

# CONGRESS AND THE SEPARATION OF POWERS



## Audacious Vision, Uneven History and Uncertain Future



★ UNITED STATES CAPITOL HISTORICAL SOCIETY ★

The United States Capitol Historical Society, in partnership with the U.S. Capitol Visitor Center, presents a forum by the Center for Congressional and Presidential Studies at American University.

## **Congress and the Separation of Powers** **Audacious Vision, Uneven History, and Uncertain Future**

Join us for this discussion that will bring together an ideologically diverse group of academics and experts to take a closer look at the relationship between the three branches of government, and especially Congress's role in shaping the Executive and Judicial branches over time.

This forum complements a new exhibit in the Capitol Visitor Center's Exhibition Hall titled Congress and the Separation of Powers, which will run through March 4, 2019.

Date: September 25, 2018

Time: 8:30-noon

Location: U.S. Capitol Visitor Center

Free and open to the public. [Register here](#) or call 202-543-8919

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### Organizer



**David Barker** is Professor of Government (American Politics) and Director of the Center for Congressional and Presidential Studies. He has served as principal investigator on more than 60 externally funded research projects (totaling more than \$11 million), and he has published dozens of peer-reviewed journal articles in outlets such as the *American Political Science Review*, *Journal of Politics*, *Public Opinion Quarterly*, and many others. He has authored or coauthored three university press books: *Rushed to Judgment: Talk Radio, Persuasion, and American Political Behavior* (2002; Columbia University Press), *Representing Red and Blue: How the Culture Wars Change the Way Citizens Speak and Politicians Listen* (2012; Oxford University Press) and *One Nation, Two Realities: Dueling Facts and American Democracy* (under contract, expected 2018; Oxford University Press).

### Panel - Audacious Vision: Why a Separation of Powers?

#### Moderator



**John Haskell** is the Director of the John W. Kluge Center at the Library of Congress, and currently teaches public policy at Claremont McKenna College and Georgetown University. He has authored three books on American political institutions: *Congress in Context*, *Direct Democracy or Representative Government?*, and *Fundamentally Flawed*. Prior to his position at the Kluge Center, he served as Research Director for the 809 Panel for Defense acquisition reform. From 2013-2016 he was the head of the Government and Finance Research division at the Congressional Research Service (CRS). From 2000-2013 John was curriculum chair and senior fellow at the Government Affairs Institute at Georgetown University. John served as a Legislative Assistant for a Member of Congress and associate staff to the House Budget Committee. John received his Ph.D. in American Politics from UNC Chapel Hill, and his B.A. is in Political Science from Davidson College.

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## Audacious Vision, Uneven History and Uncertain Future

### Panel - Audacious Vision: Why a Separation of Powers?, continued

#### Panelists, continued



**Gene Healy** is a vice president at the Cato Institute, and a contributing editor to *Liberty*. His research interests include executive power, the role of the presidency, federalism, and over-criminalization. He is the author of *False Idol: Barack Obama and the Continuing Cult of the Presidency* and *The Cult of the Presidency: America's Dangerous Devotion to Executive Power*. He is also the editor of *Go Directly to Jail: The Criminalization of Almost Everything*. He has authored and co-authored Cato studies on executive abuses of power, including "Arrogance of Power Reborn: The Imperial Presidency and Foreign Policy in the Clinton Years" and "Power Surge: The Constitutional Record of George W. Bush." Healy has appeared

on PBS's *Newshour with Jim Lehrer* and NPR's *Talk of the Nation*, and his work has been published in the *Los Angeles Times*, the *New York Times*, the *Chicago Tribune*, the *Legal Times*, and elsewhere. He holds a B.A. from Georgetown University and a J.D. from the University of Chicago.



**Alison LaCroix** is Robert Newton Reid Professor of Law at the University of Chicago Law School, and an Associate Member of the University of Chicago Department of History. Earlier, she was a Samuel I. Golieb Fellow in Legal History at New York University School of Law. She is the author of *The Ideological Origins of American Federalism*, and a co-editor of three volumes on law and literature. She is currently working on a book on American constitutional discourse between 1815 and 1861 (*The Interbellum Constitution: Union, Commerce, and Slavery From the Long Founding Moment to the Civil War*), for which she received a fellowship from the

National Endowment for the Humanities. Her interests include legal history, constitutional law, federal jurisdiction, civil procedure, law and linguistics, and law and literature. She received her B.A. *summa cum laude* in history from Yale University, and her J.D. from Yale Law School in 1999. She received her Ph.D. in history from Harvard University in 2007.

