

Ohio State History Department
HIST 3506: Diplomacy, Congress, and the Imperial Presidency
Spring 2020, Lecture, 3 Hours/week
Wed/Fri, 12:45-2:05
Hayes Hall 024

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Office Hours: Dulles 153, Wednesday 2:30-3:30; Friday 11:30-12:30 and by appointment

Course Description:

This course will emphasize the application of historical thinking, meaning we will explore historical ideas and precedents with the goal of using them to make sense of recent events. The focus will be the role Congress plays in international diplomacy in relation to the executive branch. In recent years, the congressional power to intervene in American foreign relations has been a regular presence in the news. From the contested Iran nuclear deal to denunciations of rising tariffs and the emergency declaration on the border, there has been a sense that after decades of deferring to presidential authority, the Congress is seeking a stronger role in diplomatic and national security matters. But the extent to which the separation of powers has shaped foreign policy is a complex story that reveals Congress has been both complicit in the rise of what some scholars have called the imperial presidency and intermittently committed to placing limits on executive power.

The course will explore the creation of contemporary traditions of foreign policy through four sets of historical case studies from the last century: the treaty powers, trade policy, military funding, and presidential war powers. We'll debate why the Congress has chosen to invest extensive, unilateral powers in the executive branch and whether this structure is necessary to protect and promote national interests. For each case study, students will use our historical discussions to reflect and analyze contemporary issues from the last twenty-five years, ranging from NAFTA to the War on Terror. By the end of the class, students will explain how the separation of powers shape the foreign policy process and hopefully develop a methodology for using historical context to better analyze the news cycle.

This is an upper level history course and will require active engagement with regular weekly readings and regular discussion. You will be asked to conduct individual research repeatedly throughout the semester and work in groups. **It fulfills the GE Historical Study requirement.**

General Education Goals and Expected Learning Outcomes:

This course fulfills the GE requirement for Historical Studies. Students will recognize how past events are studied and how they influence today's society and the human condition. Students will:

- Construct an integrated perspective on history and the factors that shape human activity
- Describe and analyze the origins and nature of contemporary issues
- Speak and write critically about primary and secondary historical sources by examining diverse interpretations of past events and ideas in their historical contexts

In pursuit of these goals, the course will prepare successful students to:

- Describe and analyze the institutional structures behind U.S. foreign relations and develop a foundation for understanding how the constitutional separation of powers shapes policy
- Explain various theories of the separation of powers in foreign policy and how they have evolved over time
- Analyze how the expansion of American power and mission has influenced the domestic organization of national institutions, and consider how this has effected American values
- Conduct, evaluate, and present independent research using cogent historical arguments that include a thesis, supporting themes, and use of concrete evidence
- Analyze how concepts of national security and interest have changed, and explain what this means to historical and contemporary discussions of American policy, politics and structures
- Assess the role the Congress has to play in foreign policy, and evaluate the proper powers of the executive in order to guarantee security, national prosperity, and good governance

Texts:

There are no required textbooks for this course. All readings are available via links from this syllabus or under files on Carmen, organized by the week they should be read.

I am happy to recommend supplementary texts to students unfamiliar U.S. foreign policy or federal structures. In terms of the general outlines of foreign policy, a good place to start is the following short (and affordable) volume:

Andrew Preston, *American Foreign Relations: A Very Short Introduction* (Oxford, 2019)

Assignments: Discussion/Participation (20%)

You should be prepared to discuss the texts on the day they are assigned and for the rest of the semester. Please consider any media as seriously as you would the written documents. The class will analyze images and videos together in lecture, and I expect you to treat this and any other material distributed in class as required reading for use in essays. During class discussions, you should reference texts, documents, and media when making points. I expect you to argue your informed opinions cogently and concisely but remember to maintain a respectful and civil attitude toward opposing viewpoints. Contributions to class discussion will be noted. I will also use impromptu in-class assignments to supplement discussion and gauge student engagement with the material intermittently throughout the semester. They will be graded with three levels of $\sqrt{\pm}$, with $\sqrt{+}$ meaning excellent work, $\sqrt{}$ meaning good, and $\sqrt{-}$ denoting some improvement needed. During spring break, I will provide students with a holistic assessment of their participation upon request.

