

**The George Washington University
Graduate School of Political Management**

Congress and Institutional Change, PSC-224--Fall 2008

“The Constitution makes the legislative branch Article I. It precedes the presidency and the judiciary by design. Today the legislative branch is too weak, too dysfunctional and too out of touch with modern times to fulfill its constitutional duties”. Newt Gingrich, former Speaker of the House. (The Broken Branch, Thomas Mann and Norman Ornstein)

Events on the domestic and international scenes over the past few years have renewed debate over the role of the US Congress and how effective the institution has been in exercising its Constitutional authority and responding to challenges of the 21st century.

More recently, editorial writers from the New York Times, Washington Post and a number of political columnists have called attention to how poorly Congress has performed as an institution during recent sessions of Congress. All are critical of Congress for failing to address national priorities; paying more attention to the concerns of lobbyists than their constituents; failing to implement effective Congressional reforms; and failing to exercise its role as an independent branch of government especially with respect to deficit spending, foreign policy and intelligence, oversight of federal programs and critical domestic issues.

While debate over a do-nothing Congress is nothing new, the concerns discussed by respected commentators along with many former senior political officials from both parties raise serious questions about the ability of Congress to act as an effective and independent branch of government capable of responding to complex challenges the nation faces in the 21st century. These concerns over institutional change lead to the key issue to examine--

****Has the institution of Congress become marginalized and, in the absence of Congressional reform and strong political leadership, unable to respond effectively to critical national issues, e.g. immigration reform, deficit spending, energy, global warming, war powers?**

Essential to understanding institutional change in Congress is an examination of the Founding Fathers debate regarding the legislative branch as well as the authorities they granted to Congress under the Constitution. Also important to review are Congressional responses during earlier periods of national crisis and uncertainty in the 20th Century, including the Great Depression, World War II, Civil Rights, the Vietnam War, the energy crises of the 70s and more recently, the War on Terrorism and the debate on Iraqi withdrawal. An examination of these periods in American history will help understand the extent of institutional change that is underway in Congress.

Throughout the course, senior and former staff from Congressional committees and the private sector will participate in the discussion of Congress and Institutional Change.

Faculty
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MA, Lehigh University; BA, Upsala College; currently Associate Professorial Lecturer in Legislative Affairs in the Graduate School of Political Management. Prior to joining the faculty at GSPM, career in the United States Senate for 34 years serving in several capacities including Senior Policy Advisor and Legislative Director to U.S. Senator Kent Conrad (D-ND) 1991-2005 and as Legislative Assistant and Energy Advisor to U.S. Senator Claiborne Pell (D-RI) 1970-1989.

Course Requirements

The course requirements will include (1) an oral presentation of a current national issue facing Congress with a focus on Congressional effectiveness in dealing with that issue, e.g., Iraqi troop withdrawal; intelligence oversight and the decision to invade Iraq; global warming; domestic surveillance; deficit spending; (2) written analysis of key challenge facing Congress, e.g. Executive vs. Congressional authorities, Constitutional authority to declare war, Congressional reform/gridlock, Congressional oversight; (3) class participation and attendance. Forty percent of your grade will be based on the oral presentation; thirty percent on the written analysis of Congressional challenges and thirty percent on class participation and attendance.

Required Texts

- *United State Constitution*, Article 1 (Legislative Branch).
- *Congress Reconsidered* (2005) Lawrence C. Dodd and Bruce Oppenheimer, CQ Press.
- *Congress and The Decline of Public Trust* (1999) Joseph Cooper, Westview Press.
- *Can The Government Govern* (1989), ed.- John E. Chubb/Paul Peterson, The Brookings Institution. Part II, "The Changing Textbook Congress", Kenneth Shepsle. (purchase not required).
- *The Broken Branch* (2006), Thomas E. Mann/Norman Ornstein, Oxford University Press.
- *Congress & The People* (2000), Donald R. Wolfensberger, Woodrow Wilson Center Press.
- *Red and Blue Nation* (2008), volume 2, ed--Pietro Nivola and David Brady, Brookings Institution, Chapter 2 (Barbara Sinclair/Christopher Foreman, Jr.).