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## Audacious Vision, Uneven History and Uncertain Future

### Panel - Audacious Vision: Why a Separation of Powers?, continued

#### Panelists, continued



**James I. Wallner** is a senior fellow at the R Street Institute. He is also an Adjunct Professorial Lecturer in the Department of Government at American University and a fellow at its Center for Congressional and Presidential Studies. James is the author of two books, *The Death of Deliberation: Partisanship and Polarization in the United States Senate*, and *On Parliamentary War: Partisan Conflict and Procedural Change in the United States Senate*. He has also published numerous articles on the American founding, separation of powers, political parties, Congress, legislative procedure, and the budget process in the *Journal of Policy History*, *Journal of Legislative Studies*, *Journal of Law and Politics*, *Humanitas*, and *The Forum: A Journal of Applied Research in Contemporary Politics*. James is a regular contributor with the *Washington Examiner*, *Law and Liberty*, and *Real Clear Policy*. Prior to joining R Street, James was the Group Vice President for Research at The Heritage Foundation, where he created the Institute for Constitutional Government. Before Heritage, Wallner was the Executive Director of the Senate Steering Committee during the chairmanships of Pat Toomey and Mike Lee. Prior to this, he served as Legislative Director to Jeff Sessions and Pat Toomey. He began his career on Capitol Hill as a Legislative Assistant in the House of Representatives. James received both his doctoral and master's degrees in politics from the Catholic University of America. He also holds a master's in international and European politics from the University of Edinburgh in Scotland, and a bachelor's in political science from the University of Georgia.

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## Audacious Vision, Uneven History and Uncertain Future

### Panel - Uneven History: Separation of Powers and the Struggle for Equal Rights

#### Moderator



**Ron Elving** is Senior Editor and Correspondent on the Washington Desk for NPR News. He was previously the political editor for *USA Today* and *Congressional Quarterly*. He has been a Distinguished Visiting Professional in Residence at American University, where he is now an adjunct professor. He has also taught at George Mason and Georgetown University. He has been published by the Brookings Institution and the American Political Science Association. He has contributed chapters to *Obama in Office*, and *Rivals for Power*, and has authored *Conflict and Compromise: How Congress Makes the Law*. Ron came to Washington in

1984 as a Congressional Fellow with the American Political Science Association and worked for two years as a staff member in the House and Senate. Previously, he had been state capital bureau chief for *The Milwaukee Journal*. He received his bachelor's degree from Stanford University and master's degrees from the University of Chicago and UC – Berkeley.

#### Panelists



**Jesse J. Holland** is a Race & Ethnicity reporter for *The Associated Press*. A former Supreme Court, White House and congressional reporter, he was named one of *TheRoot.com* 100 Most Influential African Americans in 2011. He is the author of the award-winning book *Black Men Built The Capitol: Discovering African American History In and Around Washington, D.C.* (2007). He is a member of the National Press Club, the National Association of Black

Journalists, the Capital Press Club, the Washington Association of Black Journalists, and the Society of Professional Journalists. In 2004, he became the first African American ever elected to the Congressional Standing Committee of Correspondents. He holds a Liberal Arts degree from the University of Mississippi and a Masters in Fine Arts from Goucher College.



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## Audacious Vision, Uneven History and Uncertain Future

Panel - Uneven History: Separation of Powers and the Struggle for Equal Rights , continued

Panelists, continued



**Victoria Frances Nourse** is a professor of law at the Georgetown University Law Center and the executive director of the Center on Congressional Studies at Georgetown Law. She began her career in United States District Court for the Southern District of New York and subsequently worked as an assistant counsel on the United States Senate Committee to Investigate the Iran-Contra affair. From 1990 to 1993, she worked as a special counsel for the United States Senate Judiciary Committee and was heavily involved in writing the Violence Against Women Act (VAWA). She was a nominee for the United States Court of Appeals for the Seventh Circuit in 2011 and served as Counsel to then-Vice

President Joe Biden from 2014 to 2015. She has held chairs at Emory University and the University of Wisconsin and was a visiting professor at Yale, NYU, and the University of Maryland law schools. She holds a Bachelor of Arts from Stanford University and a Juris Doctor from the University of California.



**Nina Totenberg** is NPR's legal affairs correspondent. Her reports air regularly on NPR's *All Things Considered*, *Morning Edition*, and *Weekend Edition*. Her coverage of the Supreme Court and legal affairs has earned numerous awards, including: the American Judicature Society's first-ever award honoring a career body of work in the field of journalism and the law; the Sigma Delta Chi Award from the Society of Professional Journalists; the Carr Van Anda Award from the Scripps School of Journalism; the Joan S. Barone Award; the Sol Taishoff Award

for Excellence in Broadcasting, and several others. She has been honored seven times by the American Bar Association, and has received a number of honorary degrees. She has published in *The New York Times Magazine*, *The Harvard Law Review*, *The Christian Science Monitor*, *Parade Magazine*, *New York Magazine*, and others. Before joining NPR, she was Washington editor of *New Times Magazine*, and the legal affairs correspondent for the *National Observer*.

