

# The Graduate School of Political Management

THE GEORGE WASHINGTON UNIVERSITY

## **M.P.S. in Legislative Affairs**

Semester: Fall 2019

Aug 27 to Dec 3, 2019

## **Ethics and Congress**

LGAF 6240.LH3

3 Credits

Syllabus version: 8.x

Syllabus date: 8/19/2019

## **Class sessions**

Tuesday evenings, 6:00 to 8:00 p.m.

Hall of the States

## **BASIC INFORMATION AND RESOURCES**

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### **Instructor - M Robert Carr**

My professional training before turning to teaching in 2012 was as an attorney. Before that, I served 18 years in the US House of Representatives from the State of Michigan. I combine an inside and outside perspective of ethics and Congress. I have served with many who appear in the writings. I have personal knowledge of the situations included in the readings and others to be discussed in class. I hope to bring some interesting details and perspectives to my students. In addition to the four courses I teach throughout the year at GSPM, I am Executive in Residence at Brookings Executive Education (aka WashU@Brookings) where I lead the Legislative Fellows program and lecture and conduct seminars on congressional and White House operations. I am also a Senior Fellow at the UCLA Luskin School of Public Affairs.

### **Contact Information**

Phone Number: +1-202-251-7755 (best to text first)

Email Address: [bcarr@gwu.edu](mailto:bcarr@gwu.edu)

### **Communication**

I may be reached either by text or email. Text messages are usually answered quickly. Emails are answered usually within 24 hours. I use email sorting rules based on the gwu.edu domain name. Please do not use alternate email domain names for critical communication as I may not see them.

### **Office Hours**

I will post to BlackBoard my regular office hours at the GSPM offices. I am available for meetings on Capitol Hill by appointment. Also, I usually attempt to get a bite to eat at the Corner Bakery at 5 p.m. on class days. You are welcome to join me without appointment.

### **Blackboard Site**

A Blackboard course site has been set up for this course. Student are expected to check the site throughout the semester. Blackboard will be the primary venue for outside classroom communications. Students can access the course site at [blackboard.gwu.edu](http://blackboard.gwu.edu). Support for Blackboard is available at 202-994-4948 or [helpdesk.gwu.edu](http://helpdesk.gwu.edu).

### **Academic Integrity**

All members of the university community are expected to exhibit honesty and competence in their academic work. Students have the responsibility to acquaint themselves with, and make use of, all proper procedures for doing research, writing papers, and taking exams. Members of the community are presumed to be familiar with the proper academic procedures and will be held responsible for applying them. Deliberate

failure to act in accordance with such procedures is considered academic dishonesty. Academic dishonesty is defined as “cheating of any kind, including misrepresenting one’s own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information.” Acts of academic dishonesty are a legal, moral, and intellectual offense against the community and will be prosecuted through the proper university channels. The University Code of Academic Integrity can be found at [studentconduct.gwu.edu/code-academic-integrity](http://studentconduct.gwu.edu/code-academic-integrity).

### **Support for Students with Disabilities**

GW’s Disability Support Services (DSS) provides and coordinates accommodations and other services for students with a wide variety of disabilities, as well as those temporarily disabled by injury or illness. Accommodations are available through DSS to facilitate academic access for students with disabilities. If you require accommodations, please notify me by email prior to the first class. Additional information is available at [www.gwu.edu/~dss](http://www.gwu.edu/~dss).

### **In the Event of an Emergency or Crisis during Class**

If we experience some an emergency during class time, we will try to stay at this location until we hear that we can move about safely. If we have to leave here, we will meet at the Senate parking lot directly across the street from the Hall of the States; so that I can account for everyone and to make certain that everyone is safe. Please refer to Campus Advisories for the latest information on the University’s operating status: [www.campusadvisories.gwu.edu/](http://www.campusadvisories.gwu.edu/).

### **Attendance Policy**

Unless otherwise excused in advance, class attendance is mandatory. Punctuality is important as well. So, if your arrival will be delayed, I expect to be notified. Also, I will excuse the occasional early departure. All such notices and requests shall be via text (preferable) or email at least by the day of the class session. Verbal notifications are accepted in addition, but not in substitution, to text or email notifications.

