) (October 2015)

- Business Council of New York State, NEW YORK STATE’S ‘BALANCE OF PAYMENTS’ WITH WASHINGTON REACHES DEFICIT OF $47 BILLION, STUDY FINDS (December 13, 2001)

October 31
Advocacy Memo #3 and Presentation Due

November 2
Civil rights turned upside down: Who protects transgender students? (LGBTQ)

- The Daily Show: President Obama's Transgender Bathroom Backlash

• Department of Justice and Department of Education letter on rolling back protections for transgendered students

• Keishia Clukey, “Cuomo: Rights of transgender students are protected in New York,” Politico (February 23, 2017)

November 7
One person’s voting rights is another person’s fraud (voting rights)

• Video Excerpt: LBJ's Voting Rights Speech "The American Promise"

• On this day, the Voting Rights Act of 1965 is signed, Constitution Daily Blog (August 6, 2017).

• President Donald Trump video clip: We Need to Keep the Ballot Box Safe From Illegal Voting

• President Donald Trump, Presidential Executive Order on the Establishment of Presidential Advisory Commission on Election Integrity (May 11, 2017)

• Mark Berman and John Wagner, “Why almost every state is partially or fully rebuffing Trump’s election commission” The Washington Post (July 5, 2017)


November 9
Advocacy Memo #4 and Presentation Due

November 14
Healthcare’s long history (healthcare, pt. 1)

• Video of President Dwight Eisenhower: On Healthcare

• Video President John F. Kennedy: Role of the Government in Health Care

• Video President Lyndon Johnson: Medicare is the American Way

• Video President Barack Obama: On “Obamacare”

• What is Obamacare? A brief overview, How Stuff Works

• Video of Candidate Trump calling on a Special Session to Repeal and Replace Obamacare, Trump lays out plan to repeal and replace Obamacare once elected

• National Conference for State Legislatures, The Affordable Care Act: A brief summary
November 16
Implementing Obamacare warts and all (healthcare, pt. 2)

- Christopher Plein, A TURBULENT OPPOSITION: ACA and the South, Rockefeller Institute of Government (August 2014)
- Michael Morrisey et al, FIVE-STATE STUDY OF ACA MARKETPLACE COMPETITION, (February 2017)

November 21
Repeal and replace equals improve and access? Impact on New York (healthcare, pt. 3)

- Susan Davis, “Republicans Have Plans To Replace Obamacare — Now They Need To Agree On One”, National Public Radio (January 26, 2017)
- Governor Cuomo Announces Impact of Potential Affordable Care Act Repeal in New York, News Release (January 4, 2017)
- Dan Goldberg, “Cuomo administration lays out dire impact of Obamacare repeal” (January 4, 2017)

November 23
Holiday: No class

November 28
Winning is easy, governing is harder (healthcare, pt. 4)


• GovTrack, *Summary of H.R. 1628: American Health Care Act of 2017*

• Fresh Air Podcast, The Battle Over American Health Care: What's At Stake In The Senate's Bill, National Public Radio (June 28, 2017)

• Juliet Eilperin, Amy Goldstein and Kelsey Snell “Medicaid exposes rifts within the GOP over the program’s future after the ACA” *The Washington Post* (February 16, 2017)

• New York State Department of Health’s, Impact of the House Bill “American Health Care Act”

**November 30**
Is this the end or the beginning? (healthcare, pt. 5)


• Jim Malatras, A Ripple Effect or a Tsunami? How the Trump Administration's Signals Are Driving Increased Costs in the ACA Markets *Rockefeller Institute of Government*


**December 5**
*Advocacy Memo #5 and Presentation Due*

**December 7**
Class Wrap Up

• Federalist Papers #51: The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments

**Take home Final Exam due via email by Thursday, December 14, 2017 at 11:59pm.**
Appendix
Advocacy Memo and Presentation Guidelines

I. THE NUTS AND BOLTS

- **Length**: Memos are to be between 2 and 3 pages (when using 12 pt., Times New Roman Font with 1” margins). Please double-space your paper.

If your paper is either too long or too short, please do not change margins, font size, line spacing, or use excessive spaces or quotations to make it fit in these parameters.

- **Due Dates**: Noted above.

- **Late Papers**: If for any reason you are unable to turn in your memo on the due date and time, your paper will be marked down two (2) points each day it’s late (i.e. max of 8 out of 10 points after one day late, 6 out of 10 points the second day it’s late etc.).

II. TOPICS

- Topics for each memorandum will be handed out at least a week prior to the due date.

III. EXPECTATIONS

- There are a number of criteria that I will be looking for:
  1. **Argument**
     a. Original argument
     b. Clear and precise thesis statement
     c. Well-supported with specific examples and references to text
     d. Answers the question directly
     e. Counterarguments: Good papers don’t shy away from potential critics to the argument. Why might someone disagree with your analysis? How would you defend your argument?
  2. **Organization**
     a. Coherent argument and structure
     b. Punctuation and grammar

- “A” papers: Excellent papers that will have an interesting and original argument, clear and precise thesis. These papers will demonstrate the argument by using examples from the text we have read as well as external sources. A papers do not shy away from disagreement or taking strong stands, they address counterarguments. A papers have a very clear argument and structure free from grammatical mistakes.
• “B” papers: Good papers with a strong argument and a clear thesis. These papers draw on the text and external sources and demonstrate a solid understanding of the material. B papers engage the material in a meaningful way and offer original analysis. They address potential critics and have no major structural or grammatical mistakes.

• “C” papers: Average papers that do not offer original argument or have one or more major problems: structure, grammar and punctuation, argument.

• “D” papers: Unsatisfactory papers that fail to offer an argument about the material or seriously misunderstand the text. These papers often bear evidence of having been hastily or carelessly written.

IV. PRESENTATIONS

• On the due date of the memo, we will hold “staff meetings” where you will present to your boss—an elected official on why he/she should take your position. A staff meeting is different format than a formal presentation. It will be more conversational among your colleagues. Given the size of the class, not everyone will be able to formally present their memorandum, so active participation in other ways (questions, comments using your work) is critical. This will be factored into your overall class participation grade.