

The Graduate School
of Political Management

THE GEORGE WASHINGTON UNIVERSITY

M.P.S. in Legislative Affairs

Semester: Fall 2020
Aug 27 to Dec 8, 2020

Ethics and Congress

LGAF 6240.LH3
3 Credits

Class sessions
Tuesday evenings, 6:00 to 8:00 p.m.
<https://gwu.webex.com/meet/bcarr>

BASIC INFORMATION AND RESOURCES

Instructor - M Robert Carr

My professional training before turning to teach in 2012 was as an attorney. Before that, I served 18 years in the US House of Representatives from the State of Michigan, where I also served as an Assistant Attorney General. 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 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 Wash U at Brookings (aka Brookings Executive Education where I co-lead the LEGIS 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

Communication

Text messages to me get answered quickly. I try to answer all emails within 24 hours. My automatic email sorting rules use the gwu.edu domain name. Please use only your gwu.edu domain email for communication with me, as I may not see other email domains that you may also apply.

Blackboard and Webex

A Blackboard website for this course will be available one week before the first class session. Students will regularly check the site throughout the semester. Blackboard will be the primary outside-the-classroom communications such as announcements, extra materials, and essential updates, e.g., this syllabus. Students can access the course site at blackboard.gwu.edu. Blackboard Support is available at 202-994-4948 or helpdesk.gwu.edu.

Virtual class sessions will use Cisco's WebEx, rather than Blackboard Collaborate. Students will find information about Webex on this GW IT page, it.gwu.edu/webex-students. Before the first class session, students must first download the Webex Meetings application here gwstudent.webex.com/webappng/sites/gwstudent/dashboard.

Academic Integrity

All members of the university community must exhibit honesty and competence in their academic work. Students have a responsibility to acquaint themselves with and use all proper procedures for doing research, writing papers, and taking exams. Members of the community are presumed to be familiar with the appropriate academic procedures and held responsible for applying them. Deliberate failure to act under such processes is considered academic dishonesty. Academic dishonesty is "cheating of any kind, including misrepresenting one's work, taking credit for others' work 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 that will result in prosecution through the proper university channels. The full University Code of Academic Integrity is here studentconduct.gwu.edu/code-academic-integrity.

University Policy on Observance of Religious Holidays

- Students should notify faculty during the first week of the semester of their intention to be absent from class on their day(s) of religious observance.
- Faculty should extend to these students the courtesy of absence without penalty on such occasions, including permission to make up examinations.
- Faculty who intend to observe a religious holiday should arrange at the beginning of the semester to reschedule missed classes or to make other provisions for their course-related activities

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 and 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 before the first class. Additional information is available at <https://disabilitysupport.gwu.edu>.

Title IX: Confidentiality and Responsible Employee Statement

The George Washington University (GWU) and its faculty are committed to helping create a safe and open learning environment for all students. If you (or someone you know) have experienced any form of sexual misconduct, including sexual assault, dating or domestic violence, or stalking, know that help and support are available. GWU strongly encourages all members of the community to take action, seek support and report incidents of sexual misconduct to the Title IX Office. Please be aware that under Title IX of the Education Amendments of 1972, faculty members are required to disclose information about such misconduct to the Title IX Office.

If you wish to speak to a confidential employee who does not have this reporting responsibility, you can contact Mental Health Services through Colonial Health (counselors are available 24/7 at 202-994-5300 or you can make an appointment to see a counselor in person.). For more information about reporting options and resources at GWU and the community, please visit <https://haven.gwu.edu/>.

Attendance Policy

Unless otherwise excused in advance, class attendance is mandatory. Punctuality (within a few minutes of starting time) is essential, as well. If you plan to arrive late, I expect prior notification via text. I will also excuse the occasional early departure so long as I have previous information about your plans.

Out-of-Class and Independent Learning Expectation

Over the course of the semester, students will spend at least 2 hours (100 minutes) per week in class. Required reading for the class meetings and written response papers or projects are expected to take up, on average, 7 hours (350 minutes) per week. Over the course of the semester, students will spend 25 hours in instructional time and 87.5 hours preparing for class.

Course Evaluation

At the end of the semester, GW's online course evaluation will be available. Then you will have the opportunity to evaluate this course. You must take the time to complete the evaluation. Students are also encouraged to provide feedback throughout the semester by contacting any or all of the following.

