

The Graduate School of Political Management

THE GEORGE WASHINGTON UNIVERSITY

M.P.S. in Legislative Affairs

Fall 2021

August 30, 2021/December 6, 2021

Course Name

Congressional Oversight

LGAF 6240-LH1

Class Day/Time Monday 6-8 pm

Class Location

BASIC INFORMATION AND RESOURCES

Instructor

Michael Stern

Contact Information

Cell: 703-786-7581

Email Address: stern8529@verizon.net

Communication

My preference is for communication by email, which I will endeavor to respond to within 24 hours. For more urgent communications, texting or calling is fine (within reason).

Blackboard Site

A Blackboard course site has been set up for this course. Each student is expected to check the site throughout the semester, as Blackboard will be the primary venue for outside classroom communications between the instructors and the students. Students can access the course site at <https://blackboard.gwu.edu>. Support for Blackboard is available at 202-994-4948 or helpdesk.gwu.edu.

Academic Integrity

All members of the university community are expected to exhibit honesty and competence in their academic work. Students have a special responsibility to acquaint themselves with, and make use of, all proper procedures for doing research, writing papers, and taking exams. Members of the community will be 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 will be 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 <http://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, as well as those temporarily disabled by injury or illness. Accommodations are available through DSS to facilitate academic access for students with disabilities. Please notify your instructor if you require accommodations. Additional information is available at <http://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/>.

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 **[fill in proximate location]** in order to 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: <http://www.campusadvisories.gwu.edu/>.

Attendance Policy

Class attendance is expected in accordance with university policy. Unexcused absences will result in docking of points for the attendance and participation part of your grade.

Out-of-Class/ 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, 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. Students are also encouraged to provide feedback throughout the course of the semester by contacting any/all of the following:

Dr. Casey Burgat
Director, Legislative Affairs Program
cburgat@gwu.edu | 202-994-6000

Suzanne Farrand
Director of Academic Administration, GSPM
sfarrand@gwu.edu | 202-994-9309

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.

Graduate School Expectations

Students enrolled in a graduate program should take their academic responsibilities seriously and be prepared to meet the following expectations:

1. Utilize effective time management skills so as to complete and submit their assignments on their required due dates and times.
2. Have attained a mastery of written communication skills including proper sentence structure, grammar, spelling, and word usage.
3. Understand how to properly format in-text citations and references for resources and information integrated into their written assignments.

Course Description and Overview

This course will cover the historical origins and constitutional foundations of Congress's oversight and investigatory powers, the purposes of oversight, major historical investigations and the lessons to be learned from them, and the development of congressional rules and practices regarding oversight. Students will learn how to use Congress's formal tools of investigation, how to plan and conduct oversight investigations and hearings, how to analyze common informational disputes with the executive branch and private parties, and how to leverage internal and external resources to enhance the effectiveness of congressional information-gathering.

Course Learning Objectives

1. Understand constitutional and statutory framework of oversight
2. Understand different types of oversight and metrics for evaluating success
3. Learn how to navigate congressional rules and procedures relating to oversight and what resources are available to congressional staff and others involved in oversight
4. Learn best (and worst) congressional practices in conducting investigations and oversight hearings

Course Requirements

Evaluation and Grading

Assignment	Learning Objective(s) Addressed	Due Date	Weight
Class Assignments		See classes below	30%
Group Exercises		TBD	20%
Final Paper		12/6/21	20%
Attendance and Participation			30%
Total			100%

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. Note that 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 (lowest grade to pass)	Poor performance. Major errors, too many misspellings, problems with accuracy, etc.
F	Below 70	Unacceptable performance, or inability to submit the assignment.

*Please note that you may be penalized for late submission of assignment(s).