Web Resources

- www.wilsoncenter.org (Congress Project)
- www.dirksencongressionalcenter.org
- www.centerforpolitics.org (Larry Sabato, UVA)
- www.cbpp.org (Center on Budget and Policy Priorities)
- www.foundingfathers.info/federalistpapers/fedindex.htm
- www.rothenbergpoliticalreport.blogspot.com

SYLLABUS----Congress and Institutional Change

1. September 2--Introduction, Assessing Congress and the challenges to the institution in the 21st Century

Required Readings (to be completed by September 23rd):

- Editorials/academic commentary/press analysis of the 109th/110th Congress (Novak, Ornstein, Birnbaum, Will, Simpson), *The New York Times*, *The Washington Post*, *Roll Call*.
- “Failure on Immigration is a Threefold Problem for Legislative Branch”, Norman Ornstein, American Enterprise Institute, *Roll Call*, June 13, ‘07.
- “The Wreck of the US Senate”, Dick Meyer, *The Washington Post*, May 22, 2005.
- “Trust and Democracy”, Bill Bradley, pages xi-xxi; “The Puzzle of Distrust”, Joseph Cooper, pages 1-24, *Congress and The Decline of Public Trust*.
- “Introduction”, pages 1-7, *Congress & The People*, Donald Wolfensberger, Woodrow Wilson Center.
- “Politics as War”, *The Wilson Quarterly*, autumn 2004, pages 49-59.
- “Decline of the Senate”, Robert Novak, *The Washington Post*, June 12, 2008.
- “Congress’s Start”, *The Washington Post*, May 13, 2007.
- “Do Americans expect too much from this Congress”, Ross Baker, *USA Today*, July 18, 2007.
- “How to End the Gridlock”, Bob Graham, *The Washington Post*, January 30, 2008.

2. September 9--The Founding Fathers and Congress “in a republican government, the legislative authority necessarily predominates”, James Madison, *Federalist Paper* #51 (1787)

Required Readings:

- *The Constitution*, Article I
- “Making a Constitution”, Chapter 1, pages 9-18, *Congress & The People*, Donald Wolfensberger, Woodrow Wilson Center.
- “The First Branch of Government”, pages 14-46, Thomas Mann and Norman Ornstein, *The Broken Branch*.
- *Federalist Paper*, #48 (Madison); *Federalist Paper* # 51 (Hamilton/Madison); *Federalist Paper* #69 (Hamilton).
- “Cheney’s Guy”, *U.S. News and World Report*, May 29, ‘06, pages 32-38.
- “A War of Words...”, *The Washington Post*, op-ed, Dana Millbank, 2/23/06.
- “Bush Policy Authors Defend Their Actions”, *The Washington Post*, June 27, 2008.
- GAO Report on Presidential Signing Statements, June 18, 2007, pages 1-12; “Signing Statements Study Finds Administration Has Ignored Laws”, *The Washington Post*, June 19, 2007.
- “Why Would Congress Surrender” op ed, Fred Barbash, *The Washington Post*, January 31, 2007.
- “Memo: Laws Didn’t Apply to Interrogators”, *The Washington Post*, April 2, 2008.
- “Compromising the Constitution”, editorial, *The New York Times*, July 8, 2008.

