POLITICAL POLARIZATION
AND
THE ADMINISTRATIVE STATE

PUBLIC POLICY CONFERENCE | MARCH 29, 2019
WELCOME

On behalf of the C. Boyden Gray Center for the Study of the Administrative State, I’m pleased to welcome you to this public policy conference on “Political Polarization and the Administrative State.”

How is polarization testing the limits of our constitutional order? What are the effects of political polarization on institutions like Congress and the administrative state?

These questions will be the focus of today’s event, co-hosted by the Antonin Scalia Law School’s C. Boyden Gray Center for the Study of the Administrative State, and Claremont McKenna College’s Dreier Roundtable and Salvatori Center.

This conference arises from a new book, *Parchment Barriers: Political Polarization and the Limits of Constitutional Order*, featuring essays by Claremont McKenna College’s Zachary Courser, Kenneth Miller, and George Thomas; and Scalia Law’s Michael Greve, among others.

These authors will be joined today by other significant scholars in two panel discussions: on “Polarization and the Madisonian System,” and on “Polarization and the Administrative State.” As always, we are glad that you can take part in this discussion.

Adam White
EXECUTIVE DIRECTOR, THE C. BOYDEN GRAY CENTER FOR THE STUDY OF THE ADMINISTRATIVE STATE

ABOUT THE C. BOYDEN GRAY CENTER FOR THE STUDY OF THE ADMINISTRATIVE STATE

The C. Boyden Gray Center for the Study of the Administrative State is dedicated to fostering significant legal scholarship on new and timeless questions about the modern administrative state, in order to elevate and improve debates occurring in the courts, in Congress, in the executive branch, and in the broader public. Since its founding in 2015, initially under the leadership of Professor Neomi Rao and now Professor Adam White, the Gray Center has hosted countless scholars, practitioners, and policymakers to research and debate the constitutional and practical issues of administrative power and discretion. At George Mason University’s Antonin Scalia Law School, across the Potomac River from our nation’s capital, the Gray Center serves as a bridge between the work of academia and the work of courts, Congress, the executive branch, and private practitioners.

ABOUT CLAREMONT MCKENNA COLLEGE

Claremont McKenna College is a highly selective, independent, coeducational, residential, undergraduate liberal arts college. Its mission, within the mutually supportive framework of The Claremont Colleges, is to educate its students for thoughtful and productive lives and responsible leadership in business, government, and the professions, and to support faculty and student scholarship that contribute to intellectual vitality and the understanding of public policy issues. The College pursues this mission by providing a liberal arts education that emphasizes economics and political science, a professoriate that is dedicated to effective undergraduate teaching, a close student-teacher relationship that fosters critical inquiry, an active residential and intellectual environment that promotes responsible citizenship, and a program of research institutes and scholarly support that makes possible a faculty of teacher-scholars.

HELPFUL RESOURCES

WIFI NETWORK
Carriage House
Password: CHwifi01

EVENT CONTACT
Leah Davenport
Phone: 703.993.8708
POLITICAL POLARIZATION AND THE ADMINISTRATIVE STATE

GOVERNMENT INSTITUTIONS IN TURBULENT POLITICAL TIMES

March 29, 2019

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# Political Polarization and the Administrative State

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<td>Registration and Luncheon, <em>Historic Decatur House</em></td>
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<td>12:45 PM – 12:50 PM</td>
<td>Welcome, <em>Carriage House</em></td>
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<tr>
<td>ADAM WHITE</td>
<td><em>Executive Director, The C. Boyden Gray Center for the Study of the Administrative State</em>&lt;br&gt;<em>Assistant Professor of Law, Antonin Scalia Law School, George Mason University</em></td>
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<td>12:50 PM – 1:00 PM</td>
<td>Opening Remarks</td>
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<tr>
<td>ZACHARY COURSER</td>
<td><em>Co-Director, Claremont McKenna Policy Lab&lt;br&gt;Research Director, Dreier Roundtable&lt;br&gt;Visiting Assistant Professor of Government, Claremont McKenna College</em></td>
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<tr>
<td>1:00 PM – 2:30 PM</td>
<td>Panel 1: Polarization and the Madisonian System</td>
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<td>PANELISTS</td>
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<tr>
<td>ZACHARY COURSER</td>
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<tr>
<td>LEE DRUTMAN</td>
<td><em>Senior Fellow, Political Reform Program&lt;br&gt;New America</em></td>
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<td>FRANCES E. LEE</td>
<td><em>Professor of Government and Politics&lt;br&gt;University of Maryland</em></td>
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<tr>
<td>GEORGE THOMAS</td>
<td><em>Burnet C. Wohlford Professor of American Political Institutions&lt;br&gt;Claremont McKenna College</em></td>
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<td>MODERATOR</td>
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<tr>
<td>YUVAL LEVIN</td>
<td><em>Editor, National Affairs&lt;br&gt;Hertog Fellow, Ethics and Public Policy Center</em></td>
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## Helpful Resources

