

The Graduate School  
of Political Management  

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THE GEORGE WASHINGTON UNIVERSITY

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

Semester: Fall 2021  
Aug 31 to Dec 7, 2021

**Ethics and Congress**

LGAF 6235.LH  
3 Credits

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

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**BASIC INFORMATION AND RESOURCES**

**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, 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, 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 operations. I have also served as 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)

Text messages to me get answered quickly. I try to answer all emails within 24-48 hours. My automatic email sorting rules use the [gwu.edu](http://gwu.edu) domain name. Please use only your [gwu.edu](http://gwu.edu) domain email for communication with me, as I may not see other email domains that you may also apply. Do NOT reply to Blackboard broadcast emails. I may not see them as they do not show up on my system easily.

**Blackboard and Virtual Capability**

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](http://blackboard.gwu.edu). Blackboard Support is available at 202-994-4948 or [helpdesk.gwu.edu](http://helpdesk.gwu.edu).

As of this syllabus version 10.x, the class will be held in person and masked.

Because of the continually changing Covid environment, we must be flexible and anticipate virtual class sessions may be required. There may even be simultaneous virtual, in-person sessions, as when there is a virtual quest speaker. If that happens, we will use either Zoom or Webex. Given the past year's experience, this should not be too difficult. If you need help with either, contact [it.gwu.edu](http://it.gwu.edu) for assistance. Some classes, either in person or virtual, may be recorded. FERPA protects recordings of class sessions, and any dissemination of course recordings is thus prohibited. When using virtual connections, your camera must be on, mute/unmute your microphone as needed, and use the chatbox responsibly and for course purposes. If you cannot keep your camera on consistently in class, please communicate with me (though you are not required to give a reason). Please use the chatbox and the "Raise Hand" features when you have a question. If I miss your question, please speak up using your microphone. Contact me if you anticipate any issues or have concerns about these expectations.

### **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](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 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**

Attendance at class sessions is mandatory, unless otherwise excused in advance. Punctuality is essential, as well. Text me if you plan to be more than a few minutes late. I will also excuse the occasional early departure so long as I have previous information about your plans. For these purposes use text, not email. Recordings will be made available for those who have unavoidable conflicts.

### **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 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 30 hours in instructional time and 87.5 hours preparing for class.

**Course Evaluation**

You will have the opportunity to evaluate this course at the end of the semester, via a provided link. You must take the time to complete the evaluation. You may provide feedback throughout the semester by contacting any or each of the following.

<p>Dr. Casey Burgat PhD Director, Legislative Affairs Program <a href="mailto:cburgat@gwu.edu">cburgat@gwu.edu</a>   202-994-6000</p>	<p>Suzanne Farrand Assistant Dean of Students, CPS <a href="mailto:sfarrand@gwu.edu">sfarrand@gwu.edu</a>   202-994-9309</p>
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## **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 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 video & books are required reading. 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. (Dis)Honesty, The Turth About Lies, Dan Ariely, (Amazon Prime, 2015). Rent \$2.99 - \$3.99, Buy \$9.99 - \$10.99.
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. \$27.
4. *Congressional Ethics, Opposing Viewpoints*, edited by Joe Tardiff and Lynn M. Zott (Greenhaven Press, 2013), paperback approx. \$40 but used as low as \$9.

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 Honest Truth About Dishonesty* by Dan Ariely (Harper Collins, 2012) hardcover, paperback or digital approx. \$17. The required video above is a summary, but you may want to buy the book as well.
3. *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.
4. *Political Ethics and Public Office* by Dennis Thompson, (Harvard University Press, 1987). various prices.
5. *The Power Paradox, How We Gain And Lose Influence* by Dacher Keltner, (Penguin, 2017). hardcover, audio, or digital approx. \$7-12.00.
6. *Justice, What's The Right Thing To Do?* By Michael J. Sandel, (Farrar, Straus, and Giroux, 2009). paperback, audio, or digital. \$11-\$24.00.
7. *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.
8. *Corruption in America, From Benjamin Franklin's Snuff Box to Citizens United*, by Heather Teachout, (Harvard, 2014). Paperback, digital, and audio. Approx. \$16.00-29.00.

## **COURSE CALENDAR:**

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 10.0. As the course progresses, you will likely see versions such as 10.0.1 (for minor syntax changes) to versions 10.2, 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. In the body of an email to me at [bcarr@gwu.edu](mailto:bcarr@gwu.edu) tell me any concerns you have about being in person during the Covid pandemic.
2. Attach to that email your most recent résumé (that you have on hand - not one you make or update) I like to know a little background on my students prior to starting class.
3. Please send a text to me to my mobile phone (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.
4. Via text or email, submit a maskless headshot photo (a selfie will do) so that I may add it to my contact file and learn to know faces.