3. **September 16--Is Congress Still The Broken Branch?**

Sarah Binder, Senior Fellow, Governance Studies, Brookings; Professor of Political Science, George Washington University

Required Readings:

- “Introduction”, pages 1-13, “Conclusion”, pages 211-243, *The Broken Branch*, Thomas Mann/Norman Ornstein.
- “The First Branch of Government”, pages 14-46, *The Broken Branch*, Thomas Mann/Norman Ornstein.
- “Institutional Decline” pages 141-191, *The Broken Branch*, Thomas Mann/Norman Ornstein.
- “Gridlock on Capitol Hill”, October 20, 2007, Sarah Binder, Brookings Institution.
- “One Year Later: Is Congress Still the Broken Branch”, *A Report of the 110th Congress*, Sarah Binder, Thomas Mann, Norman Ornstein (January, 2008) Brookings Institution.
- “The Case of Continuity”, Chapter 5, *The Broken Branch*, Thomas Mann/Norman Ornstein.
- “Could Congress Be Waking Up?”, Thomas, Mann, Molly Reynolds, Nigel Holmes, *The Washington Post*, January 19, 2008.
- “Earmark Spending Makes a Comeback”, Robert O’Harrow, *The Washington Post*, June 13, 2008.
- “Poll: Congress’s approval rating lower than Bush’s”, *USA TODAY*, July 17, 2008.

4. **September 23---The Origins of Institutional Change, the Impact of the Congressional Elections of 1994, 2006; Deliberative Democracy--what is the institution’s future?**

Donald R. Wolfensberger, Director, The Congress Project, Woodrow Wilson Center for International Scholars; author--Congress & The People; Congressional staffer--1969-1997; chief of staff, House Rules Committee (104th Congress); minority staff director of the Committee (102nd/103rd Congress).

Required Readings:

- “The Seeds of the Contemporary Problem”, chapter 3, pages 47-95; “A Decade of Republican Control”, pages 96-140, *The Broken Branch*, Thomas Mann and Norman Ornstein.
- “A Window on Congress:Televising Floor Debates”. Chapter 8, pages 103-124, “The Road to the Republican Revolution”, Chapters 10-12, *Congress & The People*, Donald Wolfensberger.
- “A Decade of Republican Control”, Chapter 2; “From Congressional to Presidential Preeminence”, pages 376-391, Chapter 16, “Re-Envisioning Congress:Theoretical Perspectives on Congressional Change---2004”, Chapter 18, *Congress Reconsidered*, Lawrence Dodd/Bruce Oppenheimer.
- “New Majority’s Choice; Should GOP Policies Be Reversed”, news analysis by Carl Hulse, *The New York Times*, January 5, 2007.
- “In Majority, Democrats Run Hill Much as GOP Did”, Lyndsey Layton, *The Washington Post*, February 18, 2007.

- “Spoiling the Sausages? How a Polarized Congress Deliberates and Legislates, Chapter 2, *Red and Blue Nation* (pages 55-105), Barbara Sinclair/Christopher Foreman, Brookings Institution (2008).

5. **September 30---Congress during periods of national crisis
Depression; World War II; Civil Rights debate (60s);
Vietnam War; Energy crisis of the 70’s; The War on Terrorism**

Required Readings/Oral presentation/written analysis topics due:

- “Congress and Policy making in the Age of Terrorism”, Chapter 15; *Congress Reconsidered*, Lawrence Dodd/Bruce Oppenheimer.
- “The Struggle for Energy Legislation in the 109th Congress”, Bruce Oppenheimer, seminar on *Congress and The Politics of Energy Policy*, Woodrow Wilson Center, May 16, 2005 (Note seminar summary/presentation).
- “Congress toughens war oversight role”, *The Christian Science Monitor*, May 11, 2004.
- “NSA surveillance program may have skirted 1991 law on congressional notification, say Democrats”, *The Hill*, June 5, 2007.
- “Gonzales Hospital Episode Detailed”, *The Washington Post*, May 16, 2007; editorial “Mr. Comey’s Tale” *The Washington Post*, May 16, 2007.
- “Where’s Congress In This Power Play?”, *The Washington Post*, April 1, 2007.
- “Founders’ Fuzziness”, David Kennedy, *Time*, January 29, 2007.
- “Congress Through History”, pages 9-14, *Encarta.MSN.COM*.
- “Everett McKinley Dirksen’s Finest Hour: June 10, 1964”, *Peoria Journal Star*, June 10, 1964, Congress Link, The Dirksen Congressional Center.
- “Lessons on Iraq From a Founding Father”, Brian O’Malley, *The Washington Post*, March 1, 2008
- “How Congress Ends Wars”, Robert Longley, *us.govinfo.about.com/uscongress*, February, 2007.