### **Course Evaluation**

At the end of the semester, students will be given the opportunity to evaluate the course through GW’s online course evaluation system. It is very important that you take the time to complete an evaluation. At any time, I encourage feedback from my students. If for any reason students are not comfortable giving feedback to me, the alternative is to provide feedback throughout the course of the semester by contacting any/all of the following:

Dr. Steven Billet  
Director, Legislative Affairs Program  
[sbillet@gwu.edu](mailto:sbillet@gwu.edu) | 202-994-1149

Dr. Jack Prostko  
Associate Dean for Learning and Faculty Development  
College of Professional Studies  
[jackp@gwu.edu](mailto:jackp@gwu.edu) | 202-994-3592

Suzanne Farrand  
Director of Academic Administration, GSPM  
[sfarrand@gwu.edu](mailto:sfarrand@gwu.edu) | 202-994-9309

## **THE COURSE**

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### **Legislative Affairs Program Objectives**

Upon completion of the Master's degree in Legislative Affairs, students will:

1. Gain both theoretical and practical knowledge related to the U.S. Congress, general issues in the legislative arena, and how to effectively advance legislation;
2. Hone their oral and written communication skills in both theoretical and technical aspects of legislative affairs;
3. Be able to conduct cutting-edge research and engage in effective problem solving by learning critical thinking skills;
4. Learn how to work effectively with others, the value of collaborative work, and will understand ethical issues involved in the legislative arena.

### **Course Description and Overview**

The importance of ethics in life seems clear, yet invisible at the same time, like the air we breathe. We generally feel that we conduct ourselves in an ethical manner. And everyday we make ethical decisions, without much mindful thought. Though not as charitable to others or institutions, our general self-respect assumes we are ethical. Ethics is less something we do. Rather it is more something we are. Or is it? Are we as ethical as we assume ourselves to be?

The same is true in social organizations. Groups, whether in commerce, academia or government arrive at a common consensus of ethical behavior, mostly without conscious thought or effort. It is the felt, common need of the group or entity that motivates ethical behavior both for internal cohesion and external acceptance.

The purpose of this course is to bring ethics to the surface and to critically think about it's role in the Congress as a collection of individuals, an institution and in the contextual environment within which both operate.

### **Course Learning Objectives**

The course will be organized around the following objectives, though not necessarily the same linear sequence. As well, the course will be geared to the practical rather than metaphysical aspects of ethics generally or ethics and Congress in particular.

1. A working familiarity with the current ethics rules and systems.
2. A heightened sense for diagnosing ethical situations and dilemmas, both formal and behavioral aspects.
3. A framework for researching and resolving ethical issues.
4. An ability to contemplate ways to improve the ethical environment.

### **Course Requirements**

A standard rubric will be used. It will be discussed and formally set in the first class session. All students will have a clear idea about the specific requirements and acceptable performance standards to work toward targeted goals. The teaching goal will be to accomplish as much of the work to be evaluated in class as possible, readings and writing excepted.

## Evaluation and Grading

Components of final evaluation and grade (each will contribute one-third) are as follows.

1. Class preparation and participation.
2. Writing. Topic selection, outline, draft submission, and final presentation will be a class exercise.
3. One of either the following.
  1. Three or four in-class projects addressing ethical issues.
  2. Final, take-home exam consisting of at least four questions that will require 300 word, analytical answers.

Grades will be computed on a rubric-based, point system using a spreadsheet for computation. Students will be advised of points awarded in arriving at the grades.

### Following is the grade scale for all GSPM classes:

Grade*	Grading Standard
<b>A</b> 94-100	Your work is outstanding and ready for submission in a professional environment. Your material, effort, research, and writing demonstrate superior work.
<b>A-</b> 90-93	Represents solid work with minor errors. Overall, excellent work.
<b>B+</b> 87-89	Very good. Represents well-written material, research, and presentation, but needs some minor work.
<b>B</b> 83-86	Satisfactory work, but needs reworking and more effort. Note that although not a failing grade, at the graduate level, anything below a “B” is viewed as unacceptable.
<b>B-</b> 80-82	You’ve completed the assignment, but you are not meeting all of the requirements.
<b>C+</b> 77-79	Needs improvement in content and in effort. Shows some motivation and concern.
<b>C</b> 73-76	Needs reworking, improved effort, and additional research. Shows minimal motivation and concern.
<b>C-</b> 70-72 (lowest grade to pass)	Poor performance. Major errors, too many misspellings, problems with accuracy, etc.
<b>F</b> Below 70	Unacceptable performance, or inability to submit the assignment.

