

Government Ethics

Fall, 2020

Class sessions: room 206
10:30 - 11:45am, Mondays and Wednesdays

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Textbook: There is no required textbook for this class. Two reports will introduce you to the area and help you pick a topic for your writing. The first is a dated but authoritative set of recommendations for reform for Illinois at <https://igchicago.org/wp-content/uploads/2011/03/IRC-100-Day-Report-Final.pdf>. On a national level, the new report from the American Academy of Arts and Sciences will be a great starting place, <https://www.amacad.org/ourcommonpurpose/report>.

What you can expect to learn: Government ethics -- what a good joke, eh? Maybe so, and maybe particularly in Illinois. We will look at the development of ethical standards for governing, and how those standards work or fail in state and national government. This is a seminar, which is an amazing opportunity for us to work together. I'll provide the structure and the basics, and you get to choose the direction for your research, writing, and presentations to the class. Bottom line -- you will get to dig into an area of law that is interesting to you, polish your research and writing skills, and try to take it outside of school and have an impact. Yessss!

Attendance: Be here, whether it is in person or online. It's part of what will make this class work. We will have some guest speakers who have great experience to draw from, and we will both present our own work and critique the work of our classmates. Class participation will be a part of your grade, so that's another good reason to come to class. Since the class is a writing seminar, we are allowed to cancel several class sessions in order to devote more time to research and writing. Sweet.

Workload expectations: You might not have thought about how much work you will put into each class, but the American Bar Association has! The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), "a "credit hour" is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time." This is a three credit hour class, meaning we will spend two 75 minute blocks of time together most weeks. The rules of the school of law allow us to forego several class sessions to allow you more time for research, writing, and conferences. Overall your reading, research, writing and class sessions should take an average of nine hours each week.

Grades: Your grade will be based on the following factors:

Class participation	20 percent
Outline of the first paper	10 percent
First paper	30 percent
First draft of the second paper	10 percent
Final draft of second paper	30 percent

Assignments must be submitted by D2L or in person directly to me. No late submissions will receive credit unless permission has been granted in advance. Because of the small class size, grades will be assigned according to the more flexible curve for smaller classes, and grade distribution rules do not apply.

Writing Targets: Students in senior seminars at the School of Law are required to produce a paper or papers totaling 7500 words, which is about 31 pages, double spaced. I am dividing that requirement into two papers so that one paper can be short enough to be published. We'll talk in class about publications that are good targets for your work.

D2L: Keep posted on news, assignments, any changes in the syllabus and other good stuff through D2L.

Office hours: I am a total nerd and spend a lot of time in the office, so stop by any time. Also feel free to schedule an appointment. My office has a window, and I recently improvised a screen for it -- so fresh air and no wasps! I am also happy to meet with anyone outside, online, or by phone. I won't let the virus keep us from having consistent conversation about your topics and your writing. My property class is on Monday and Wednesday afternoons, but outside of that, I'm yours.

Recording class sessions: All class sessions will be recorded and posted. My experience with the recordings is that they work most of the time. So if you have to miss something that you really want to benefit from, have a classmate take notes.

Final exam: No final exam for this class. Party on!

Stress! What stress? The University and the School of Law recognize that there are lots of potential stressors in your life. Here is some information on Saluki Cares, a campus-wide effort to be there to support you: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-8135.

Disabilities and accommodations: I want everyone in this class to succeed. If a disability is challenging you, here is some information about how to seek accommodations: SIU Carbondale

is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation request and renewal forms can be found here: <https://law.siu.edu/academics/>.

Tornado? Flood? We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <https://emergency.siu.edu/>

Tentative schedule:

This is a schedule of when we will meet and when we will turn in outlines and papers. In general we will spend Mondays on substantive topics and Wednesdays on your research and writing. Reading assignments have been noted for some classes. More will be supplied as we go along. I anticipate having some guests Zoom in to our class, so that may require some flexibility in our schedule, but our topics won't suffer from a little shuffling. Any changes to the schedule will be posted to D2L.

August 17 **Course introduction.** Be ready to talk about one example of government ethics in action and one example of a failure of ethics in government.

August 19 **Planning.** Discussion of possible writing topics, locations for publication, and workshop nature of the class

August 24 **Resources** -- featuring the fabulous Professor Alicia Jones!
Come to class with at least two websites that you think might be useful and we can review them with Prof. Jones's help.