Dr. Casey Burgat PhD Director, Legislative Affairs Program cburgat@gwu.edu 202-994-6000	Suzanne Farrand Director of Academic Administration, GSPM sfarrand@gwu.edu 202-994-9309
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THE COURSE

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 ethically conduct ourselves. And every day, 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. Instead, 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. Whether in commerce, academia, or government, groups arrive at a common consensus of ethical behavior, mostly without conscious thought or effort. The felt common need of the group or entity motivates ethical behavior both for internal cohesion and external acceptance.

The purpose of this course is to bring ethics to the surface. We want to think critically about its role in Congress both as a collection of individuals, an institution, and 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. The course will also focus on the practical rather than metaphysical aspects of ethics generally.

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

In addition to attendance at weekly class sessions, participate in discussions on topics and readings assigned, students must research, write, and present a paper as a principal semester project. Also, there will be a limited number of in-class discussion projects that will require written submissions of a short length and based upon those discussions.

Evaluation and Grading

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

1. Class attendance, preparation, and quality of discussion participation.
2. Written paper including topic selection, outline, draft submission, and final presentation.
3. Write-ups of in-class projects addressing ethical issues.

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

* Students that do superior work well above and beyond the primary assignment tend to get A’s. Students that complete the minimum necessary tasks tend to get B’s. Grades less than a B indicate a need for dramatic improvement, and the work falls short of graduate school expectations. Please note that the late submission of assignments may result in a penalty.

Required Text and Learning Materials

The following books are required reading. Read Ariely and Thompson first and Tolchin afterward. Class discussions will center around the “reading due today” item. Discussions 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.

Recommended, but not required:

1. *Assholes, a Theory* by Aaron James, (Anchor, 2014.) hardcover, audio, or digital approx. \$9-16.00.
2. *The Righteous Mind: Why Good People Are Divided By Politics And Religion* by Jonathan Haidt, (Vintage, 2013). paperback, audio, or digital approx. \$7-14.00.
3. *Political Ethics and Public Office* by Dennis Thompson, (Harvard University Press, 1987). various prices.
4. *The Power Paradox, How We Gain And Lose Influence* by Dacher Keltner, (Penguin, 2017). hardcover, audio, or digital approx. \$7-12.00.
5. *Justice, What’s The Right Thing To Do?* By Michael J. Sandel, (Farrar, Straus, and Giroux, 2009). paperback, audio, or digital. \$11-\$24.00.
6. *Burning Down the House, Newt Gingrich, The Fall of a Speaker, and the Rise of the New Republican Party* by Julian Zelizer, (Penguin, 2020). hardcover, digital, and audio. approx. \$16-28.00.

This syllabus course calendar is tentative. Do not rely on it solely. Instead, each week (usually on Friday), you will receive a Blackboard announcement for the next class session. If such an announcement is not posted, the description in this syllabus course calendar is the default.

I reserve the right to alter course content and 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 9.0. As the course progresses, you will likely see versions such as 9.0.1 (for minor syntax changes) to versions 9.2, etc. (for significant content changes). Part of the reason is that scheduling guest speakers to fit the topical outline is sometimes tricky. As a result, the thematic order changes to suit the speakers' availability.

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

I guarantee that the course schedule will change, particularly toward the final weeks. So be warned. Stay current 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. I like to know a little background on my students prior to starting class.
2. Please send a text to me (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 - Sep. 1, 2020 - Survey, course administration and content overview.

Learning objective: 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.

Ariely, *The (Honest) Truth About Dishonesty*, Chapters 1, 2, & 3

Paper: Discussion of the requirement.

Week 2 - Sep. 8, 2020 - The House and Senate standards of conduct; overview.

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

Readings:

Ariely, *The (Honest) Truth About Dishonesty*, Chapters 7, 8, 9, & 10

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

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

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

Paper: Preliminary topic selection for paper.

Week 3 - Sep. 15, 2020 - Criminal standards of conduct, Part 1

Learning Objective: Grasp the legal framework for addressing ethical dilemmas and how they are treated between 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

Hobbs Act of 1946

[William J. Jefferson corruption case](#)

Guest Speaker: Tim Thibault, FBI (invited)

Paper: Begin topic selection for paper.