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## Audacious Vision, Uneven History and Uncertain Future

### Panel - Uncertain Future: Party Polarization and Legislative-Executive Balance

#### Moderator



**James A. Thurber** is Distinguished Professor of Government, Founder and Former Director (1979-2016) of the Center for Congressional and Presidential Studies, and Affiliate Distinguished Professor of Public Administration and Policy at American University in Washington, D.C. He is also a fellow of the National Academy of Public Administration and the author of numerous books and more than eighty articles and chapters on Congress, interest groups and lobbying, and campaigns and elections. His recent work includes *Rivals for Power: Presidential-Congressional Relations* (2017, 6th

Ed.), *American Gridlock: The Sources, Character and Impact of Political Polarization* (2015, with Antoine Yoshinaka), and *Campaigns and Elections, American Style* (2013, with Candice J. Nelson, 5th Ed.). He holds a Bachelor of Science from the University of Oregon and a Ph.D. in Political Science from Indiana University. Dr. Thurber also serves on the Executive Committee of the Board of Trustees for the U.S. Capitol Historical Society.

#### Panelists



**Sarah Binder** is senior fellow in Governance Studies at the Brookings Institution and professor of political science at George Washington University, where she specializes in Congress and legislative politics. Associate editor of the Monkey Cage Blog, and former co-editor of *Legislative Studies Quarterly*, her current research explores the relationship between Congress and the

Federal Reserve. She is the author and co-author of several works, including: *The Myth of Independence: How Congress Governs the Federal Reserve*; *Advice and Dissent: The Struggle to Shape the Federal Judiciary*; *Minority Rights, Majority Rule: Partisanship and the Development of Congress*; *Politics or Principle? Filibustering in the United States Senate*; and *Stalemate: Causes and Consequences of Legislative Gridlock*, for which she received the 2003 Richard F. Fenno, Jr. Prize. She received her Ph.D. in political science from the University of Minnesota, and her B.A. from Yale University.

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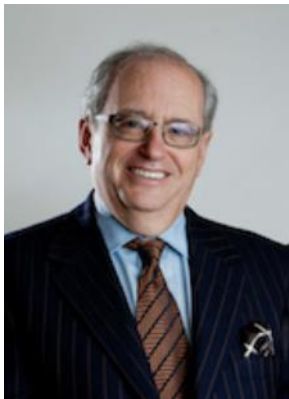
### Panel - Uncertain Future: Party Polarization and Legislative-Executive Balance, continued

#### Panelists, continued



**Yuval Levin** is Vice President of the Ethics and Public Policy Center and EPPC's Hertog Fellow. He is also the founding editor of *National Affairs* magazine. His essays and articles have appeared in numerous publications including *The New York Times*, *The Washington Post*, *The Wall Street Journal*, and *Commentary*. He is a contributing editor of the *National Review* and *The Weekly Standard*, a senior editor of EPPC's journal *The New Atlantis* and author of *The Fractured Republic: Renewing America's Social Contract in the Age of Individualism* (2016). He is a recipient of a

2013 Bradley Prize for intellectual achievement. Before joining EPPC, he served on the White House domestic policy staff under President George W. Bush and was the Executive Director of the President's Council on Bioethics. He holds a Bachelor of Arts from American University and a Ph.D. in Political Science from the University of Chicago.



**Norman Ornstein** is a resident scholar at the American Enterprise Institute (AEI), a Washington D.C. conservative think tank. He is a contributing editor and columnist for *National Journal* and *The Atlantic*, a *BBC News* election analyst, and the chairman of the Campaign Legal Center. He is also a member of the Board of Directors of the nonpartisan election reform group 'Why Tuesday?' and a member of the Advisory Board of the Future of American Democracy Foundation, a non-profit, non-partisan foundation. He helped draft key parts of the Bipartisan Campaign Reform Act of 2002, also known as the McCain-Feingold Act, and is the co-author (along with Thomas E. Mann) of *It's Even Worse Than It Looks: How the American Constitutional System*

*Collided With the New Politics of Extremism* (2012). In 2012, *Foreign Policy* named Ornstein one of its Top 100 Global Thinkers. He holds a Bachelor of Arts from the University of Minnesota and a Ph.D. in Political Science from the University of Michigan.



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## Audacious Vision, Uneven History and Uncertain Future

### Panel - Uncertain Future: Party Polarization and Legislative-Executive Balance, continued

#### Panelists, continued



**Manu Raju** is a senior congressional correspondent at *CNN*, covering Capitol Hill and campaign politics. He has previously served as Capitol Hill correspondent at *Politico* and reported for *The Hill* newspaper, *Congressional Quarterly* and *Inside Washington Publishers*. He is also a frequent guest on political talk shows on TV and radio. He has won multiple journalism awards. In 2012 he was part of a team of four reporters who won the White House Correspondents Association's Merriman Smith award for presidential reporting under deadline pressure for their coverage of the debt ceiling crisis. In 2015, he was awarded first prize by the Society of Professional Journalists in D.C. for beat coverage of the 2014 midterm elections. He holds a Bachelor of Arts from the University of Wisconsin-Madison.