

The Graduate School of Political Management

THE GEORGE WASHINGTON UNIVERSITY

M.P.S. in Legislative Affairs

Spring 2020

2/2– 4/6

PACs and Congress

LGAF 6234.LH

3 Credits

Tuesday, 6-8 PM

Hall of States

BASIC INFORMATION AND RESOURCES

Instructor

Dr. Craig Holman

Contact Information

Phone Number: 202-905-7413

Email Address: cbholman@gwu.edu or cholman@citizen.org

Communication

I am readily available via text or email.

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. Acts of academic dishonesty are a legal, moral, and intellectual offense against the community. 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/>.

10-Week On-Line Class

This seminar will begin on Tuesday, February 2, and end on Tuesday, April 6, for a 10-week semester. Regular classes will be held each Tuesday on-line for two hours, with an asynchronous hour each week for self-learning. Asynchronous sessions will consist of recorded webinars, videos and readings to be accessed on your own time and convenience, but will form much of the material for the next Tuesday class.

All asynchronous learning materials will be posted on-line on the GWU blackboard for this 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. Jack Prostko
Associate Dean for Learning and Faculty Development College
of Professional Studies
jackp@gwu.edu | 202-994-3592

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, including controversies in campaign financing, 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 Learning Objectives

“PACs and Congress” is a comprehensive examination of the relationship between Political Action Committees and other outside groups with candidates for federal office. The focus will include the history of PACs, the emergence of super PACs, the rules governing their operation, effective PAC management, contribution and expenditure strategies and the role PACs play in modern electoral politics. There is even a new movement afoot, at the initiative of many corporate PACs themselves, to forgo further campaign contributions either selectively to lawmakers deemed as not honoring American political values or to federal candidates altogether.

Types of PACS: This course will focus on corporate, association and labor PACs but will also examine the role that leadership and non-connected PACs play. We will also examine the entity known as the “super PAC” and assess the impact of this new type of committee. Great attention will be given the vast quantities of data that PAC and candidates committees disclose regularly and students will be expected to use public data to evaluate the strategies and efficacy of various PACs.

The Rules of the Road/The Law of Elections : Political activity is some of the most scrutinized and at the same time protected conduct that a citizen may engage in. This class will familiarize students with the laws, regulations and agencies that govern PACs and review the legislation and litigation that have shaped modern PAC activity. You don’t need to be an attorney to run a PAC, but you ought to know more than most lawyers about election law.

PAC Stewardship: Students should also complete the course with an understanding of how to create and manage a PAC as an effective component of an overall government relations or advocacy strategy. We will examine all major PAC functions including creation, governance, solicitation, member relations, candidate selection, budgeting and financial/internal controls.

Outlook: All students are expected to approach this course as a practitioner of modern American politics. The intersection of money and politics is ever evolving and events outside of the classroom may dictate discussion and assignments apart from this syllabus. This course will feature many guest speakers who are subject matter experts and leaders in their respective communities. These individuals are the greatest resource this class offers and questions and discussion of their presentations is encouraged. Views on PACs and their role are often diverse and passionate. All points of view are welcome and vigorous discussion is encouraged as a tool for learning – but students are reminded to respect the opinions of others and conduct reasoned rather than emotional arguments.

Evaluation and Grading

Assignment	Learning Objective(s) Addressed	Due Date	Weight
Class Participation	Students are expected to come to class familiar with the assigned readings and relevant current events. Participation is the best way of testing your theories and proving to me that you understand the subject matter. Students will not be judged on their public speaking ability but rather their ability to articulate their understanding of the concepts we are discussing and defend their arguments to their peers.	NA	15%
Midterm Exam	There will be one midterm exam which will cover the initial lectures dealing with the historical, philosophical, functional and legal dimensions of Political Action Committees. The format will be multiple short essay questions.	10/19	25%
Final Paper	Each student will be required to submit a final paper which will count for 40%. The topic of the paper will be set and discussed in detail after the midterm exam.	12/14	40%
“Create a PAC” or “Proper Role of PAC” presentation	One of the goals of this course is to make you a PAC professional ready to create and manage a PAC of your own. Another goal is to scrutinize the proper role of PACS in campaign financing. Each student will be required to address their classmates on one or the other objective. This presentation will be no more than 15min and will count for 20% of the final grade.	12/7-12/14	20%
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