Week 4 - Sep. 22, 2020 - Criminal standards of conduct, Part 2, The Stock Act of 2012

Learning Objective: Gain a recognition of the boundaries between personal financial advantage and the public duty to represent.

Readings:

The Stock Act of 2012

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>

CBS 60 Minutes, Nov 13, 2011, <https://bit.ly/2XFxdFB>

Guest Speaker: FMC Brian Baird PhD (D-Wash.), author of The Stock Act. (Confirmed)

Paper: Report progress

Week 5 - Sep. 29, 2020 - Enforcement in the House of Representatives.

Learning objective: 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:

Report, Public Citizen, "The Case for Independent Ethics Agencies" at <https://bit.ly/3fzV6EF>

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) (invited).

Paper: Final topic selection for paper.

Week 6 - Oct. 6, 2020 - Enforcement in the Senate

Learning objective: 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>
The Case for Independent Ethics Agencies, Public Citizen, (October 2014) at https://www.citizen.org/wp-content/uploads/oce_briefer.pdf

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

Paper: Questions and answers, if any.

Week 7 - Oct. 6, 2020 - History of congressional ethics standards, et al.

Learning objective: Appreciate how the formalization of standards of conduct evolved and began to be implemented.

Readings:

Thompson, Ethics in Congress Introduction, Chapters 1 and 2.
Tolchin, *Glass Houses*, Chapter 3, 7, 8, and 9.

In-class project #1: The class will divide into groups. A fact situation will appear on Blackboard. The group will caucus, look up materials, and report a decision. This project is low on the scale of difficulty and should not take too much time. Follow the included Blackboard instructions for submission of individual opinions.

Paper: Submit outline/synopsis of paper (optional).

Week 8 - Oct. 20, 2020 - 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.

In-class project #2: The class will divide into groups. A fact situation will appear on Blackboard. The group will caucus, look up materials, and report a decision. This project is medium on the scale of difficulty and should not take too much time. Follow the included Blackboard instructions for submission of individual opinions.

Readings:

Tolchin, *Glass Houses*, Chapters, 1, 5, and 10

Paper: Expect to report on progress of papers.

Week 9 - Oct. 27, 2020 - A different, insider perspective on congressional ethics.

Learning Objectives: Gain the perspective of members of Congress who are critical of the OCE, two-step process and some of the complexities of compliance in that environment.

Readings:

OCE Report # 14-1891 - Hon. Tim Petri

Committee on Ethics Report 113-666 - 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)). (Invited)

Week 10 - Nov. 3, 2020 - 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.

In-class project #3: The class will divide into groups. A fact situation will appear on Blackboard. The group will caucus, look up materials, and report a decision. This project is medium on the scale of difficulty and should not take too much time. Follow the included Blackboard instructions for submission of individual opinions.

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>.

Paper: Expect to report on progress of papers.

Week 11 - Nov. 10, 2020 - 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.

Ethics Committee Report on the matter of Ed Whitfield (R-KY). Please, at least skim it. To make that easier, here are two items from the Kentucky Center for Investigative Reporting that summarize the Whitfield matter. <http://bit.ly/2NAJG91> and <http://bit.ly/32FqOd8>

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

Thompson, *Ethics in Congress*, Chapter 5.

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

Week 12 - Nov. 17, 2020 - A different, insider perspective on congressional ethics.

Learning objective: To appreciate the differing perspectives, both insider and outsider, on congressional ethics dilemmas and processes.

Guest Speaker: TBD

In-class project #4: The class will divide into groups. A fact situation will appear on Blackboard. The group will caucus, look up materials, and report a decision. This project is high on the scale of difficulty and should not take too much time. Follow the included Blackboard instructions for submission of individual opinions.

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 Monday, Nov. 23rd. Please submit your paper as a DOC (DOCX) file to me via email.

Week 13 - Nov. 24, 2020 - 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. 1, 2020 - Presentation of papers and discussion.

Each class member will give an 5-10 minute oral summary of their paper. Another class member will be assigned to read a designated paper and lead the discussion of the paper. Note: it may be difficult to keep strictly within these time limits and as a result this session will go longer than the usual two hours.

Week 15 - Dec. 8, 2020 - Wrap-up, Summary, and Conclusion.

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.