- **WIFI NETWORK**
  - Carriage House
  - Password: CHwifi01

- **Event Contact**
  - Leah Davenport
  - Phone: 703.993.8708
HISTORIC DECATUR HOUSE
Friday, March 29

2:30 PM – 2:45 PM  BREAK

2:45 PM – 4:15 PM  PANEL 2: POLARIZATION AND THE ADMINISTRATIVE STATE

PANELISTS

WILLIAM A. GALSTON  
Ezra K. Zilkha Chair and Senior Fellow  
Brookings Institution’s Governance Studies Program

MICHAEL S. GREVE  
Professor of Law  
Antonin Scalia Law School, George Mason University

SALLY KATZEN  
Professor of Practice and Distinguished Scholar in Residence  
NYU School of Law

KENNETH P. MILLER  
Associate Professor of Government  
Claremont McKenna College

MODERATOR

ADAM WHITE  
Executive Director, The C. Boyden Gray Center for the Study of the Administrative State  
Assistant Professor of Law, Antonin Scalia Law School, George Mason University

4:15 PM – 5:15 PM  EVENING RECEPTION, CARRIAGE HOUSE COURTYARD

5:15 PM  ADJOURN
POLITICAL POLARIZATION AND THE ADMINISTRATIVE STATE

PANEL 1: POLARIZATION AND THE MADISONIAN SYSTEM

ZACHARY COURSER
Co-Director, Claremont McKenna Policy Lab
Research Director, Dreier Roundtable
Visiting Assistant Professor of Government, Claremont McKenna College

Lee Drutman is a Senior Fellow in the Political Reform program at New America. He is the Author of The Business of America is Lobbying (Oxford University Press, 2015) and winner of the 2016 American Political Science Association’s Robert A. Dahl Award, given for “scholarship of the highest quality on the subject of democracy.” In addition, he writes regularly for Polyarchy, a Vox blog. He is currently writing a book about the crisis of the two-party system in America.

His areas of expertise include hyper-partisanship, Congress, lobbying, and money in politics. Drutman also teaches in the Center for Advanced Governmental Studies at The Johns Hopkins University. He holds a Ph.D. in political science from the University of California, Berkeley.

He has been quoted and/or cited in the New York Times, the Washington Post, the Economist, Slate, Mother Jones, the Atlantic, Business Insider, National Review, Politico, and many other publications, and on Morning Edition, All Things Considered, Planet Money, This American Life, Marketplace, Washington Journal, and The Colbert Report, among other programs.

LEE DRUTMAN
Senior Fellow, Political Reform Program
New America

FRANCES E. LEE
Professor of Government and Politics
University of Maryland

Frances E. Lee is Professor of Government and Politics at the University of Maryland. Most recently, she is Author of Insecure Majorities: Congress and the Perpetual Campaign (2016). She is also Author of Beyond Ideology: Politics, Principles, and Partisanship in the U.S. Senate (2009) and Coauthor of Sizing Up The Senate: The Unequal Consequences of Equal Representation (1999) and a textbook, Congress and Its Members (Sage/CQ Press). Her work has received national recognition, including the American Political Science Association’s Richard F. Fenno Award for the best book on legislative politics and the D. B. Hardeman Award presented by the Lyndon Baines Johnson Foundation for the best book on a congressional topic. She is Editor of the Elements Series in American Politics for Cambridge University Press. She received her Ph.D. from Vanderbilt University in 1997.

Zachary Courser is Co-Director of CMC’s Policy Lab, Research Director of the Dreier Roundtable, and a Visiting Assistant Professor of Government at Claremont McKenna College. He has published articles on the Tea Party movement, and is a Contributor to and Editor of the volume Parchment Barriers: Political Polarization and the Limits of Constitutional Order (University Press of Kansas, 2018). His latest book, entitled Democratic Discontent, is a collaborative research project on the rise of populism in the US and Europe.