Attendance for this class is mandatory and will count for roughly 10% of your participation grade. I will allow two unexcused absences before beginning to deduct from the overall grade; 6 unexcused absences may result in failure of the course. Please let me know in advance if you will have to miss class for illness, noteworthy academic travel or conflicts (major group activity, interview, etc.), religious holidays, and family emergencies, which will not count against your grade.

Case Study Research and Presentations (50%)

After the first two weeks, the course will be divided into four three-week case studies. Each case study will follow the same format, focusing on a specific power of Congress and the way it has influenced foreign policy in the twentieth century. In the first two weeks of each case study, we will consider debates concerning these powers through historic examples. The final week of each case study will be devoted to discussion of the contemporary relevance of the specific power. Students will be assigned to groups of 2-3 and will research a specific incident where this power was used, debated, or failed to be used by the Congress, and assess the impact of this event on the balance of power between the legislative and executive branches. I list a handful of potential topics for each case study, but I urge students to pursue their own interests. I will assign groups in week 4. I am open to students requesting to work together, but I reserve the right to make final decisions. I will reassign groups after the second case study (week 9) so that you will be working with a different set of students for the final six weeks of the course. Grades will be assigned collectively, but you will complete a short self-assessment of your contributions to the paper and presentation (see below) as well as group dynamics at the end of the two six-week cycles, which I will take into account when assigning final grades.

The assignments for the case study research will be as follows. At the end of the three week case, each group will make a presentation examining a specific contemporary (from the last 30 years) application of the power under discussion. It will state clearly what the specific event was, how the congress intervened, how the executive branch reacted, and what the results were. Students will seek to evaluate this narrative in the context of the history, explaining why events happened in a specific way or how things could have occurred differently to achieve a better solution. Students should reflect on what the event or events communicate about the balance of power between the branches and the role or potential role of the congress in U.S. foreign policy, which will ideally inform the thesis of the presentation. This presentation should run no more than 10 minutes with an additional 3-4 minutes for question and answer. PowerPoint or similar programs are encouraged if useful but not required. Not all group members are required to present, but each should play a role in the overall construction and offering of the presentation, and I would like to see each student present at least once during the semester. I will take requests from groups as to which week they would prefer to present, but I will have sole discretion in assigning positions.

Accompanying the presentation, please provide a short 250-500 process paper that includes sources for the presentation, an explanation on how you went about researching the topic, and how the historical research changed your views of the contemporary issue, if at all. If needed, it should include footnote references to primary and secondary research in Chicago-Turabian format, with the majority of information coming from news articles, congressional publications (The Congressional Record, Committee Documents, etc.), and academic/legal journals. Opinion pieces are acceptable, but they should come from reputable sources, ideally high-ranking politicians, bureaucrats, political appointees, or academics. The presentations and process papers will each count for

I will expect you to confirm the topic with me a week in advance, as noted in the course calendar below. During the first class of the third week of each case study, we will briefly discuss a short reading on thinking historically and using history in decision-making. The remainder of the session will be devoted to group deliberations and writing. I will be circulating if you have any questions.

Final Reflection Paper (30%)

At the end of the course, students will write a final reflection paper that draws on our discussions, the cases and documents presented, as well as their individual research into the topic. It will answer the question: What should be the role of Congress in U.S. foreign policy, and how should it use its powers to shape executive decision-making? This paper should advance a clear thesis backed by supporting points, which should be forward looking and analytical, using both legal and political theory backed by concrete evidence taken from the historical record. These historical aspects may take the form of direct comparison or “lessons learned,” adaptations of successful historic strategies, demonstrations of limitations and proposals for how to overcome them, etc. However they use the history, the papers should demonstrate a clear, nuanced knowledge of the specific examples at hand, explain them in ways that clarify ideas under discussion, and cite specific sources for this evidence. These papers should also include an introduction laying out the problem or issue that the thesis addresses, as well as a conclusion offering general insights, conclusions, or ideas for action.

The final paper should be 5-8 pages in length, double spaced, in a normal sized font (1400-2000 words, including footnotes). It should include full footnote citations in Chicago/Turabian format (see Carmen/Files), with a word count at the end. You do not need a works cited. The paper is due at midnight via Turnitin one week after the final day of class. No extensions will be provided except for extreme circumstances. Late papers will be penalized a half letter grade for each day late.