6. **October 7--The record of the 110th Congress on domestic, foreign policy, intelligence issues--paralyzing partisanship or bipartisanship (health care, intelligence, lobby reform).**

Bob Fillipone, Deputy Vice President, Federal Affairs, PhRMA; Deputy Staff Director, Senate Select Committee on Intelligence (2001-2003) ; Deputy Staff Director, Senator Bob Graham (D-FL)-2003

Required Readings:

- “Congress’s Oversight Offensive”, David Broder, *The Washington Post*, March 18, 2007.
- “A War of Words...” Dana Millbank. *The Washington Post*, February 23, 2006 (Commentary on the remarks of Jon Yoo, Justice Department).
- “Vice Chair Rockefeller Reacts to Reports of NSA Intercept”, press release, December 19, 2005.
- “Congress toughens war oversight role”, Chaddock, *The Christian Science Monitor*, May 11, 2004.
- “Congressional oversight of intelligence never easy”, Diamond, *USA Today*, December 20, 2005.
- “Congressional Agency Questions Legality of Wiretaps”, *The Washington Post*, January 19, 2006.

- “Congress Backs Tighter Rules on Lobbying”; “Overhauling Congressional Ethics” ,*The New York Times*, August 3, 2007.
- “Answering to No One”, op-ed by Walter F. Mondale, *The Washington Post*, July 29, 2007.
- “Bush Inflated Threat From Iraq’s Banned Weapons...”, *The Washington Post*, June 6, 2008.
- “U.S. follows recipes for failure with intelligence”, Carlos Luria, *GreenvilleOnline.com*. July 10, 2008.

7. October 14--Responding to national priorities--Outlook for Congressional action in the on the federal budget deficit (economic turmoil/earmark impact on deficit).

John Righter, Deputy Staff Director, Senate Budget Committee; Analyst for Appropriations, General Government and Commerce/Housing Credit; staff, Congressional Budget Office (General Government/Budget, 1995-2001)

Required Readings:

- “The Politics of Taxing and Spending in Congress”, Catherine Rudder, Chapter 14, pages 319-335, *Congress Reconsidered*, Dodd/Oppenheimer.
- Articles on Congressional spending, deficits, taxes from *The Washington Post*, *The Washington Times*, *U.S. News and World Report*.
- “The Seniors’ Entitlement Crunch: The Politics of Social Security and Medicare Reform”, forum, The Woodrow Wilson Center, May 12, 2008.
- “U.S. Comptroller General Warns the Nation of Economic Calamity”, *NewsMax.com*, August 3, 2006.
- “US financial watchdog says economy at risk from non-ally bondholders”, *TIMES Online (London)*, July 23, 2007.
- “Comptroller’s retirement quiets deficit warning”, David Broder, *The Washington Post*, March 18, 2008.
- “The Iraq money pit”, James McGovern, *The Boston Globe*, October 4, 2007.

8. October 21--Congressional Oversight and Bipartisanship--Observations from the House (oversight, reform, addressing national priorities).

Dave Turk, Staff Director, Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform

Required Readings:

- “Spending on Iraq Poorly Tracked”, *The Washington Post*, May 23, 2008.
- Committee on Oversight and Government Reform: oversight.house.gov/investigations.
- “Suggested Areas for Oversight for the 110th Congress”, General Accountability Office, November 17, 2006.
- “Barney Frank’s Reminder”, David Broder, *The Washington Post*, July 20, 2006.

- “Hoyer Statement on Restoring Oversight in the 110th Congress”, www.majorityleader.gov/press_releases, March 6, 2007.
- “Congress’s Oversight Offensive”, David Broder, *The Washington Post*, March 18, 2007.