He has experience working in Washington, DC, both on Capitol Hill and as the Interim Director of Claremont McKenna College’s Washington Program. He established CMC’s Policy Lab, an innovative undergraduate program focused on public policy analysis of real world problems in coordination with DC think tanks. The Policy Lab has conducted several successful research partnerships with the Bipartisan Policy Center, the RAND Corporation, and the Brookings Institution. He is currently authoring a public policy textbook based on the pedagogy developed for Policy Lab.

He is a frequent political commentator on NPR affiliates in Los Angeles, and gives talks and lectures on elections around Southern California. He also has taught at Sciences Po Lyon in France, and worked as a Senior Program Director and Fellow for the Legatum Institute in London. At Legatum, he served as the Executive Director of the Wellbeing Commission, chaired by former Cabinet Secretary for the United Kingdom Lord Gus O’Donnell.

He holds a master’s and doctoral degree in government from the University of Virginia, and a bachelor’s in government from Claremont McKenna College, and a diplôme universitaire d’études françaises from the Université Lumière Lyon 2, Centre International d’Études Françaises.
GEORGE THOMAS
Burnet C. Wohlford Professor of American Political Institutions
Claremont McKenna College

George Thomas is Wohlford Professor of American Political Institutions at Claremont McKenna College and Director of the Salvatori Center. He is the Author of The Founders and the Idea of a National University: Constituting the American Mind (Cambridge University Press, 2015), The Madisonian Constitution (Johns Hopkins University Press, 2008), and Co-Author of American Constitutional Law: Essays, Cases, and Comparative Notes (West Academic, 2018), as well of numerous scholarly articles in journals such as Perspectives on Politics, Studies in American Political Development, Polity, and American Political Thought. His works have also appeared in more popular journals such as National Affairs, the American Interest, the Weekly Standard, and the Washington Post. He has received fellowships from the National Endowment for the Humanities and the Huntington Library, and is the recipient of the Alexander George Award from the American Political Science Association.

YUVAL LEVIN
Editor, National Affairs
Hertog Fellow, Ethics and Public Policy Center

Yuval Levin is the Founder and Editor of National Affairs, a quarterly journal of essays on domestic policy and politics. He is also the Vice President and Hertog Fellow at the Ethics and Public Policy Center. He has been a Member of the White House domestic policy staff (under President George W. Bush) and a Congressional Staffer. His essays and articles have appeared in numerous publications including the New York Times, the Washington Post, the Wall Street Journal, Commentary, and many others, and he is a Contributing Editor to National Review. He is the Author, most recently, of The Fractured Republic: Renewing America’s Social Contract in the Age of Individualism. He holds a PhD from the Committee on Social Thought at the University of Chicago.
POLITICAL POLARIZATION AND THE ADMINISTRATIVE STATE

PANEL 2: POLARIZATION AND THE ADMINISTRATIVE STATE

WILLIAM A. GALSTON
Ezra K. Zilkha Chair, and Senior Fellow, Governance Studies Program
Brookings Institution

Michael S. Greve is Professor of Law at Antonin Scalia Law School, where he teaches Constitutional Law, Administrative Law, Federal Courts, Legislation, and Conflict of Laws. Previously, he was the John G. Searle Scholar at the American Enterprise Institute (AEI). Prior to his AEI engagement, Mr. Greve co-founded and directed the Center for Individual Rights (CIR), a public interest law firm specializing in constitutional litigation.

A prolific writer, Mr. Greve has authored numerous scholarly articles and ten books, including The Upside-Down Constitution (Harvard University Press, 2012). Mr. Greve serves as a Board Member of the Competitive Enterprise Institute. Mr. Greve received his undergraduate education at the University of Hamburg (Germany) (1981) and his PhD from Cornell University (1987).

SALLY KATZEN
Professor of Practice and Distinguished Scholar in Residence
NYU School of Law

Sally Katzen is currently a Professor of Practice and Distinguished Scholar in Residence at NYU Law School. She served almost eight years in the Clinton Administration, first as Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), then Deputy Assistant to the President for Economic Policy and Deputy Director of the National Economic Council in the White House, and then as Deputy Director for Management at OMB. She served as the head of the Agency Review Group for the Obama/Biden Transition with responsibility for the Executive Office of the President and all of the government-wide agencies. Since 2001, she has taught both undergraduates and at various law schools, including the Antonin Scalia Law School. She is a Member of the American Law Institute and the National Academy of Public Administration, has served on multiple panels for the National Academy of Sciences, has testified before Congress on many occasions, and is on the board of several non-profit organizations. Before joining the Clinton Administration, Ms. Katzen was a partner in the Washington DC law firm of Wilmer, Cutler & Pickering, specializing in regulatory and legislative matters. While in private practice, Ms. Katzen served in various leadership roles in the American Bar Association (including Chair of the Section on Administrative Law and Regulatory Practice and two terms as DC Delegate to the House of Delegates of the ABA), as well as President of the Federal Communications Bar Association and President of the Women’s Legal Defense Fund. She graduated magna cum laude from Smith College and magna cum laude from the University of Michigan Law School, where she was the first woman Editor in Chief of the Law Review. Following graduation from law school, she clerked for Judge J. Skelly Wright of the United States Court of Appeals for the District of Columbia Circuit. She also served in the Carter Administration for two years as the General Counsel of the Council on Wage and Price Stability in the Executive Office of the President.