Assignments Due Dates and Grading:

Discussion/Participation: 20%

Group Case Study Presentations and papers: 50% – 4 x 12.5%

Final Reflection Paper: 30%

A: 93-100

A-: 90-92

B+: 87-89

B: 83-86

B-: 80-82

C+: 77-79

C: 73-76

C-: 70-72

D+: 67-69

D: 60-66

F (E): <60

Additional Policies:

The University strives to make all learning experiences as accessible as possible. If you anticipate or experience academic barriers based on your disability (including mental health, chronic or temporary medical conditions), please let me know immediately so that we can privately discuss options. To establish reasonable accommodations, I may request that you register with Student Life Disability Services. After registration, make arrangements with me as soon as possible to discuss your accommodations so that they may be implemented in a timely fashion. SLDS contact information:

slds@osu.edu; 614-292-3307; slds.osu.edu; 098 Baker Hall, 113 W. 12th Avenue. I would appreciate receiving the appropriate documentation no later than February 10.

Attendance is expected as outlined in the participation section. You will not be allowed to make up missed participation assignments unless you have provided a valid reason for missing the class in advance (or in rare cases, within 24 hours). I expect students to arrive to class on time and remain for the entire class unless given permission in advance. Please notify me of any pending absence at least eight days prior to the date of observance of a religious holiday. If you must miss a class or assignment in order to observe a religious holy day, you will be given an opportunity to complete the missed work within a reasonable time before or after the absence, or we will arrange alternative credit.

It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student academic misconduct. The term “academic misconduct” includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct. If you have questions about university rules and procedures, please visit <http://oaa.osu.edu/coamfaq.html>. I assume students will comply fully with university regulations regarding academic conduct throughout the semester, and I will rigorously enforce all university procedures in cases of violation.

As a student you may experience a range of issues that can cause barriers to learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance or reduce a student’s ability to participate in daily activities. The Ohio State University offers services to assist you with addressing these and other concerns you may be experiencing. If you or someone you know are suffering from any of the aforementioned conditions, you can learn more about the broad range of confidential mental health services available on campus via the Office of Student Life’s Counseling and Consultation Service (CCS) by visiting ccs.osu.edu or calling 614-292-5766. CCS is located on the 4th Floor of the Younkin Success Center and 10th Floor of Lincoln Tower. You can reach an on call counselor when CCS is closed at 614-292-5766 and 24 hour emergency help is also available through the 24/7 National Suicide Prevention Hotline at 1-800-273-TALK or at suicidepreventionlifeline.org. Students concerned about strange, destructive, or threatening behavior of classmates and friends should consult with the Counseling and Consultation Service: <http://www.ccs.osu.edu/>. Cases representing an immediate threat to self or others should be reported directly to the Police Department by calling 911.

This syllabus and all materials presented in lectures are the intellectual property of R. Joseph Parrott. No materials may be published, posted to the internet, or rewritten for publication or distribution in any medium. Neither these materials nor any portion thereof may be stored in a computer except for personal and non-commercial use. Paid note-takers are strictly forbidden from attending this class. I will not make lecture notes available, but I will consider posting PowerPoint slides or images on Carmen.

Course and Reading Schedule:

Please note that the readings and topics listed below are subject to change. I reserve the right to adjust the syllabus based on guest discussions and unforeseen events. I will announce any changes in class and through email. I will then post an updated syllabus on the course website under files.

Week 1: Introduction & The Constitutional Powers [35pp]

January 8 – Introduction

January 10 – Roger H. Davidson and Walter J. Oleszek, Chapter 15, *Congress and Its Members*, 17th Edition (CQ Press, 2017)

Primary: Selection, U.S. Constitution (Foreign Policy Powers), 1787

Week 2: Foreign Policy and the Separation of Powers [80pp]

January 15 – Robert David Johnson, “Congress and U.S. Foreign Policy before 9/11,” in Auerswald and Campbell, *Congress and the Politics of National Security* (Cambridge, 2012)

Arthur Schlesinger, *The Imperial Presidency* (Mariner, 2004), Introduction-Chapter 2

January 17 – NA

Week 3: Treaty Powers I: The League of Nations [90pp]

January 22 – Arthur Link, *Woodrow Wilson: Revolution, War and Peace* (Wiley-Blackwell, 1979), Ch 5

Christopher McKnight Nichols, *Promise and Peril* (Harvard, 2011), 229-272

Primary: Treaty of Peace with Germany: Report of Conference between Senate Foreign Relations Committee and the President, (Aug 19,1919)

January 24 – Primary: Cong. Record, 66th Cong., 1st Session (Nov 18, 1919)