9. October 28--Congress and Foreign Policy (Foreign Relations Committee oversight, bipartisanship, the challenges in Asia, North Korea).

Keith Luse, Professional Staff Member (Minority), Senate Committee on Foreign Relations

Required Readings:

- Hearing: “Safeguarding The Atom:Nuclear Energy and Nonproliferation Challenges”, U.S. Senate Committee on Foreign Relations, July 31, 2007.
- Hearing: “North Korea: U.S. Policy Options”, U.S. Senate Committee on Foreign Relations, July 20, 2006.
- Hearing: “Status of the Six Party Talks for the Denuclearization of the Korean Peninsula”, Senate Foreign Relations Committee, February 6, 2008.
- “When Congress Checks Out” Ornstein and Mann, *Foreign Affairs*, November/December, 2006.
- “Congress, Foreign Policy and The Democratic Party, Council on Foreign Relations, November 3, 2006.
- “North Korea Shuttters Nuclear Facility”, *The Washington Post*, July 15, 2007.
- “IAEA Says North Korea Has Shut Reactor”, *The Washington Post*, July 16, 2007.
- “Foreign Policy’s Best Hope”, David Broder, *The Washington Post*, June 19, 2008.
- “N. Korea destroys tower at nuclear site”, *The New York Times*, June 28, 2008.

10. November 4--The challenges of reform and ethics in Congress--the role of the House/Senate Committees on Ethics.

Kenyen Brown, Deputy Chief Counsel, Committee on Standards of Official Conduct (House); former Counsel, Senate Committee on Ethics; former Assistant U.S. Attorney, Southern District of Alabama.

Required Readings/written analysis due:

- “Office of Public Integrity”, Citizens for Responsibility and Ethics in Washington, www.citizensforethics.org, 2007.
- “Congress Backs Tighter Rules on Lobbying”; “Overhauling Congressional Ethics”, *The New York Times*, August 3, 2007.
- U.S. Senate Committee on Ethics--www.senate.gov/committees.
- Committee on Standards of Official Conduct (House)--www.house.gov/committees.
- “Epilogue”, pages 169-183, *Congress and The Decline of Public Trust*, Joseph Cooper.
- “Term Limits and the Scarlet Letter”, Chapter 13, pages 211-226, *Congress and The People*,

Donald Wolfensberger.

- “Stop the Money Chase”, op-ed, Ernest Hollings, *The Washington Post*, February 19, 2006.
- “Policing Congress, editorial, *The Washington Post*, March 29, 2008.

11. November 11--Congressional oversight and the role of intelligence committees from the Cold War to 9/11--views from the intelligence community.

Melvin Goodman, senior fellow and director of national security program at the Center for International Policy; professor of international studies at the National War College; division chief and senior analyst in Soviet Affairs (CIA) 1966-1986; senior analyst at State Department’s Bureau of Intelligence and Research (1974-76); intelligence adviser to the Strategic Arms Limitation Talks; author of books on Soviet and Russian affairs and the intelligence community including “*The Failure of Intelligence*” (2008).

Required Readings:

- “Inside the CIA”, interview with former CIA analyst Melvin Goodman, *CNN.com*. January, 1998.
- “Crimes of the Central Intelligence Agency”, *International Policy Report*, Melvin Goodman, November, 2007.
- “The Road to Intelligence Reform”, Melvin Goodman.
- “U.S. follows recipes for failure with intelligence, *The Greenville News Online*, July 10, 2008.

12. November 18--Overview of the 2008 election (issues/voter opinions/public priorities for new Administration)/Oral Presentations.

Maeve Hebert, Vice President, Hart Research Associates, Washington, D.C. (invited)

Web links to review:

- www.centerforpolitics.org (Larry Sabato); www.cookpolitical.com; www.hartresearch.com

13. December 2--Oral Presentations

Conclusion--Assessing Congress in the 21st Century

- “The Future of Deliberative Democracy”, Chapter 16, pages 267-283, *Congress and The People*, Donald R. Wolfensberger.