

Master of American History and Government
Ashland University

**AHG 640:
The Congress**

Instructors: Prof. Andrew E. Busch and Prof. Tiffany Jones Miller
Sunday, July 22 to Friday, July 27, 2007

Course Focus: This course will focus on three sets of topics: The theory and practice of founding the United States Congress, the Progressive challenge to the Framers' constitutional design, and the operation of the modern Congress.

Learning Objectives:

1. Students will understand the first principles of the American founding, and how these principles shaped the nature of the legislative power of government.
2. Students will understand the major design principles of American constitutionalism, and how these principles were intended to institutionalize a just (and otherwise sensible) exercise of legislative power.
3. Students will understand how the progressive/liberal transformation of the first principles of government led to significant changes in the form and conduct of the legislative and executive branches of government.
4. Students will understand how members of Congress achieve election.
5. Students will understand the operation of the modern Congress, including the role of committees and parties, congressional procedures, and the relationship between Congress and the President and bureaucracy.
6. Students will understand the key role of bicameralism in shaping Congress.

Requirements:

- Comprehensive final examination, including a mixture of multiple choice, short essay, and long essay.

Students auditing the course as a part of a Teaching American History Grant program must complete the readings and fully participate in the seminars during the week.

Required Texts

- Hamilton, Madison and Jay, *The Federalist Papers* (Mass Market Paperback: 2003). ISBN 0451528816
- Roger H. Davidson and Walter J. Oleszek, *Congress and Its Members* 10th ed. (Washington, DC: Congressional Quarterly Press, 2005). ISBN 1-56802-935-7
- Course Pack (CP)

Schedule

Sunday, July 22

4:30 – 6:00 pm: Introduction & Session 1: Introduction to this Seminar with Andrew Busch and Tiffany Jones Miller.

Professor Miller

“This natural rights philosophy...not only furnished us a theory of governmental activity. It also contributed greatly to our ideas of governmental organization. For a governmental organization is almost always formed with the idea of providing a means for the discharge of those functions and of entering upon those activities which the prevailing thought of the time deems it desirable to perform and to undertake.”

–Frank J. Goodnow, 1916

Topic: The Philosophical Foundation of the American Founding.

Focus: Is government natural or manmade? Does anyone possess a natural right to rule over others without their consent? Why not? Why, then, would men agree to subject themselves to government? Specifically, what problems plague the state of nature, and how must government be formed in order to be both legitimate and effective? How do the answers to these questions shape the nature of law and ultimately the legislative power/branch of government?

Readings:

- Thomas Jefferson, “Philosophical Sources of the Principles of the Revolution,” 1785 (CP 1)
- John Locke, *Second Treatise of Government*, secs. 1-24, 52-58, 77-78, 95-99, 123-148, 211-229 (CP 3)

7:00 – 8:30 pm Institute Lecture

Monday, July 23

9:00 am - 10:30 am: Session 3 Professor Miller

Topic: The Declaration of Independence and its Implications for the Legislative Power of Government.

Focus: Why is the Declaration of Independence the most important document of the American Founding? What are the core principles of the Declaration, and what, in light of those principles, does justice mean and require? How, in turn, must the legislative power be formed and exercised in order to realize this conception of justice in practice?

Reading:

- Declaration of Independence (CP 35)
- Thomas Jefferson to Roger C. Weightman, June 24, 1826 (CP 41)
- “Brutus,” No. 2, Nov. 1, 1787, paragraphs 1-4 only (CP 43)
- *Federalist* 22 (paragraph 7 only)
- Thomas Jefferson, First Inaugural Address, March 4, 1801, paragraph 3 only (CP 51)
- James Madison, “Property,” March 27, 1792 (CP 55)

10:50 am - 12:20 pm: Session 4 Professor Busch**Topic:** Legislative Precedents Confronting the Framers

Focus: What examples, ancient and modern, could the Framers draw upon as they considered how best to put the principles of the Declaration into practice? What problems or abuses from the past did they hope to avoid? What lessons did they draw from the legislative arrangements of ancient Greece and Rome? From the political development of Great Britain or other European powers? From their own experience as colonies, as states, and as a continental confederation?