\* Students that do superior work well above and beyond the basic assignment tend to get A's. Students that just complete the basic assignments tend to get B's. Grades less than a B indicate a need to dramatic improvement and the work falls short of graduate school expectations. Please note that you may be penalized for late submission of assignment(s).

### Required Text and Learning Materials

The following books are to be read in their entirety. I suggest reading Ariely and Thompson first and Tolchin afterwards. Class discussions will center around the course calendar item “reading due today,” but are likely to include additional book content. In other words read beyond just the “reading due today” chapters as quickly as possible.

1. *The Honest Truth About Dishonesty* by Dan Ariely (Harper Collins, 2012) hardcover, paperback or digital approx. \$11.00
2. *Ethics in Congress* by Dennis Thompson (Brookings, 1995) paperback approx \$20.00
3. *Glass Houses: Congressional Ethics and the Politics of Venom* by Susan & Martin Tolchin (Westview Press, 2003) hardcover, paperback or digital approx. \$39.00

4. Other materials to be distributed via Blackboard or otherwise available online.
5. Recommended only, not required:
  - a. *Assholes, a Theory* by Aaron James, (Anchor, 2014) hardcover, paperback or digital approx. \$9.00
  - b. *The Righteous Mind: Why Good People Are Divided By Politics And Religion* by Jonathan Haidt, (Vintage, 2013) hardcover, paperback or digital approx. \$12.00
  - c. *Political Ethics and Public Office* by Dennis Thompson, (Harvard University Press, 1987) various prices.
  - d. *The Power Paradox, How We Gain And Lose Influence* by Dacher Keltner, (Penguin, 2017) hardcover, paperback or digital approx. \$11.00

### **Tentative Course Calendar**

I reserve the right to alter course content and/or adjust the pace to accommodate class progress. Students are responsible for keeping up with all adjustments to the course calendar. When I make changes, I will notify the class via Blackboard announcements. I will also update this syllabus by posting the most current version on Blackboard. Pay attention to version numbers starting with version 7.0. As the course progresses, you will likely see versions such as 7.0.1 (for minor syntax changes) to versions 7.2 etc. (for significant content changes). Part of the reason is that scheduling guest speakers to fit the arch of the topical outline is sometimes difficult. As a result the topical order may have to be switched to fit the availability of the speakers.

Additionally, and somewhat sadly, there are topical current events that beg to be discussed. And unfortunately members of Congress are unlikely to commit transgressions to suit the timing of this syllabus!

**I can almost guarantee that the schedule will change, particularly toward the final weeks. So be warned to stay on top of it by reading announcements and looking at subsequent versions of the syllabus.**

### **PRIOR TO THE FIRST CLASS:**

1. Please submit your most recent résumé (that you have on hand - not one you make or update) via email to [bcarr@gwu.edu](mailto:bcarr@gwu.edu). I like to know a little background on my students prior to starting class.
2. Please send me a text to 202-251-7755 stating your name so that I can add your mobile number to the contact file I have already made for you. Be sure to use the first (or nickname) you'd like me to use when addressing you. Some of our communications during the semester will be via text.

### **Week 1 - Aug. 27, 2019 - Survey, course administration and content overview.**

Learning objectives: Lay the foundation for the conduct of the course and to begin familiarization of the topic and the course of study.

Readings: The entire, most current syllabus and rubric (posted to Blackboard).

GW web site: [The Code of Academic Integrity](#).

Online reference resources for the US [House](#) and [Senate](#) Ethics Committees.

Paper: Discussion of the requirement.

### **Week 2 - Sep. 3, 2019 - The House and Senate standards of conduct; overview.**

Learning objectives: Gain a working familiarity with the House and Senate codes of conduct and the black-letter rules as they are currently applied.

Readings:

Review and be prepared to discuss the following.

[Rules of the Committee on Ethics](#) (House).

[Highlights of the House Ethics Rules](#) (1915)

[Overview of the Senate Code of Conduct](#) (2016)

Paper: Begin topic selection for paper.