Required Text and Learning Materials

Mort Rosenberg, [When Congress Comes Calling: A Study on the Principles, Practices, and Pragmatics of Legislative Inquiry](#) (2017)

CRS, [Congressional Oversight Manual](#) (updated Mar. 31, 2021)

Project on Government Oversight, [The Art of Congressional Oversight](#) (sec. ed. 2015)

General Reference Materials

Partnership for Public Service, [Congressional Oversight](#)

U.S. House of Representatives, [Committee Repository](#)

U.S. Senate, [Hearings and Meetings](#)

Brookings Report, Divided Government, [Disruptive President: Congressional Oversight of the Executive Branch in the 116th Congress](#)

OMB, [USA Spending](#)

[Council of the Inspector Generals on Integrity and Efficiency](#)

[Guide to House Procedural Rules on Oversight](#)

Tentative Course Calendar*

*The instructor reserves 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.

Class Date 8/30/21

Week 1

Topic and Content Covered: Introduction to Oversight

Learning Objective(s) Addressed: Definition of Oversight; purpose of oversight; types of oversight

Reading Due Today:

Mort Rosenberg, When Congress Comes Calling 5-12;

CRS Oversight Manual (Mar. 31, 2021) 2-6;

McCubbins & Schwartz, Congressional Oversight Overlooked: Police Patrols Versus Fire Alarms, 28 Am. J. Pol. Sci. 165-69 (1984);

Josh Chafetz, Congressional Overspeech, 89 Fordham L. Rev. 529, 530-36, 548-51 (2020).

Assignment(s) Due Today:

Class Date 9/13/21

Week 2

Topic and Content Covered: Constitutional Foundations of Oversight

Learning Objective(s) Addressed: Constitutional foundations of oversight; scope and limits of the oversight and investigatory powers

Reading Due Today:

Mort Rosenberg, When Congress Comes Calling 13-15;

Landis, Constitutional Limitations on the Congressional Power of Investigation, 40 Harv. L. Rev. 153, 159-64 (Parliament), 165-68 (colonies and early state legislatures);

House of Commons Committee on Privileges, Select Committees and Contempts (First Report of Session 2019-21) 3-9;

Carl Beck, Contempt of Congress 1-12 (1959);

Telford Taylor, Grand Inquests 58-60, 79-88 (1955).

Assignment(s) Due Today: **Committee Oversight Webpage Review**

Class Date 9/20/21

Week 3

Topic and Content Covered: History of Oversight

Learning Objective(s) Addressed: Discuss major investigations in US history

Reading Due Today:

Telford Taylor, Grand Inquests 17-29 (St Clair investigation);

II Congress Investigates 209-24 (Covode);

Taylor 60-70 (Money Trust/Pujo);

Beck, Contempt of Congress 12-15, 41-43, 112-14 (HUAC);

Mark Rozell, Executive Privilege 62-82 (Watergate);

When Congress Comes Calling 275-86 (Iran Contra);

Louis Fisher, Politics of Executive Privilege, 64-67, 102-06, 130-34, 203-08, 211-22
(Clinton/Whitewater)

Assignment(s) Due Today:

Class Date 9/27/21

Week 4

Topic and Content Covered: Formal tools of oversight and investigation

Learning Objective(s) Addressed: Subpoenas; depositions; grants of immunity; penalties for contempt/perjury/false statements/obstruction; letters rogatory

Reading Due Today:

Congressional Oversight Manual 41-56;

George Van Cleve & Charles Tiefer, Navigating the Shoals of Use Immunity and Secret International Enterprises in Major Congressional Investigations: Lessons of the Iran-Contra Affair, 55 Mo. L. Rev. 43-44, 71-80, 57-66 (1990)

Assignment(s) Due Today: **Memorandum to Chair re Issuance of a Subpoena**

Class Date 10/4/21

Week 5

Topic and Content Covered: Congressional Organization and Oversight of the Administrative State

Learning Objective(s) Addressed: Legislative Reorganization Act of 1946; Legislative Reorganization Act of 1970; statutes and rules governing oversight; committee jurisdiction; oversight through legislative and appropriations processes; Congressional Review Act

Reading Due Today:

Joseph Postell, The Decision of 1946: The Legislative Reorganization Act and the Administrative Procedure Act 1-6, 19-28;

When Congress Comes Calling 6-9, 165-180;

Congressional Oversight Manual 6-17, 39-41.