Readings:

- “Constitution of Pennsylvania, September 28, 1776,” (CP 57)
- “Massachusetts Constitution, March 2, 1780,” (CP 69)
- “Articles of Confederation,” (CP 91)
- Davidson and Oleszek, *Congress and Its Members* (10th ed.), ch. 2, section “Antecedents of Congress” only

4:30 - 6:00 pm: Session 5 Professor Miller**Topic:** Institutionalizing the Principles of the Declaration: Part I.

Focus: What problems plagued the exercise of legislative power in the state legislatures prior to the Constitutional Convention? What arrangements did the Framers embrace in order to minimize these problems? In particular, why did they favor vesting the legislative power of government in a representative body set over a large territory? Why, moreover, did they favor separating the power of government? What degree of separation does the separation of powers doctrine require? Paying special attention to the threat of legislative encroachment, what arrangements are necessary to preserve the requisite degree of separation in practice?

Readings:

- James Madison, “Vices of the Political System of the United States,” April 1787 (CP 101)
- *Federalist* 10
- *Federalists* 37 (paragraph 9 only), 47-51 (all)

Tuesday, July 24

9:00 am - 10:30 am: Session 6 Professor Miller

Topic: Institutionalizing the Principles of the Declaration: Part II.

Focus Questions: Same questions as above.

Readings: Same readings as above.

10:50 am - 12:20 pm: Session 7 Professor Busch

Topic: Institutionalizing the Principles of the Declaration: Part III

Focus: What structural design did the Framers establish in regard to Congress? How did the House and Senate differ, and why? What powers were given to Congress? How did Congress in the Constitution relate to the plans offered by varying individuals at the constitutional convention? Why did the anti-federalists not like the design or powers of Congress? How did the Federalists answer them? How was this argument indicative of a broader difference between the two groups over the requirements for good representation?

Readings:

- *Constitution of the United States* (CP 107)
- *Federalists* 52-66
- *Federal Farmer #3*, (CP 119)
- *Federal Farmer #4*, (CP 129)

4:30 - 6:00 pm: Session 8 Professor Miller

Topic: The Progressive/Liberal Critique of the Founding Principles: Part I

Focus: Do the progressives share the Founders' understanding of the first principles of government? Do they believe that man is by nature free in the sense of possessing equal natural rights? That all the power of government is derived from consent? That the power of government is limited in principle to securing equal, natural rights? If not, what principles guide their theory of government? Specifically, why do they believe that the Founders' understanding of freedom, and its corresponding notion of limited government, is inadequate? How does this critique transform the scope of the legislative power of government?

Readings:

- Charles Merriam, "Recent Tendencies," 1903, 305-333 (CP 135)
- John Dewey, "The History of Liberalism," *Liberalism and Social Action*, 1935 (CP 145)
- John Dewey and James Tufts, *Ethics*, 1908, p. 436-449 (CP 167)

- Franklin D. Roosevelt, State of the Union Address, Jan. 11, 1944 (section beginning “This republic had its beginning” to the end (CP 179)
- Lyndon B. Johnson, Great Society Address, May 22, 1964, (CP 187)

Wednesday, July 25

9:00 am - 10:30 am: Session 9 Professor Miller

Topic: The Progressive/Liberal Critique of the Founding Principles: Part II

Focus Questions: Why were the progressives critical of the Founders’ institutional arrangements? Specifically, why did they believe that the constitutional legislative process—e.g. Congress, and the traditional party system working within its framework—was incapable of producing the policies essential to realizing the progressive conception of government in practice? What are some of the ways they favored reforming the legislative and executive branches to overcome these limitations?