Constitutionality of the Treaty Between France and the United States, 66th Congress, 1st Session (September 22, 1919)

Week 4: Treaty Powers II: The UN and NATO [100 pp]

January 29 – Aaron L. Freidberg, *In the Shadow of the Garrison State* (Princeton, 2000), Ch 2

Hendrik Meijer, *Arthur Vandenberg: The Man in the Middle of the American Century* (Chicago, 2017), chs 19-22

Primary: John C. Chalberg, ed., *Isolationism: Opposing Viewpoints* (Greenhaven Press, 1995), Ch 5, 2 (Elmer), Documents 3 (Acheson), & 4 (Taft)

Arthur H. Vandenberg, "American Foreign Policy, Speech in Senate (January 10, 1945)

January 31 – Primary: "Versailles, Genral (sic) points of comparison," c. 1977/8, Jimmy Carter Library
Group Topics Due – Potential Topics: NAFTA, Joint Comprehensive Plan of Action (Iran Nuclear Deal), Paris Accords, USMCA

Week 5: Treaty Powers III: Student Research

[25 pp]

February 5 – Margaret MacMillan, *Dangerous Games: The Uses and Abuses of History* (Modern Library, 2009), Ch 8 "History as Guide"

February 6 – Student Presentations

Week 6: Regulating Commerce I: Interwar Adjustment

[85 pp]

February 12 – Kumiko Koyama, K., "The Passage of the Smoot-Hawley Tariff Act: Why Did the President Sign the Bill?" *Journal of Policy History*, 21:2 (2009), 163-186.

Karen E. Schnietz, "The Institutional Foundation of U.S. Trade Policy: Revisiting Explanations for the 1934 Reciprocal Trade Agreements Act." *Journal of Policy History* 12, no. 4 (2000): 417–44.

Primary: Herbert Hoover, "Message regarding the Smoot-Hawley Tariff Act," (1930):

<https://millercenter.org/the-presidency/presidential-speeches/june-16-1930-message-regarding-smoot-hawley-tariff-act>

February 14 – Donald Johnson, *The Wealth of a Nation: A History of Trade Policy* (Oxford, 2018), ch 9

Primary: Congressional Record-House, 73rd Congress, 2nd Session, (March 24, 1934), 5350-5356

Report 1000, Amend Tariff Act of 1930, Ways and Means Committee, 73rd Congress, 2nd Session, (March 17, 1934), 11-16

Reciprocal Trade Agreements Act (June 12, 1934, ch. 474, 2 2, 48 Stat. 944)

Week 7: Regulating Commerce II: Postwar Economic Internationalism

[70 pp]

February 19 – Johnson, chs 11-12

February 21 – Primary: Franklin Roosevelt, "International Monetary Fund, Message from the President," February 12, 1945

Committee on Banking and Currency, "Report to Accompany H.R. 3314, a Bill to provide for participate in the International Monetary Fund," May 30, 245: 1-10.

Chancellor of the Exchequer, Memo WP (45) 46, January 22, 1945, British National Archives

Congressional Record – Senate, 79th Congress, 2nd Session (June 14, 1948)

Dean Acheson, "Post-War International Economic Problems," (Nov 30, 1944)

Group Topics Due – Potential Topics: NAFTA, World Bank, TPP, USMCA, WTO, US-ASEAN TIFA

Week 8: Regulating Commerce III: Student Research

[24pp]

February 26 – Neustadt and May, *Thinking in Time: The Uses of History for Decision-Makers* (Free Press, 1988), Ch7 "Finding History that Fits"

February 28 – Student Presentations

Week 9: Power of the Purse I: Vietnam

[68pp]

March 4 – Julian Zelizer, "How Congress Got Us Out of Vietnam," *The American Prospect*, February 19, 2007: <https://prospect.org/article/how-congress-got-us-out-vietnam>

Primary: Congressional Record, 91st Congress, 2nd Session (June 3, 1970)

Congressional Record, House, 91st Congress, 2nd Session (July 9, 1970)

Public Law 91-652, 91st Congress (January 5, 1971)

Memorandum of Record, May 25, 1970, Document 304, *Foreign Relations of the United States, 1969-1976, Volume VI, January 1969-July 1970* (USG Printing Office, 2006)

