

**The Graduate School
of Political Management**

THE GEORGE WASHINGTON UNIVERSITY

M.P.S. in Legislative Affairs

1st Summer Session

May 19 thru June 25, 2020

Executive-Legislative Relations

LGAF 6203.LH

3 Credits

Tuesdays & Thursdays, 6 p.m. – 8 p.m.

Live Online Instruction – Blackboard

Collaborate

Instructor

Jeff Lane

Phone Number: cell (703) 217-1554

Email Address: lanej@gwu.edu

Contacting Me

You should feel free to contact me by email, and I will make every effort to respond to you within 24 hours. If the question or concern is more urgent, you may call or text me on my cell phone. I will announce office hours when I will be available via Blackboard Collaborate for one-on-one meetings, or we can set up another mutually convenient time. I will typically communicate with you by email or through a Blackboard announcement.

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 understand ethical issues involved in the legislative arena.

Course Description and Overview

The goal of the course is to examine the shared-power arrangement of the executive and legislative branches, the patterns and conditions that make for cooperation and conflict, the means each branch employs to shape public policy outcomes, and the dynamics of the

relationship that make the policymaking process increasingly complex. This course examines the relationship between the two branches from a practical standpoint. Course readings, lectures, class discussions, and presentations by guest lecturers will reflect that focus.

Course Learning Objectives

1. Analyze key factors that influence the legislative-executive branch relationship in the federal policymaking process.
2. Understand each branch's powers and how they have evolved over time.
3. Explain the complex federal policymaking process and be able to assess the performance of key institutional and political participants.
4. Learn strategic and tactical skills for successfully navigating the federal policymaking process.

Course Expectations and Requirements

The Executive-Legislative Relations course is designed as a graduate-level, instructor-facilitated seminar. The course combines lectures and discussions, using course readings, historical case studies and contemporary news developments as catalysts for covering seminar topics. You will write two exams -- a midterm and a final -- and one research paper. Students will be expected to attend each online class and be prepared to participate in class discussions regarding the assigned readings and relevant current events.

Class Attendance: Class attendance is required, and your engagement and participation are important. Any absences will result in a reduction in your participation grade unless you contact me before class and the circumstances warrant an excused absence. Please make every effort to join our online class session on time. There will be a 5-minute break at roughly the mid-point of each class session, so please do not "leave" the session while it is ongoing.

Research Paper Assignment: You will write a research paper 10 to 12 pages in length (2,500-3,000 words, double-spaced, 12 pt font, excluding tables and figures). The paper should examine a significant aspect of the relationship between the legislative and executive branches. You will submit your topic along with a short outline to me for approval and feedback. The research paper will count for 25 percent of your grade. ([See Research Paper Background Memo link on Blackboard for more information](#)).

Midterm and Final Exams: You will take a mid-term exam covering the material from the first half of the semester, and a final exam that will cover the second half subject matter. Both exams will be open-book, take-home tests. You will be given a choice of essay questions to answer based solely on course readings, lectures, class discussions and guest speaker presentations. Each exam will count for 30 percent of your grade.

Class Participation: Even with the online format, our sessions will include a substantial amount of discussion of the materials and relevant current events. It is essential that you have read the assigned material and are ready to participate actively in these discussions, which occasionally will be done in small breakout groups. We will also examine current political and legislative developments, and you should come to class with a grasp of the

week’s significant news related to Congress, the executive branch, and the relationship between them. Participation will count for 15 percent of your final grade.

Evaluation and Grading

Assignment	Learning Objective(s) Addressed	Due Date	Weight
Midterm exam	First half of class readings, lectures, discussions. Critical analysis through essay answers.	Distributed 6/4, Due 6/7	30 percent
Final Exam	Second half of class readings, lectures, discussions. Critical analysis through essay answers.	Distributed 6/25, Due 6/28	30 percent
Research Paper (10-12 pages)	Research and explain a significant legislative, regulatory or programmatic issue involving the legislative and executive branches and the relationship between them	Topic and Description due 6/2, Paper due 6/21	25 percent
Participation	Learn and interact through observations/questions	Semester long	15 percent

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 Textbooks

James A. Thurber, *Rivals for Power: Presidential-Congressional Relations*, 6th ed., 2018, ISBN# 9781538100981

Louis Fisher, *Constitutional Conflicts Between Congress and the President*, 6th ed., 2014, ISBN # 9780700619986

Other Readings

Walter Oleszek, *Congressional Procedure and the Policy Process*, 10th Ed. (Washington, DC: CQ Press, 2016)

Davidson, Roger H., Walter J. Oleszek, Frances E. Lee, and Eric Schickler, *Congress and Its Members*, 16th ed. (Los Angeles: CQ Press 2017)

These and other readings will be available through Blackboard course reserves or links I provide in the syllabus (see course calendar) or other communications. Additional book excerpts and articles will be listed in the course calendar.

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://www.gwu.edu/~ntegrity/code.html>.

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 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 across the street on North Capitol Street, NE 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/>.

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 | 202-994-1149

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

Course Calendar, Assignments and the Syllabus

Students are responsible for keeping up with class assignments, including assignments missed because of absences. I may alter or eliminate any term or condition of this syllabus at any time, including course content and schedule. In particular, reading assignments may be updated. I will announce any such change or changes with ample notice so they will not affect your ability to complete an assignment.

