



NAME OF EVENT: Foxes and Henhouses: Restoring Oversight and Accountability A Year After the 2020 Election

DATE | TIME | LOCATION: November 2021 2:00pm-3:15pm | |Online

BRIEF DESCRIPTION:

As we approach the one-year anniversary of the 2020 election, advocates and lawmakers are still debating how best to protect our democratic institutions and promote accountability for executive branch transgressions. Some are particularly concerned about the role that the Department of Justice and its Office of Legal Counsel (OLC) played in undermining congressional oversight during the Trump years, when it issued opinions that arguably distorted the separation of powers by brooking no recognition for Congress’s prerogatives as a co-equal branch.

Others are focused on the need to protect and strengthen the roles of Inspectors General after former President Trump fired four IGs in the span of six weeks in what some called a “dangerous pattern of retaliation” against federal watchdogs. Recognizing that transparency and oversight is key to democratic survival, what are the best ways to achieve accountability for executive branch transgressions? What role should the Office of Legal Counsel play in reigning in executive branch illegality? And what reforms to the Inspector General system are needed so that these watchdogs can provide the independent nonpartisan oversight they are legislatively required to deliver?

SPEAKERS’ NAMES AND BIOS:

- **Liza Goitein**, Director, Liberty & National Security, Brennan Center for Justice
- **Jameel Jaffer**, Executive Director, Knight First Amendment Institute at Columbia University
- **Cristina Rodriguez**, Leighton Homer Surbeck Professor of Law, Yale Law School
- **Andrew Wright**, Partner, Public Law & Policy Group, K&L Gates
- **Josh Gerstein**, Senior Legal Affairs Reporter, POLITICO, *Moderator*

AGENDA OF PROGRAM:

- Introduction (5 mins)
- Speaker Presentations and Moderated Conversation (55 mins)
- Q&A (15 min)

READING MATERIALS:

AM. CONST. SOC., [STATEMENT: THE OFFICE OF LEGAL COUNSEL AND THE RULE OF LAW](#) (2020).

LIZA GOITEIN ET AL., [EXECUTIVE ACTIONS TO RESTORE INTEGRITY AND ACCOUNTABILITY IN GOVERNMENT](#) (2020).

Liza Goitein, [Secret Law Isn’t the Public’s Fault](#), JUST SECURITY (Nov. 9, 2015)



Jameel Jaffer, *The Office of Legal Counsel and Secret Law*, KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY (July 18, 2017).

ANNIE OWENS, *REFORMING THE OFFICE OF LEGAL COUNSEL: LIVING UP TO ITS BEST PRACTICES* (2020).

Cristina Rodriguez, *Complexity as Restraint*, 115 COLUMB. L. REV. 179 (2015).

Shirin Sinnar, *Internal Oversight and the Tenuous Protection of Norms*, 93 N.Y.U. L. REV. ONLINE 62 (2018).

Benjamin Wittes, *Why is Trump's Inspector General Purge Not a National Scandal?* LAWFARE (Apr. 8, 2020).

ANDREW WRIGHT & SARA HALL, *INSPECTORS GENERAL REFORM: CONSIDERING PROPOSALS FOR GREATER INDEPENDENCE, EFFECTIVENESS, AND ACCOUNTABILITY* (2021).

Andrew Wright, *Executive Privilege And Inspectors General*, 97 TEX. L. REV. 1295 (2019).