Readings:

- Woodrow Wilson, “Committee or Cabinet Government,” Jan. 1, 1884 (CP 191)
- Woodrow Wilson, “Conclusion,” *Congressional Government*, 1900 (CP 205)
- Woodrow Wilson, “The Study of Administration,” Nov. 1, 1886 (CP 209) (recommended)
- Herbert Croly, “The Administration as an Agent of Democracy,” *Progressive Democracy* (CP 225)

10:50 am - 12:20 pm: Session 10 Professor Busch

Topic: The Modern Congress: Congressional Elections

Focus: How are members of Congress elected today? How do modern congressional elections differ from early elections? How are they the same? How are House and Senate elections different, and why? Do congressional elections conform to the expectations of the Framers?

Assigned Readings:

- Davidson and Oleszek, *Congress and Its Members* (10th ed.), ch. 4

4:30 - 6:00 pm: Session 11 Professor Busch

Topic: How the Modern Congress is Organized: Parties and Committees

Focus: What is the relationship between committees and party leadership in Congress? Under what circumstances do parties gain power? Under what circumstances do committees gain power? What is the role of each? How are House committees and parties different from Senate committees and parties, and why does it matter?

Readings:

- Davidson and Oleszek, *Congress and Its Members* (10th ed.), ch. 6 & 7

Thursday, July 26

9:00 am - 10:30 am: Session 12 Professor Busch

Topic: The Modern Congress: How a Bill *Really* Becomes Law

Focus: What is the stylized version of how bills are enacted? What complexities are missing from the simple account? How do members of Congress use procedure to move legislation along? How do they use it to block legislation? How they use it to take credit or avoid responsibility? How are House and Senate procedures different, and why does it matter?

Readings:

- Davidson and Oleszek, *Congress and Its Members* (10th ed.), ch. 8

10:50 am - 12:20 pm: Session 13 Professor Busch

Topic: The Congressional Budget Process

Focus: How does the modern Congress wield the power of the purse? What are the most important budget concepts? Does it have more or less power in this area than it did at the Founding? One hundred years ago? Forty years ago? Would the Framers be satisfied that congressional budgeting, authorization, and appropriations procedures were consistent with key principles of good government?

Readings:

- Davidson and Oleszek, *Congress and Its Members* (10th ed.), ch. 14

4:30 - 6:00 pm: Session 14 Professor Miller

Topic: The Congressional Delegation of Power

Focus: What exactly does Congress do when it delegates its power? When did this become a common practice, and how have the federal courts responded to it? How does delegation alter the process through which federal law is made? How does delegation alter the politics of the legislative process? Does it ensure a less interested, more impartial decision-making process? Why or why not? How does it affect the accountability of legislators?

Readings:

- Occupational Safety and Health Act of 1970 (CP 241)
- Theodore Lowi, "Liberal Jurisprudence: Policy Without Law," *The End of Liberalism*, p. 92-97 (CP 249)
- David Schoenbrod, *Power Without Responsibility*, chs. 2 (31-48) & 3 (CP 255)
- James Bovard, *Farm Fiasco* (recommended) (CP 281)
- David Schoenbrod, "The EPA's Faustian Bargain," p. 1-26 (CP 297)

Friday, July 27

9:00 am - 10:30 am: Session 15 Professor Busch

Topic: Congress and the President

Focus Questions: What is the relationship between Congress and the president in policymaking and policy implementation? Is there a difference between domestic and foreign policy in terms of this question? How much of that relationship is grounded in the Constitution? How much is grounded in statute, custom, political winds, or other factors? Would the Framers see the relationship as appropriately balanced, or would they hope for a correction? If the latter, what sort of correction?

Readings:

- Davidson and Oleszek, *Congress and Its Members* (10th ed.), ch. 10, 15

10:50 am – 12:20 pm: Session 16 Professor Miller and Professor Busch

Session Review and Questions

1:30 pm – 3:00 pm: Session 17

Final Comprehensive Examination