Instructor: Dr. Ken Ruscio  
Course Information: LDST 390-02 (CRN 17641)  
Class Meeting Time: TR 10:30-11:45 am  
Email: kruscio@richmond.edu  
Office: Jepson Hall, Room 233  
Office Hours: By appointment or office hours (10:00-noon and 1:00-3:00, Wednesdays)

The whole theory of American government, limned in the Declaration of Independence and given operational form in the Constitution, is that power alone does not legitimate, that legitimacy can only come through adherence to the rule of law by means of which our People have accorded power to government. This theory will always be tested. Each generation will live out the experiments that verify or falsify it. It may ultimately prove a tragedy, but it is not farce or charade—not yet anyway.

Philip Bobbitt  
*Impeachment: A Handbook*  
p. 146

Course Description:

In American democracy political power is constrained, and therefore leaders who exercise political power must be held accountable. Our constitutional system is built upon this fundamental principle. But if the theory is complex the actual practice of holding leaders accountable is even more complicated and contested. What are the connections between theory and practice? What qualities must leaders have to be effective in a system of constrained formal powers? How do we strike a balance between empowering leaders to do good while preventing them from doing bad things? The topic is timely, given the questions being asked about the future of liberal democracy and current leadership in modern democracies.

Course Objectives and Overview:

The goals are to understand why accountability is central to a theory of democracy, to assess how accountability is achieved or should be achieved, to examine current cases, and ultimately to arrive at an informed judgment about accountability in today’s democracy. Students may arrive at different conclusions. Some may be pessimistic and concerned. Others may be optimistic and hopeful. But all should be knowledgeable, well versed, and capable of raising the level of debate on these subjects beyond the classroom.

The course is divided into three parts.

First is an introduction to the theory of liberal democracy, the place of accountability in that theory, and how it has shaped the constitutional structures and procedures in the United States. The goal is to build a foundation before looking at historical controversies and current cases.
In the second part, we will build on the foundation by investigating a host of specific topics, including the growth of executive power, the role of legislative oversight, the role of journalism and a free press, and current questions such as national security, emergency powers, the function of a free press, and offices known as “inspector generals.” This will necessarily be a selective review not with the intention of covering every aspect but to gain an appreciation for how the theory of accountability is expressed in practice in today’s government.

Finally, we turn to the specific matter of impeaching a president. Why is impeachment included in the Constitution? When is it appropriate? Why is it being discussed today? How does our understanding of the theory and practice of accountability formed earlier in the course inform our conclusions about impeachment in the current context?

**Required Texts and Readings:**

There are five books required for the course.

2. *The Federalist Papers.* Hamilton, Madison and Jay (There are many editions, but we will rely on the Signet Classics edition edited by Clinton Rossiter, 2003)

Note that in addition to the assigned books, there will be several articles, reports and documents available on Blackboard and/or through links provided by the instructor. It is advisable, especially in the cases of the PDF reports, to print the documents and bring them to class during the appropriate class period.

I also strongly recommend—to the point of virtually requiring—a daily reading of a main newspaper—*The Wall St Journal*; or *The New York Times*; or *The Washington Post*. Also useful is a website Lawfare.com, which frequently publishes informed articles on matters related to the course. We will always reserve the option of using class time to discuss an important development that reflects some of the key questions of the course. If you have a story you’d like to have us discuss, you should always feel free to let me know in advance of class, even if it is just a few minutes in advance. That would be considered a strong indication of “class engagement” (see below.)

**Grading:**

The assignments are designed to help you understand, interpret and critique the material. The last assignment/exam is designed to see if you can offer your own independent, knowledgeable, and well-informed conclusions about the issues.

20% **Class Engagement**: active attendance; evidence that you have read carefully the assigned material; and weekly reactions to questions I will pose based on our discussions and readings or just general observations related to the material we cover. The weekly reactions must be submitted through the journal function on Blackboard by noon on Friday of each week. (They can be viewed only by me, not the other students in the class.) They need not be lengthy but should be thoughtful and reflective. They will not be individually graded but I will occasionally offer comments and reactions.

20% **Exam #1**: This will be an in-class essay/short answer exam based on the material covered in the first part of the course.

20% **Exam #2**: Another essay/short answer exam based on material covered early in the second part of the course.

20% **Impeachment Brief**: This assignment will be specified in detail as we approach the third part of the course. It will depend on the current context and nature of the national discussion. For example, one possible approach is for you to imagine yourself as a staff member for a member of Congress on the House Judiciary Committee. Your boss has assigned you the task of recommending to her whether she should vote for the impeachment of President Trump. You would
develop a memorandum outlining your understanding of impeachment and the reasoning behind your recommendation. Another possibility is to re-examine one of the previous cases of impeachment.