There are no texts required for purchase, but students should obtain copies of and be familiar with the following texts, bills, decisions and documents which are available free online:

- The Federal Election Commission: FEC Guide for Corporation and Labor Organizations, January 2018 edition. (available online at www.fec.gov)
- United States Supreme Court Ruling: Citizens United vs Federal Election Commission, January 21, 2010. (available online at www.supremecourt.gov)
- Sara Adams, "How Single-Candidate Super PACs Changed the Game and How to Change It Back: Adopting a Presumption of Coordination and Fixing the FEC's Gridlock," Brooklyn Law Review (June 25, 2020), available at: <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=2243&context=blr>

Optional Supplemental Text and Learning Materials

It is highly recommended that students stay abreast of the latest developments in PAC strategy, election law, campaign finance, editorial discourse and political spending. The following resources are recommended for regular reading:

- ScotusBlog: News about the U.S. Supreme Court, www.scotusblog.com
- The Campaign Legal Center: Nonpartisan think tank, www.campaignlegalcenter.org
- Open Secrets: Contribution data made legible, www.opensecrets.org
- Campaign Finance Institute: Great data analysis of election spending, www.cfinst.org
- ElectionLawBlog: Rick Hansen's (UCLA) blog, www.electionlawblog.org
- RealClearPolitics: Compilation of political news, www.realclearpolitics.com
- Politico: Great breaking news and campaign scoop, www.politico.com
- Public Citizen: Advocacy nonprofit organization, www.citizen.org
- NABPAC: National Association of Business PACs, www.nabpac.org
- Public Affairs Council: Membership org for public affairs professionals, www.pac.org

Tentative Course Calendar*

*I reserve the right to alter course content and/or adjust the pace to accommodate class progress. Campaign finance law is constantly changing, especially in the current partisan and legal environment. Students are responsible for keeping up with all adjustments to the course calendar.

Lecture/Discussion/Guests: Given that elections and fundraising are perpetual, we will begin each week with a discussion of recent political events and any news items that may bear on campaign spending or election law. Articles will be posted on blackboard for your review prior to class. Lecture on a variety of topics will be combined with discussion based on assigned articles. As this is a school for practitioners of politics we will use expert speakers frequently, and adjust schedules to accommodate our guests. Presentations, materials and remarks by our guests are not to be shared outside our class without their express permission.

Class Date: 2/02

Topic and Content Covered:

Student Introductions; Instructor background; What is a Political Action Committee? The role of money in modern American Politics: Should PACs finance candidate campaigns? "The news cycle is our reading list," the concept of PACStewardship; Campaign finance "reform" vs "free speech," Test your PAC IQ.

Reading Due Today: None

Questions for Discussion:

"Should PACs make campaign contributions?"

"Are PACs an effective tool for political engagement?"

"How important are super PACs?"

"What lessons can be learned from the role of money in politics via the 2020 elections?"

"What is the future of PACs and their role in politics?"

Class Date: 2/09

Topic and Content Covered:

History of PACs and Campaign Finance Regulation; The role of the Federal Election Commission; Getting your PAC up and running.

Guest Speaker: Scott Thomas, former Chair of the FEC; now with RomanBlank.

Reading Due Today: *Chapters 1-2, FEC Guide for Corporations and Labor Organizations -The Federal Election Campaign Laws, FEC, (posted on blackboard),*

Questions for Discussion:

"Do PACs today operate in the ways envisioned by those in Congress or the judiciary who acted to influence their design or operation?"

"Is the campaign finance reform movement dead or more relevant than ever?"

"Given the importance of PACs to candidates and their campaigns, why do so few associations and corporations choose to operate them?"

Class Date: 2/16

Topic and Content Covered:

Data tells the story: disclosure and campaign finance data in the age of the internet; The value of data; Is sunshine the best antiseptic? How do I find what I'm looking for?

Guest Speaker: Sheila Krumholz, Director of the Center for Responsive Politics (Open Secrets)

Reading Due Today: None

Questions for Discussion:

"How does near real-time disclosure affect campaigns and political advocacy efforts?"