William A. Galston is the Ezra K. Zilkha Chair and Senior Fellow in the Brookings Institution’s Governance Studies Program. Prior to January 2006, he was the Saul Stern Professor and Acting Dean at the School of Public Policy, University of Maryland, Director of the Institute for Philosophy and Public Policy, and Founding Director of the Center for Information and Research on Civic Learning and Engagement (CIRCLE). Galston was Deputy Assistant to President Clinton for Domestic Policy from 1993 to 1995. Galston is a winner of the American Political Science Association’s Hubert H. Humphrey Award and a Fellow of the American Academy of Arts and Sciences. He is the Co-Chair of The New Center with Bill Kristol. His most recent book is Anti-Pluralism: The Populist Threat to Liberal Democracy (Yale, 2018).
MODERATOR

KENNETH P. MILLER
Associate Professor of Government
Claremont McKenna College

Kenneth P. Miller is Associate Professor of Government at Claremont McKenna College, where he also serves as Co-Director of the Dreier Roundtable and Associate Director of the Rose Institute of State and Local Government. Miller’s research has focused on state politics and policy, direct democracy (initiative, referendum, and recall), state courts, and constitutional law. He is Co-Editor (with Zachary Courser and Eric Helland) of Parchment Barriers: Political Polarization and the Limits of Constitutional Order (Kansas 2018). His other publications include Direct Democracy and the Courts (Cambridge 2009) and a co-edited volume, The New Political Geography of California (Berkeley Public Policy Press 2008), as well as numerous book chapters and articles. He is currently working on a book comparing Texas and California as political and policy rivals. In recent years, he has served as a Visiting Scholar at Princeton University’s James Madison Program and Southern Methodist University’s John Goodwin Tower Center for Political Studies. He has a B.A. from Pomona College, a J.D. from Harvard Law School, and a Ph.D. in political science from the University of California at Berkeley.

ADAM WHITE
Executive Director, The C. Boyden Gray Center for the Study of the Administrative State
Assistant Professor of Law, Antonin Scalia Law School, George Mason University

Adam White is Director of the C. Boyden Gray Center for the Study of the Administrative State, and an Assistant Professor of Law at George Mason University’s Antonin Scalia Law School. And he is a Research Fellow at Stanford University’s Hoover Institution. He is a Public Member of the Administrative Conference of the United States, and he has served on the leadership councils for the administrative law sections of both the American Bar Association and the Federalist Society. He serves on the board of directors of LandCAN, a nonprofit organization that promotes conservation on private lands; and Speech First, a nonprofit organization that promotes the freedom of speech on college campuses. Before joining the Antonin Scalia Law School and the Hoover Institution, he practiced regulatory and constitutional law for Baker Botts and for Boyden Gray & Associates, and he clerked for Judge David B. Sentelle on the U.S. Court of Appeals for the D.C. Circuit.
WHO WE ARE

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Email: lvirbits@gmu.edu

MOLLY DOYLE
Digital Marketing Specialist
Phone: 703.993.8514
Email: mdoyle9@gmu.edu

APRIL 22, 2019
Book Presentation: Judicial Fortitude by Peter Wallison, American Enterprise Institute

MAY 2, 2019
The Constitution's First Branch: Rediscovering the Legislative Power

SEPTEMBER 13, 2019
Public Policy Conference: Cost-Benefit Analysis and the White House Approach to Regulatory Oversight

OCTOBER 4, 2019
The George Mason Law Review's Second Annual Symposium on Administrative Law

OCTOBER 25, 2019
Public Policy Conference: The Administration of Immigration

NOVEMBER 15, 2019
Public Policy Conference: Technology, Innovation, and Regulation

UPCOMING EVENTS IN 2019

HELPFUL RESOURCES
Carriage House
Password: CHwii01

WIFI NETWORK
Carriage House
Password: CHwii01

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Phone: 703.993.8708