Assignment(s) Due Today:

Class Date 10/11/21

Week 6

Topic and Content Covered: Developing and executing an oversight plan

Learning Objective(s) Addressed: what gets on an oversight agenda; scoping an oversight plan; measuring the effectiveness of oversight.

Reading Due Today:

Congressional Oversight Manual 17-20;

Joel Auerbach, Keeping a Watchful Eye: The Politics of Congressional Oversight 105-29 (2001);

Carl Levin and Elise Bean, Defining Congressional Oversight and Measuring its Effectiveness, 64 Wayne L. Rev. 1, 9-11, 17-22 (2018).

Assignment(s) Due Today: **Oversight Plan for Department/Agency**

Class Date 10/18/21

Week 7

Topic and Content Covered: Conducting hearings

Learning Objective(s) Addressed: legislative versus investigative hearings; hearing rules; questioning witnesses; remote hearings

Reading Due Today:

When Congress Comes Calling 36-38;

House Rule XI;

Senate Rule XXVI;

Remote Committee Proceedings Regulations Pursuant to House Resolution 8

Assignment(s) Due Today:

Class Date 10/25/21

Week 8

Topic and Content Covered: Conflicts with the Executive

Learning Objective(s) Addressed: the president's authority to control information; executive privilege; absolute immunity; national security and classified information; law enforcement

Reading Due Today:

Louis Fisher, The Politics of Executive Privilege 3-5, 229-40, 245-56, 257-59;

Douglas Kriner & Eric Schickler, Congressional Checks on Presidential Power 244-58 (2016)

Assignment(s) Due Today: **Strategy Memo re Information Conflict with Agency**

Class Date 11/1/21

Week 9

Topic and Content Covered: Contemporary Case Studies (Trump Impeachments and 1/6 select committee)

Learning Objective(s) Addressed: interplay between impeachment and oversight; consider these case studies based on what we have studied; evaluate interests and objectives from the perspective of different actors.

Reading Due Today:

Office of Legal Counsel, House Committees' Authority to Investigate for Impeachment 12-16 (Jan. 19, 2020);

Impeachment Trial Memorandum of President Donald J. Trump 37-46 (Jan. 20, 2020);

Impeachment Reply Memorandum of the House Managers 20-25 (Jan. 21, 2020);

Trump v. Mazars (July 9, 2020 US S.Ct) 1-2, 11-20 (majority opinion), 3-5 (Thomas dissent)

Assignment(s) Due Today:

Class Date 11/8/21

Week 10

Topic and Content Covered: The Role of the Press and Social Media

Learning Objective(s) Addressed: dealing with the press in congressional investigations; rules regarding disclosure of information and use of social media.

Reading Due Today:

Project on Government Oversight, The Art of Congressional Oversight 15-22, 35-36, 43-47, 49-59

Assignment(s) Due Today:

Class Date 11/15/21

Week 11

Topic and Content Covered: Oversight Assistance and Information

Learning Objective(s) Addressed: Executive reporting requirements; inspectors general; whistleblowers; constituent/interest groups; FOIA; legislative support agencies and offices

Reading Due Today:

Congressional Oversight Manual 88-91, 101-06;

When Congress Comes Calling 104-113

POGO, The Art of Congressional Oversight 25-32

Assignment(s) Due Today:

Class Date 11/22/21

Week 12

Topic and Content Covered: Using Oversight to Influence Legislation and Policy

Learning Objective(s) Addressed: Oversight reports; drafting legislation to address identified issues; statutory reporting and follow up

Reading Due Today: Elise Bean, Financial Exposure: Carl Levin’s Senate Investigations into Finance and Tax Abuse 47-82, 235-242, 282-83 (2018); When Congress Comes Calling 219-233, 313-17.

Assignment(s) Due Today: Legislative Drafting Exercise

Class Date 11/29/21

Week 13

Topic and Content Covered:

Learning Objective(s) Addressed:

Reading Due Today:

Assignment(s) Due Today:

Class Date 12/6/21

Week 14

Topic and Content Covered:

Learning Objective(s) Addressed:

Reading Due Today:

Assignment(s) Due Today:

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