Discussion

### **Week 3 - Sep. 10, 2019 - The legal standards of conduct.**

Learning Objectives: Grasp the legal framework for addressing ethical dilemmas and how they are treated in the Congress and the Department of Justice, and also the distinctions between unlawful and unethical conduct and their enforcement.

Readings: Ethics in Government Act of 1978

Guest Speaker: Special Agent Tim Thibault, FBI/DOJ) (Tentative)

Paper: Preliminary topic selection for paper.

### **Week 4 - Sep. 17, 2019 - The House and Senate Ethics Rules**

Readings:

In-class project #1: We will divide up into groups. A fact situation will be announced and you will consult with one another, look up materials, and report a decision. This, first, project is low on the scale of difficulty and should not take too much time.

Paper: Final topic selection for paper.

### **Week 5 - Sep 24, 2019 - Enforcement in the Senate**

Learning objectives: Gain an in-depth familiarity with the organization and operation of the Senate Select Committee on Ethics, and to further understanding of the nuances of differences between the House and Senate committees and their operations.

Readings:

The House's Ethics Lesson for the Senate, Editorial, New York Times, (10/19/2014) at <http://nyti.ms/1t17F0D>  
Tolchin, *Glass Houses*,

Chapter 3, Joe McCarthy and the Ethics Process.

Chapters 9 to 10. Review of past readings with particular attention to the enforcement function.

Guest speaker: Ms. Deborah Sue Mayer, Chief Counsel and Staff Director, Senate Select Committee on Ethics). (Tentative)

Paper: Questions and answers, if any.

### **Week 6 - Oct. 1, 2019 - Enforcement in the House of Representatives**

Learning objectives: identify the functions and processes that the committees of Congress, including the Office of Congressional Ethics play in the enforcement of Congressional ethics standards and rules.

Readings:

Office of Congressional Ethics procedures <https://oce.house.gov/learn/process/>

Report, Public Citizen, "The Case for Independent Ethics Agencies" at [http://www.citizen.org/documents/OCE\\_Briefer.pdf](http://www.citizen.org/documents/OCE_Briefer.pdf)

Thompson, *Ethics in Congress*

Chapter 3, Gains of Office

Chapter 6, Tribunals of Legislative Ethics

Guest speaker: Mr. Bill Cable, Office of Congressional Ethics (OCE) (Tentative).

Paper: Submit outline/synopsis of paper.

### **Week 7 - Oct. 8, 2019 - The STOCK Act of 2012**

Readings:

CRS Report on The STOCK Act of 2012 <https://fas.org/sgp/crs/misc/R42495.pdf>

Senate Select Committee on Ethics. <https://www.ethics.senate.gov/public/index.cfm/stock-act>

ProCon.org. <https://insidertrading.procon.org> and <https://insidertrading.procon.org/view.resource.php?resourceID=004520>

Ariely, *The (Honest) Truth About Dishonesty*, Chapters 7 to 10.

Tolchin, *Glass Houses*, Chapter 7 & 8.

House and Senate ethics "highlights" and the respective ethics manuals..

Guest speaker: (Confirmed) [Hon. Brian Baird](#), PhD (D-WA, 1999 - 2011) and author of the STOCK Act.)

Discussion

Paper: report progress on paper

### **Week 8 - Oct. 15, 2019 - Congressional ethics in relation to campaigns; weaponization of ethics**

Learning objective: to understand how institutional ethics become embroiled in campaigns and political battles for power and control and to identify the motives for ethical complaints. In particular, identifying a political characteristic known as the "weaponization" of ethics charges, where the motive overwhelms the charge or the facts.

Readings:

Tolchin, *Glass Houses*,

Chapter 1, The Ethics Wars

Chapter 5, The New Rules of the Ethics Wars

Chapter 10, The Politics of Venom

Paper: Expect to report on progress of papers.

### **Week 9 - Oct. 29, 2019 - Ethics in constituent relations.**

Learning objectives: identifying the role of a member of Congress in the area of service to individual constituents (including corporate entities) and the special difficulties it poses to ethical considerations.

Readings: Tolchin, *Glass Houses*, Chapter 4.

Thompson, *Ethics in Congress*, Chapter 4.