**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.**

## **Week 1 - Aug. 31, 2021 - 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.

Paper: Discussion of the course requirements.

Assignment: Send a confidential email to me stating the following, In the body of an email to me, no attachments.

1. Why you took the course - remember be honest - even it were to be something mundane like "it fit my schedule or course requirements.
2. What you hope to learn from the course.

## **Week 2 - Sep. 7, 2021 - 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. Gain comfort using the relevant congressional ethics-related websites

Readings:

(Dis)Honesty, The Turth About Lies, Dan Ariely, (Amazon Prime Video, 2015).

[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. 14, 2021 - Criminal standards of conduct, Part 1, criminal conduct**

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

[Duke Cunningham case](#)

[William J. Jefferson corruption case](#)

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

Guest Speaker: Tim Thibault, Acting Section Chief, International Terrorism, FBI (formerly headed the Public Integrity Unit) - confirmed.

Paper: Begin topic selection for paper.

## **Week 4 - Sep. 21, 2021 - 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://cbsn.ws/32SahWJ>

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

Paper: Report progress



### **Week 5 - Sep. 28, 2021 - 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:

The Case for Independent Ethics Agencies, Public Citizen, (October 2014) at [https://www.citizen.org/wp-content/uploads/oce\\_briefer.pdf](https://www.citizen.org/wp-content/uploads/oce_briefer.pdf)

Ariely, *The (Honest) Truth About Dishonesty*, Chapters 3, 7, 8, 9, & 10

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

Paper: Final topic selection for paper.

### **Week 6 - Oct. 5, 2021 - 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:

Thompson, *Ethics in Congress*, Chapter 3, Gains of Office, Chapter 6, Tribunals of Legislative Ethics

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

Guest speaker: (tentative) Mr. Geoff Turley, Senior Counsel and Director of Education and Training, Senate Select Committee on Ethics.

Paper: Questions and answers, if any.

### **Week 7 - Oct. 12, 2021 - 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, Purposes of Legislative Ethics, and Chapter 3, Gains in Office, and Chapter 6, Tribunals of Legislative Ethics.

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 the submission of individual opinions.

### **Week 8 - Oct. 19, 2021 - The 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, Chapter, 1, The Ethics Wars, Chapter 5, The New Rules of the Ethics Wars, and Chapter 10, The Politics of Venom.

Paper: Expect to report on progress of papers.

**Week 9 - Oct. 26, 2021 - A different, insider perspective on congressional ethics.**

Learning Objectives: Gain the perspective of members of Congress who have had to work in the two-step process that includes the OCE, and some of the complexities of compliance in that environment.

Guest Speaker: [The Honorable Charlie Dent](#), (R-PA) (2005-2018), member, House Committee on Ethics (114th Congress (chair), 113th Congress, 112th Congress).

Readings: (if there is time we will begin to discuss these chapters that will carry over to the next session).

Thompson, Chapter 2, Dynamics of Legislative Corruption.

Tolchin, Chapter 4, Abscam and "The Keating Five."

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. 2, 2021 - Ethics in a Parliamentary setting.**

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.

Guest Speaker: J. David Morgan, Lecturer and former staff member to the British House of Lords and House of Commons. He will speak on how the British Parliament handles ethics.

Readings:

None

Paper: Expect to report on progress of papers.

**Week 11 - Nov. 9, 2021 - Ethics in relationships: 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.

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 6, Sex the Sin of Hypocrisy and Chapter 7, Torricelli, The CIA and the Intelligence Committee.

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

**Week 12 - Nov. 16, 2021 - A different, insider perspective on congressional ethics.**

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

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. 22rd.** Please submit your paper as a DOC (DOCX) file to me via email.

**Week 13 - Nov. 23, 2021 - Ethics regarding personal relationships: business.**

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.

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)). (Tentative)

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>

<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 - Nov. 30, 2021 - Presentation of eight papers and discussion.**

Class members will give an 5-10 minute oral summary of their paper. Another class member (one who presented the next session) will be assigned to read a designated paper and lead the questioning and 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. 7, 2021 - Presentation of eight papers and discussion. Wrap-up, Summary, and Conclusion of course.**

Class members will give an 5-10 minute oral summary of their paper. Another class member (one who presented the last session) will be assigned to read a designated paper and lead the questioning and 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.

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