August 26 **The current crisis in Illinois** (and some response)
<https://www.sj-r.com/news/20200718/madigan-long-influential-presence-in-illinois-government-politics>
[https://www2.illinois.gov/sites/bac/SitePages/AppointmentsDetail.aspx?BCID=1217#:~:text=The%20Joint%20Commission%20shall%20have,2\)%20Review%20best%20practices%20concerning](https://www2.illinois.gov/sites/bac/SitePages/AppointmentsDetail.aspx?BCID=1217#:~:text=The%20Joint%20Commission%20shall%20have,2)%20Review%20best%20practices%20concerning)

- August 31 **Campaign cash**
Buckley v. Valeo, 424 U.S. 1 (1976)
Citizens United v. FEC, 558 U.S. 310 (2010)
 Citizens United and the Illusion of Coherence, Richard Hasen, Michigan Law Review, Vol. 109, No. 4, p 581 (2011)
 After Citizens United a Vicious Cycle of Corruption, Thomas Edsall, New York Times, Dec. 6, 2018, <https://www.nytimes.com/2018/12/06/opinion/citizens-united-corruption-pacs.html>
- September 2 **Presentation** on topic to class
- September 7 Labor day - no class
- September 9 **Presentation** of research strategy/outline
- September 14 **Income and asset disclosure** by those who govern, impact
 Illinois Const., Art. XIII, § 2
 5 ILCS 420/4A
 OHIO REV. CODE. ANN. TITLE 1, CH. 102, 102.031(B) (B)
 5 U.S.C. 7353
 U. S. House of Representatives Committee on Ethics, *Policies Underlying Disclosure*, <https://ethics.house.gov/financial-disclosure/policies-underlying-disclosure>
- September 16 **Presentation** on draft outline of paper. And turn in to me at the end of class.
- September 21 **Crimes and enforcement**
 18. U.S.C. 201 (b)(2)
 720 ILCS. 5/33-1
- September 23 **no class** - time reserved for conferences on drafts
- September 28 **Potential electoral reforms**
 electoral college, proportional representation and multi-member districts
 See items I-1 through I-3 in Our Common Purpose,
<https://www.amacad.org/ourcommonpurpose/report>.
- September 30 **no class** - time reserved for conferences on drafts
- October 5 **Redistricting**
 There's Nothing Fair About The Illinois Map: An Examination of the Reapportionment Process in Illinois,
https://paulsimoninstitute.siu.edu/_common/documents/simon-review/simon-review-35.pdf Craig Curtis, Bradley McMillan, Don Racheter, The Simon Review (Occasional Papers Of The Paul Simon Public Policy Institute)
 op-ed by Brad McMillan, Redistricting reform can help fix a broken Illinois
<https://www.pjstar.com/opinion/20160115/op-ed-redistricting-reform-can-help-fix-broken-illinois>

- October 7 **Presentations** on first paper
(one half of class)
- October 12 **Public access to information**
FOIA, 5 ILCS 140
Open Meetings Act, 5 ILCS 120/2
- October 14 **Presentations** on papers
(other half of class)
- October 19 **Government jobs, commissions and revolving doors**
Rutan v Republican Party of Illinois, 497 U.S. 62 (1990)
https://paulsimoninstitute.siu.edu/_common/documents/simon-review/simon-review-35.pdf (biased source alert)
- October 21 **no class** - time reserved for last minute questions on papers
- October 23 not a class day - papers due at 5pm today
- October 26 **Term limits and leadership**
Term Limits, <https://www.bettergov.org/backstory/term-limits/>
- October 28 **Presentations** on second paper topic and publication target to class
- November 2 **Election or selection of judges**
Elected v Appointed?, <https://today.law.harvard.edu/book-review/in-new-book-shugerman-explores-the-history-of-judicial-selection-in-the-u-s/>
Justice Sandra Day O'Connor, Take Justice Off the Ballot,
<https://www.nytimes.com/2010/05/23/opinion/23oconnor.html?scp=1&sq=take%20justice%20of%20the%20ballot&st=cse>
- November 4 **Presentation** of second paper to class
- November 9 **Conferences** on draft of second paper
- November 11 Veterans Day - no class
- November 13 **not a class day** - second paper due at 5pm today
- November 16 **Conferences** on revisions to second paper
- November 18 **Conferences** on revision to second paper
- November 20 not a class day - revised second paper due at 5pm today