

## MEMORANDUM

**TO:** Participants in the Rule of Law Seminar

**FROM:** Professor John Norton Moore

**DATE:** September 5, 2011

### PAPER TOPICS—FALL 2011

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To assist you as you begin to think about the subject matter of your paper, I am providing the following list of *illustrative* topics. This list is by no means exhaustive, and I would be delighted to discuss other ideas with you. Past student papers are also available at the seminar for you to get a sense of the scope of issues researched by students in “Rule of Law” seminars. Here are a few suggestions:

- *Citizens United* and Campaign Finance Reform
- *Arizona Free Enterprise* and Campaign Finance Reform
- Resolving the National Debt Crisis
- The “Public Debt” Clause in Section Four of the Fourteenth Amendment
- The Sovereign Debt Crisis in Europe
- Immigration Reform
- The Subprime Loan Crisis and Government Failure
- Hurricane Katrina and Government Failure Before, During, and After the Storm
- Absence of Adequate Hurricane Insurance for Americans
- The War on Drugs
- Paramilitary Police Raids in America: the Use and Abuse of Police SWAT Teams
- Growth of the Prison Population in America: Its Causes and Cures
- Overly Harsh Criminal Sentencing: the Sentencing Guidelines and Beyond
- The Debate about the Large Percentage of Minorities in the Prison Population
- Border Security
- The Senate Role in the Selection of Federal Judges: Is There a Place for the Filibuster?
- The Decision of the United States Supreme Court in *Arthur Andersen LLP v. U.S.* (*see* 544 U.S. \_\_\_ (2005)); When is prosecution too aggressive?

- The Effect of Sarbanes-Oxley on attorney-client privilege (*see* “Deputizing Company Counsel as Agents of the Federal Government,” in WASHINGTON LAWYER, March 2005)
- An Analysis of H. R. 1133, cited as the “Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005” or the “ADVANCE Democracy Act of 2005”
- What Qualifications or Jurisprudential Approaches Should “Conservatives” Seek in Judicial Appointments? Which of These Should “Liberals” Seek? Are There Differences, and if so, Why, and What are the Implications for the Rule of Law?
- The Debate About Half Way Houses in the Federal Criminal Justice System
- The Super Fund Law: Costs and Benefits
- Government Failure and the Savings and Loan Crisis
- President Carter and the Oil Price Shock
- President Nixon and Wage Price Controls
- The Debate About Traffic Light Cameras: Accident Prevention, Dangerous Fund Raiser, or Both?
- Government Failure and the California Energy Crisis
- DNA as Catalyst in Disclosing Failures in the Criminal Justice System
- A National Code of Conduct for Prosecutors: Should there be Legal or Ethical Constraints?
- Fairness in Voting Procedures
- Achieving Term Limits
- A Balanced Budget Amendment
- Government “Rhetoric” in Concealing Unpopular Actions or Costs
- The Congressional Budgeting Process
- Enhancing Tax Visibility
- Social Security Reform/Privatization of the System
- A New “Bill of Rights” for the Protection of Economic Freedom
- Tax Levels and Their Impact on Economic Growth
- The Impact on Economic Growth of Government Activities as an Increasing Percent of GDP
- Establishing an Independent Cost/Benefit Assessment Government Review Agency
- Constitutional or Other Constraints for Limiting Overall Tax Levels or Government Activities as a Percentage of GDP in the Interest of Enhancing Growth
- Constitutional or Other Constraints for Limiting the Government Tax Take in the Interest of Protecting Individual Economic Freedom
- The Correlation Between Democracy and Control of Corruption
- The Correlation Between Democracy and Women's Rights
- Controlling Overall Regulatory Costs
- Non-Constitutional “Legislative” or “Party” Charters for Good Government
- Modalities for Controlling “Abuse of Law” by Government
- A History of the Income Tax

- The Effect of Requiring Cost/Benefit Analysis for New Legislative or Administrative Initiatives
- Reforming/Ending Property Forfeiture Laws
- Reforming/Ending "Death" Taxes
- Deregulating Campaign Finance
- The Effect of Qualified Legislative Majorities in Controlling Government Failure
- Controlling Unfunded Mandates
- Assessing Off-Budget Regulatory Costs
- Government Advantages in Litigation: Proposals For a Litigation Budget
- Remedying Inefficient State Incentives from Differential Federal Revenue Collection/Distribution Concerns
- Controlling Cost/Benefit through Law to Avoid Governmental Actions Imposing Greater Costs Than Benefits
- Differentiating "Safety Net" Concerns of Government from "Wealth Redistribution" as a Purpose of Government
- "Democracy" in Athens
- "Democracy" in Rome
- Enhanced Crime Control Through Enhanced Anti-crime Education and Enhanced Police Presence Within the Community
- Views of the Constitutional Framers Concerning the Permissibility of Government Action for the Purpose of Wealth Redistribution
- The Costs of Rent Control and Other Governmental Price Fixing
- Social Effects of Government Policies for Wealth Redistribution
- Assessing Appropriate Levels of Government Support for the Control of Major Diseases (such as Cancer, Heart Disease, AIDS, etc.): Does Government Spend Too Little on Health?
- Wealth Equality/Inequality Through Time
- "Epstein" or other Reforms of Takings Law
- The Effects of Election vs. Appointment of Judges
- Controlling/Ending Punitive Damages
- A Comparative Look at Punitive Damages: The German and Other Approaches
- Restoring Clarity of "Fault and Knowledge" in Criminal and/or Civil Actions
- Ending Government Actions Discriminating Against Families and Family Formation
- The Problem of "Rule Upon Rule": Simply Too Much Law
- Are "Conflict of Interest" and "Ethical Rules" Becoming Too Detailed (and thus effectively unknowable) for the Severity of the Penalties Applied?
- Government—including the Judicial Process— and Relational Privacy
- Ending the Independent Counsel Law
- Enhancing Choice in Public Education
- The Bankruptcy of "Anti-Modernism"
- Restoring Federalism

- Assessing Appropriate Levels of Government Spending for National Defense: Does Government Spend Too Little on Defense and Security?
- Government and the Internet: Assessing the Issues
- The Great “Terror” in France
- Appraising the Structure of the European Union From the Viewpoint of Government Failure Theory
- The Move for a Written “Bill of Rights” in Britain
- Assessing the “Precautionary Principle” in Modern Environmental Policy
- A New United States/Latin American Free Trade Zone
- Achieving Democracy and the Rule of Law in Russia
- Achieving Democracy and the Rule of Law in China
- Self-Funding by Government Agencies
- Examples of “Abuse of Law” by Government
- A Case Study of the District of Columbia Bank “Inactive Account” Forfeiture Law
- Population Health Effects of a 1% Reduction in GDP Growth Rates
- A Case Study of the Nixon Price Controls
- Government Failure as the Principal Cause/Causes of the Great Depression and its Prolongation
- The Wealth Effect on Future Generations of 1-3% Per Year Additions to Growth
- Assessing the Performance of Electoral Democracy Versus “Liberal” Democracy (i.e., the Importance of Limits on Government Power in Addition to Free and Fair Elections)
- Do the Ideas of the Framers Travel? Assessing the Universality of Principles of Good Governance and the Rule of Law
- Costs and Benefits of the New Campaign Finance Law
- Has Government Overreacted to the Enron/WorldCom 2002 Corporate Scandal?
- The Correlation Between Democracy and the Control of Dangerous Drugs
- Reforming our Technology of Voting