"Who is using disclosure data and does data speak for itself?"

Class Date: 2/23

Topic and Content Covered:

Understanding the Federal Election Commission Advisory Opinions, Alternative Dispute Resolution, Matters under Review, Audits, Rulemaking and RFAI's, and the Agency's Gridlock.

Guest Speaker: Karl Sandstrom, former Member of the FEC; now Senior Counsel, Perkins Coie.

Reading Due Today: *Chapters 6-9, FEC Guide for Corporations and Labor Organizations Federal Election Campaign Act - Buckley v. Valeo and Citizens United v. FEC – Craig Holman, "Roiled in Partisan Deadlock, Federal Election Commission Is Failing" (Feb. 20, 2020), available at:*

https://mkus3lurbh3lbztq254fzode-wpengine.netdna-ssl.com/wp-content/uploads/fec_deadlock_updated_2020.pdf

Questions for Discussion:

"What is the role of the FEC today?"

"Can the FEC operate effectively given the modern partisan divide?"

"What do I need to know if I interact with the FEC as a PAC, Party, and candidate?"

Class Date: 3/02

Topic and Content Covered:

The Ever-changing law of elections; What Every PAC Director Needs to Know ; The Look and Feel of Robust Compliance.

Guest Speaker: Rebecca Gordon, Partner, Perkins Coie.

Readings Due Today: *Chapters 3-5, FEC Guide for Corporations and Labor Organizations – Craig Holman and Joan Claybrook, "Outside Groups in the New Campaign Finance Environment: The Meaning of BCRA and the McConnell Decision, Yale Law & Policy Review (2004), available at:*

<https://digitalcommons.law.yale.edu/ylpr/vol22/iss2/2/-->

Questions for Discussion:

"Why do you start a PAC?"

"Who within an organization should be tapped to stand up a PAC?"

Class Date: 3/09 – Midterm Exam

Topic and Content Covered:

What does PAC infrastructure look like? Strategy, Governance, Budgeting, Communications, Fundraising, Decision-making, Financial Controls

Guest Speaker: Desiree Kennedy, Elekta PAC Manager.

Reading Due Today: *Karen Fabean, "Managing Your PAC's Brand," NAB*

Political Law Briefing, Setting Up and Operating a Federal Super PAC," Veneable Law Firm

Questions for Discussion:

“How is running a PAC like running a small business?”

Class Date: 3/16

Topic and Content Covered:

The Rise of Super PACs, Big \$ and what it Means to Campaigns.

Guest Speaker: Paul Ryan, Vice President of Policy & Litigation, Common Cause.

Reading Due Today: Sara Adams, *“How Single-Candidate Super PACs Changed the Game and How to Change It Back: Adopting a Presumption of Coordination and Fixing the FEC’s Gridlock,” Brooklyn Law Review (June 25, 2020), available at:*

<https://brooklynworks.brooklaw.edu/cqj/viewcontent.cqj?article=2243&context=blr>

Questions for Discussion:

“What has been the impact of Super PACs for the future in American politics?”

Class Date: 3/23

Topic and Content Covered:

PAC Management as a profession; Campaign finance reform arguments and effects on PACs.

Guest Speaker: Thomas Susman, Director of Government Affairs, American Bar Association.

Questions for Discussion:

“Describe your perfect PAC director” “What role do lobbyists play in PAC management?” “What will campaign finance reform look like under the new Congress/Supreme Court/Administration?”

Reading Due Today: Craig Holman, *“The Tension Between Lobbying and Campaign Finance Laws: Rolling Back Gains Made Under the Honest Leadership and Open Government Act,” Election Law Journal (2014), available at:*

https://www.academia.edu/28036348/The_Tension_Between_Lobbying_and_Campaign_Finance_Laws_Rolling_Back_Gains_Made_Under_the_Honest_Leadership_and_Open_Government_Act_of_2007

Class Date: 3/30

Topic and Content Covered:

Begin class presentations

Class Date: 4/06– Final Night of Class - Final Papers Due by Midnight

Topic and Content Covered: Conclude class presentations