

Ethics in Congress

Professor Doug Lathrop
Political Science 286

COURSE SUMMARY

Cynics and late night talk show hosts would probably suggest that congressional ethics is an oxymoron – like jumbo shrimp or virtual reality. But serious commentary on congressional ethics should not end with a punch line. In fact, the study of ethics in Congress is the logical continuation of a long history of political analysis that began with Aristotle through Machiavelli and Montesquieu and continues today with modern day ethicists and scholars.

The critical examination of congressional ethics is important and relevant to the study of American politics in several ways. Some political scientists argue that there is a manifest connection between congressional ethics and public confidence in the political system. When citizens lose confidence in their elected officials it breeds cynicism and engenders distrust in politics, thus corrupting civil society. Reformers seeking to regulate campaign finance activities, for example, are prompted by public disgust with inflammatory accounts of fundraising practices and special interest access for big donors. According to some observers, a legislature that is perceived to be unethical or indifferent to ethics fosters an erosion of the public trust – or so the story goes. Ethics rules are also said to sustain a needed level of comity by providing boundaries for acceptable political behavior. A functioning partisan legislature will require its members behave fairly and treat fellow colleagues with respect. Not everyone is convinced, however, with the necessity for strict ethics codes and regulations. Some commentators suggest that the myopic focus on petty financial scandals and sexual peccadilloes obscure larger political issues and may contribute to a culture of political assassination.

This class shall review the history of ethics regulation in the U.S. Congress including the emergence of the standing ethics committees. We shall explore the nexus between the various roles of representatives and congressional ethics (e.g. the ethical dilemma posed by constituent service). We shall also consider the politicization of the ethics process and the corresponding efforts to reform the system. In addition, we shall broach conceptual issues, such as the crucial difference between institutional corruption and individual corruption. Individual ethics cases will be used to illustrate concepts and bolster arguments.

REQUIREMENTS

Your grade will be determined by class participation and a final exam

BOOKS

Dennis Thompson *Ethics in Congress*
Susan Tolchin and Martin Tolchin *Glass Houses*

Excerpts from Jennings and Callahan *Representation and Responsibility: Exploring Legislative Ethics*
Excerpts from Congressional Quarterly's *Congressional Ethics: History, Fact, and Controversy*
Other selected readings shall be distributed throughout the course

COURSE OUTLINE

Session 1 & 2

Introduction

- Why legislative ethics? The function of ethics rules in the U.S. Congress
- Theories of political ethics – minimalist, pragmatist, and maximalist
- A Rawlsian experiment – ethics for dummies
- A brief outline of current ethics rules

A Brief History of Congressional Ethics

- The Federalist Papers – the Founders underlying justification for self-regulation
- 19th Century Scandals – Credit Mobiler and votes for sale
- 20th Century Reforms – the dawn of modern congressional ethics regulation

Readings

Ethics in Congress Chapters 1 and 2

Representation and Responsibility Chapters 1, 8 and 9

Executive Summary of House and Senate Ethics

Session 3 & 4

Constituent Service – the pitfalls of special relationships

- The Keating Five – a modern cautionary tale
- Collective Failure and Individual Triumph – how constituents influence public policy
- Congressional Ombudsman – an idea whose time has come?

Fundraising – the nexus of campaign promises and public policy

- Money and outcomes – is there a robust connection
- McCain Feingold – the best Congress could do
- Tom DeLay – skirting an invisible line

Scenario # 1 is discussed.

Readings

Glass Houses Chapter 4

Representation and Responsibility Chapter 3

Ethics in Congress Chapters 4 and 5

Congressional Ethics Chapter 10

Sessions 5 & 6

The Trappings of Office – power, perks, and peril

- Misuse of Privilege and Official Power
- Everybody Does It, So Why Can't We?
- Congressional Oversight – when does a constitutional role become intimidation and abuse?
- Petit Crimes and Grand Consequences

Appropriations and Earmarks

- Gateways to corruption – The Randy “Duke” Cunningham story
- Congressional spending – the ethics conundrum

Sex and Congressional Ethics

- Member Privacy vs. Prurient Public Interest – where should the boundary be drawn?

- The Muddy Waters of Sexual Harassment

Scenario # 2 is discussed

Readings

Glass Houses Chapter 6

Scandal: The Culture of Mistrust in American Politics Chapter 6

Congressional Ethics Chapter 7 and 8

“Dan Rostenkowski goes Down in History” by Peter Carlson *Washington Post Magazine*

Sessions 7 & 8

The Politicization of the Congressional Ethics Process

- Ethics Complaints as Partisan Weapons – the ugly experiences of the 1980s and 1990s
- Damning the Institution While Running for Office – the problem of self enforcement
- Ethics Wars II – ethics as a political weapon in the 109th Congress

Congressional Ethics and the Electoral Connection

- Regulation or the Ballot Box – what works best?
- The Paradox of Rules Proliferation and Diminished Confidence in Government

Readings

“The Politics of Scandal in the House of Representatives” by Doug Lathrop

Glass Houses Chapters 1 and 5

Representation and Responsibility Chapters 2 and 6

Selected news articles

Scenario # 3 is discussed

Sessions 9 & 10

Congressional Ethics and the Media

- Scandal Mongering or Constructive Criticism

Congressional Ethics Committees

- Public Watchdogs and Institutional Shields
- An Idea Who’s Time is Done?

Congressional Ethics Reform & External Investigations

- Challenges to Collective Responsibility
- Partisanship or unbiased justice
- Stress on the ethics process – can it survive?

Readings

Congressional Ethics Chapters 2 and 3

Ethics in Congress Chapter 6

Representation and Responsibility Chapter 10

Selected news articles

Session 11

FINAL EXAM