<https://history.state.gov/historicaldocuments/frus1969-76v06/d304>

March 6 – Joel K. Goldstein, "Assuming Responsibility: Thomas F. Eagleton, The Senate and the Bombing of Cambodia," *Saint Louis University Law Journal*, Vol. 52, No. 151, (2007): 1-36

Primary: Thomas Eagleton, "White House Mythology," *New York Times* (March 27, 1973)

Congressional Record – Senate, 93rd Congress, 1st Session, (May 14, 1973)

Congressional Record – House, 93rd Congress, 1st Session, (June 29, 1973)

**** Spring Break: March 11-15 ****

Week 10: Power of the Purse II: The Boland Amendment and the Contras

[80pp]

March 18 – Louis Fisher, "How Tightly Can Congress Draw the Purse Strings?" *The American Journal of International Law* 83:4 (Oct, 1989): 758-766

D. Bruce Hicks, "Foreign Policy Prerogative after the Iran-Contra Affair: A Review Essay," *Presidential Studies Quarterly* 26:4 (Fall 1996): 962-977.

Primary: Congressional Record – House, 98th Congress, 1st Session, (October 20, 1983)

Report, Amendment to the Intelligence Authorization Act for Fiscal Year 1983 (May 13, 1983)

March 20 – Daniel Henninger, "Bipartisan Incoherence: Foreign Policy Goes Domestic," *The National Interest* 14 (Winter, 1988-89): 21-28.

Primary: National Security Archives, Electronic Briefing Book No. 210: The Iran-Contra Affair 20 Years On (November 24, 2006): Documents 3-5,7

Group Topics Due – Potential Topics: Clark Amendment, Military Budgeting, Peace Dividend, Yemen Amendment (2019)

Week 11: Power of the Purse III: Student Research [30pp]

March 25 – Philip Zelickow, "The Nature of History's Lessons," in Brands and Suri, *The Power of the Past: History and Statecraft* (Brookings, 2015)

March 27 – Student Presentations

Week 12: War Powers I: New Internationalism of 1970s [80pp]

April 1 – Robert David Johnson, *Congress and the Cold War* (Cambridge, 2005), ch 6

Primary: Library of Congress, "Report on Congress and the Termination of the Vietnam War," *International Legal Materials* 12:3 (May 1973): 699-707

War Powers Resolution, HJ Res 542, 93rd Congress, First Session (May 3, 1973)

Congressional Record – House, 93rd Congress, 1st Session (June 25, 1973)

Congressional Record – Senate, 93rd Congress, 1st Session (July 18, 1973)

House Foreign Affairs Committee, Report on War Powers Resolution of 1973, Minority Opinion (June 15, 1973)

Richard Nixon, Message on Veto of House Resolution 542 (October 25, 1973)

April 3 – Primary: War Powers Resolution, Public Law 93-148 (November 7, 1973)

Congressional Record – Senate, 93rd Congress, 1st Session (November 7, 1973)

Congressional Record – House, 93rd Congress, 1st Session (November 1, 1973)

Jacob Javits, "War Powers Reconsider," *Foreign Affairs* 64:1 (1985), 130-140

Week 13: War Powers II: The War on Terror

[70pp]

April 8 – Jeremy Scahill, *Dirty Wars: The World is a Battlefield* (Nation Books, 2013), Chs 6-8

Primary: Authorization to Use Military Force, Public Law 107-40 (September 18, 2001)

Congressional Record – Senate, 107th Congress, 1st Session (September 4, 2001)

“Emergency Funding Deal Reached,” *Washington Post* (September 14, 2001)

“Agreement on \$40 million for aid and a response,” *New York Times* (September 14, 2001)

Barbara Lee, “Why I Opposed the Resolution to Authorize Military Force,” September 14, 2001 in *Meridians 2:2* (2002): 278-80.

April 10 – Douglas L. Kriner, “Bent but not broken? Inter-branch politics, checks and balances, and the contemporary national security state,” in Demarest and Borghard, *US National Security Reform: Reassessing the National Security Act 1947* (Routledge, 2018)

Group Topics Due – Potential Topics: Balkans (1990s), Libya, Syria, Somalia, Yemen

Week 14: War Powers III: Student Research

[14 pp]

April 15 – James B. Steinberg, “History, Policymaking, and the Balkans: Lessons Imported and Lessons Learned,” in Brands and Suri, 237-251

April 17 – Student Presentations

Final Individual Reflection Paper Due April 26 by midnight on Turnitin