Fred Bernstein, "A Congress for the Many, or the Few?" (New York Times, Sep. 8, 2012) <http://nyti.ms/1vJqDZ9> and the letters to the editor on this piece Sep. 14, 2012 <http://nyti.ms/1uulwMa>

### **Week 10 - Nov. 5, 2019 - Role of the media and watchdog groups**

Learning objectives: to understand the roles that the media and government watchdog groups play in the enforcement of Congressional ethics.

Readings:

Politico articles by Maggie Severns: [Reckless Stock trading... \(5/14/2017\)](#), [Congressional aids risk... \(9/25/2017\)](#).

Watchdog groups. home pages: [Citizens for Responsibility and Ethics in Washington](#), [Common Cause](#), and [Judicial Watch](#).

Watchdog groups Wikipedia pages: [Citizens for Responsibility and Ethics in Washington](#), [Common Cause](#), [Judicial Watch](#).

Discussion

Paper: Expect to report on progress of papers.

### **Week 11 - Nov. 12, 2019 - Ethics and hospitality, travel and gifts. Ethics in relationships: business, family, and other.**

Learning objectives: to understand the individual and institutional dilemmas posed when the ordinary relational transactions between people becomes inappropriate and to understand the role these play in the proper operation of the House and Senate.

Readings:

CNN overview of Menendez case: <http://www.cnn.com/2017/09/05/politics/bob-menendez-salomon-melgen-trial-preview/index.html>

LA Times report on Leader McCarthy's family: <http://www.latimes.com/local/california/la-na-pol-mccarthy-contracts-20181014-story.html>

<http://ethics.house.gov> and <http://www.ethics.senate.gov/public/index.cfm/> noting those parts of the respective web sites that deal with hospitality, travel and gifts.

Tolchin, *Glass Houses*, Chapter 6 & 7.

Thompson, *Ethics in Congress*, Chapter 5.

Guest Speaker: Hon. Nancy Johnson (R-CT) (Tentative)

Paper: At this point the writing of your paper should be well underway.

### **Week 12 - Nov. 19, 2019 - A different, insider perspective on congressional ethics**



Readings: OCE Report (# 14-1891 - Hon. Tim Petri)

Guest speaker: [Hon. Tom “Tim” Petri](#) (R-WI-6, 1979-2015), member of the House Committee on Ethics from 1987-1991 (100th - 101st Congresses)).

Paper progress: Papers should be nearing completion. Please complete in plenty of time to give your paper a thorough proof-reading. Failure to do so may lower your score.

**Papers are due COB Friday, Nov. 23rd.** Please submit your paper as a DOC (DOCX) file to me via email. If and only if, I am notified in advance of the dead line above, you will be given an automatic extension to submit your paper until COB Monday, Nov. 26th. Papers received by the initial deadline will be posted on on Blackboard on Saturday, Nov. 24th (or if you elected to delay, Tuesday Nov 27th). You will be assigned a classmate’s paper to read and prepare. You will lead the discussion of that paper after its presentation next week. A list of paper assignments will be posted at the same time so you’ll know which paper you must read. It is recommended that you read others as well. **Requests for extensions received later than COB, Friday, Nov. 23rd for an extension beyond COB, Monday, Nov 26th will only be granted for well documented cause.**

### **Week 13 - Nov. 26, 2019 - Ethics regarding personal relationships: business, family, and other.**

Learning objectives: Learning objectives: Members of Congress come into office with a myriad of personal relationships in family, business, and community. While in Congress they make more. We want to discover the ethical constraints on these special relationships.

Readings:

<http://ethics.house.gov> and <http://www.ethics.senate.gov/public/index.cfm/> noting those parts of the respective web sites that deal with proper treatment of family and business relations.  
[The Charlotte Observer. October 4, 2015. “Rep. Robert Pittenger still involved in land business ...”.](#)

### **Week 14 - Dec. 3, 2019 - Presentation of papers and discussion.**

Each assigned class member will give an 5 minute oral summary of their paper to be followed by 10 minutes for questions and discussion to be lead by another assigned class member. Note: it will be difficult to keep strictly within these time limits and as a result this session will go longer than the usual two hours.

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### **Copyright Statement**

*Unless explicitly allowed by the instructor, course materials, class discussions, guest presentations, and examinations are created for and expected to be used by class participants only. The recording and rebroadcasting of such material, by any means, is forbidden.*