

[CLASS EXERCISE – FALL 2004]

As members of the Joint Congressional Task Force on Responsiveness to Future Challenges, we wish to thank you for your willingness to contribute to our effort. As you know, the September 11th Commission strongly criticized the Congress for its failure to exercise effective review of the operations of the intelligence community. The Commission rightly concluded that responsibility for the failings of the intelligence community extended jointly to the executive and to the legislative branches.

Congress responded to this by establishing a special panel to review its own processes, in light to the September 11th Commission's findings. This panel has concluded that the Congress' failure in regard to the intelligence community is in fact a sign of something even more far reaching. We have concluded that Congress has generally fallen behind the times, in its ability to track developing issues: a deficiency that threatens the ability of the Congress to function as an effective independent branch of government, as we move into this century.

Accordingly, the special panel concluded that we needed to focus attention on possible longer-term issues that might ultimately become major concerns for the Congress, and also on an institutional response to the problem of thinking in policy/legislative terms about the longer term. As you know, the President has been addressing a similar set of issues as they relate to the executive branch, and this panel believes that the record of "presidential commissions" on this subject is indispensable as a starting point for what we are asking of you.

The most recent of these reports (May 2004) actually does involve the Congress, by way of a recommendation for establishing in law a system that would serve both the executive branch and the congress. We appreciate that suggestion, but mainly as a starting point. In our opinion, the interests and perspectives of the Executive branch and of the Congress differ significantly and are best served by institutions that deal with them separately, rather than jointly. It is difficult enough to think of ways to improve the capacity of the Congress as a whole, given the differences between the House and Senate.

Therefore, we ask that you not only give us a critical review of what has been done to this point, but that you move on to make recommendations for a system addressing the needs of the legislative branch in and of itself. We are aware that this task is made more complicated by the fact that your views will ultimately be perceived differently by members of the panel, depending on their political orientations.

You are free to take this into account during your deliberations. However, we ask that you keep one thing in mind when you do this. Members of this panel are charged with presenting the Congress as a whole with recommendations that will help assure the effectiveness of the institution. We are determined to do so in a manner that represents the highest, rather than the lowest common denominator. Help us to do that.