Class Schedule

Session 1: Tuesday, May 19

Introduction and Overview, Course Goals and Expectations

Readings:

Thurber, Chapter 1 “An Introduction to Presidential-Congressional Rivalry”

Session 2: Thursday, May 21

Constitutional Foundations

Readings:

The Constitution, Articles I & II (See Fisher Appendix)

Federalist Papers #s 48, 51 & 70 [link](#)

Fisher, Chapter 1, “Constitutional Struggles”

Session 3: Tuesday, May 26

Political Context: The Effects of Party Polarization on Congress and the President

Readings:

Thurber, Chapters 2, 3, 7 & 8

Session 4: Thursday, May 28

Tools of Presidential Power, the Nominations Process, and the Senate “Nuclear Option”

Readings:

Fisher, *excerpts*: Chapter 2, pp. 32-39 (“Senate Advice and Consent”); Chapter 4, pp. 119-125 (“Executive Orders”); Chapter 5, pp. 130-138 (“The Presidential Veto”); Chapter 8, pp. 268-270 (“Executive Agreements”)

Thurber, Chapter 4 “Unilateral Presidential Authority: Uses and Abuses” & Chapter 9 “Rivalry for Power in the Judicial Appointment Process”

Olezsek, Chapter 7 *excerpt*: “A New Precedent” (pp. 312-316) (course reserves)

Session 5: Tuesday, June 2

The Federal Budget Process

Guest Speaker: Randy DeValk, former Assistant Staff Director, Senate Budget Committee; Counselor to Treasury Secretary; Counselor to White House Office of Legislative Affairs

Research Paper Topic with Short Description Due

Readings:

Fisher, Chapter 7 “Power of the Purse”

Thurber, Chapter 10 “The President, Congress and Domestic Policymaking”

CRS reports on the Congressional [link](#) and Executive Branch [link](#) roles in the budget process

Session 6: Thursday, June 4

Congressional Oversight and Investigations

Midterm Exam Distributed, Answers Due before midnight, June 7

Readings:

Thurber, Chapter 6 “Congressional Investigations: An Important Check on Presidential Power”

Fisher, Chapter 6 “Power Over Knowledge: Seeking and Withholding Information”

Oleszek, Chapter 9 “Legislative Oversight” *excerpt*: “Overview” (pp. 376-384) (course reserves)

CRS Report: “Congress’ Contempt Power and the Enforcement of Congressional Subpoenas” (pp. 1-4) [link](#)

Session 7: Tuesday, June 9

Executive-Legislative Case Study: Energy & Environmental Policy

Readings:

Bipartisan Policy Center, “The Executive Branch and National Energy Policy: Time for Renewal” (2012) [link](#)

Vig, Norman & Kraft, Michael, *Environmental Policy: New Directions for the 21st Century* (10th Ed.) (CQ Press 2019) Chapter 4, “Presidential Powers and Environmental Policy” (course reserves)

President Donald Trump, Remarks at “Unleashing American Energy” Event (June 29, 2017) [link](#)

“Obama Unveils Ambitious Agenda to Combat Climate Change, Bypassing Congress,” *Washington Post* (June 25, 2013) [link](#) (and course reserves)

Session 8: Thursday, June 11

Congressional Delegation of Authority, Emergencies, and the Legislative Veto

Readings:

Supreme Court Justice Robert Jackson’s concurring opinion, *Youngstown Sheet Tube Co. v. Sawyer* (1952) (pp. 634-655) (*first read* pp. 582-584 of majority opinion for case facts) [link](#)

Fisher, Chapter 5 (pp. 156-175, beginning with “Legislative Veto” section)

President Trump’s Emergency Declaration and Related Articles:

“Presidential Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States” (2/15/19) [link](#)

“Miller goes to bat for Trump over emergency declaration” *Politico* (2/17/19) [link](#)

“Presidents Have Declared Dozens of Emergencies, But None Like Trump’s” *New York Times* (2/15/19) [link](#) (and course reserves)

“Trump declared a national emergency at the border. I asked 11 experts if it’s legal.” *Vox.com* (2/15/19) [link](#)

“Senator Lee Introduces ARTICLE ONE Act to Reclaim Congressional Power” *Senator Mike Lee Press Release* (3/12/19) [link](#)

Session 9: Tuesday, June 16

Role of the White House Office of Legislative Affairs, Trade Policy Case Study

Guest Speaker: Layth Elhassani, Of Counsel, Covington and Burling; former Special Assistant to the President, White House Office of Legislative Affairs

Readings:

CRS Report “Trade Promotion Authority (TPA) and the Role of Congress in Trade Policy” (2015) [link](#)

“Why Trump can raise steel tariffs without Congress” *Vox.com* (3/8/18) [link](#)

“Unpacking the USMCA for Congressional Approval in 2019” *Center for Strategic and International Studies* (1/8/19) [link](#)

“How Congress can take back control over tariffs” *The Hill* (6/2/19) [link](#)

Session 10: Thursday, June 18

Supreme Court as “Umpire”

Readings:

Davidson, *Congress and its Members*, Chapter 12 “Congress and the Courts” (course reserves)

The Supreme Court and the Affordable Care Act: Selected Readings TBD

“What’s Wrong with Chevron Deference is Congress,” *National Review* (6/6/2019)
[link](#)

Research Paper Due before midnight June 21

Session 11, Tuesday, June 23

Foreign Affairs and War Powers

Readings:

Thurber, Chapter 11 “Presidential-Congressional Relations in Foreign Policy”

Fisher, Chapter 9 “The War Power”

Session 12, Thursday, June 25

Review

Readings:

Fisher, Chapter 10 “Conclusions”

Final Exam Distributed, Answers Due before midnight June 28

Copyright Statement

Unless explicitly allowed by the instructor, course materials, class discussions, 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.