20% Final Exam: The format will not be a standard final exam. We will work out the exact details, but the general approach will be for me to develop a set of questions on accountability and its practice today. You will likely have some choice among the questions. They will be structured to help you step back from the material and reflect upon the conclusions and judgments you have reached on modern democracy, leadership, and accountability.

Each of these will be explained in more detail.

The Format of Class Sessions and “rules of the road:”

Because this is a class heavily dependent on discussion and mutual efforts to educate each other, I ask that you leave all distractions—cellphones, laptops, etc.—somewhere other than in front of you in class.

If you cannot attend a class because of illness or an unavoidable conflict, you should let me know ahead of time. If you do not let me know in such cases, it will adversely affect your grade for class engagement.

When you are in class, I will assume you have read the material. That doesn’t mean you will always understand it, but it will be unfair to your fellow classmates if you come to class intending to “free-ride” on the efforts of others. If for some reason you have not been able to read the material, you should let me know ahead of time to avoid those awkward moments when I turn to you and ask what you think and you have no idea.

Class Schedule and Reading Assignments:

Aug. 27 Introduction—First Day of Class

Part I

Aug. 29 Liberal Democracy: The Context in the World Today

  https://www.ft.com/content/670039ec-98f3-11e9-9573-ee5cbb98ed36?accessToken=zwAAAWzOZACgkc9nADnsmPMR6dOVc-5cu5jtNg.MEQCIEPpyzUQQkQQP3lsWEOO12AlFdeUY9H1WaoTPZ3gxa85e8pu4Xh0igzl4qC4IpLctTSortQ4zMJ3XENws_zeLg&sharetype=gift?token=7d115db7-b535-40b6-9a44-9c42950384f
- Martin Wolf, “Liberalism will endure but must be renewed,” The Financial Times, July 2, 2019
  https://www.ft.com/content/52dc93d2-9c1f-11e9-9c06-a4640c9fee4bb?shareType=nongift

Sept. 3 Some Basic Questions and Ideas

- Steven Levitsky and Daniel Ziblatt “Why Autocrats Love Emergencies.”
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<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Reading Material</th>
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<tbody>
<tr>
<td>Sept. 5</td>
<td>John Locke and the Origins of Liberal Democracy</td>
<td>Locke, pp 269-278 and pp. 285-302</td>
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<td>Sept. 10</td>
<td>Locke, continued</td>
<td>Locke, pp. 350-380 and pp. 398-428</td>
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<td>Sept. 12</td>
<td>Locke, continued</td>
<td><em>The Declaration of Independence</em> (Appendix in the Federalist Papers)</td>
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<td>Abraham Lincoln, <em>Message to Congress in Special Session, July 4, 1861</em></td>
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<td>Sept. 17</td>
<td>The Federalist Papers: Basic Ideas</td>
<td># 1, 2, 10, 48, 51</td>
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<td>Sept. 19</td>
<td>The Federalist Papers: Congress and Legislative Powers</td>
<td># 52-58 (The House)</td>
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<td># 62-66 (The Senate)</td>
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<td>Sept. 24</td>
<td>The Federalist Papers: The Judiciary</td>
<td># 78-83</td>
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<td>Sept. 26</td>
<td>The Federalist Papers: The Executive</td>
<td># 67-77</td>
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<td>Oct. 1</td>
<td>The Current Context</td>
<td>Schlesinger, <em>The Imperial Presidency</em>, pp. 1-34</td>
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<td>Oct. 3</td>
<td>Quiz # 1</td>
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<td><strong>Part II</strong></td>
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<td>Oct. 10</td>
<td>Critical Supreme Court Rulings</td>
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• Youngstown Sheet & Tube Co. v. Sawyer, 343 US 579, 1952

• United States v. Nixon, 418 US 683, 1974
  https://www.law.cornell.edu/supremecourt/text/418/683

Oct. 17  “Accountability Journalism”

• Jack Goldsmith *Power and Constraint* Chapter 3 “Accountability Journalism,” pp. 51-82.

Oct. 22  Congressional Oversight

  https://www.brookings.edu/interactives/tracking-house-oversight-in-the-trump-era/

Oct. 24  The Role of Inspectors General: Class visit by Michael Missal, IG for Veterans Administration


Oct. 29  War and National Security

• Schlesinger, pp. 278-330
• New York Times v. United States (1971) (Pentagon Papers Case)
  https://scholar.google.com/scholar_case?case=1757124479964973711&q=new+york+times+v.+u.s.+(1971)&hl=en&as_sdt=6,47&as_vis=1

Oct. 31  Exam #2

**Part III “Impeachment.”**

Nov. 5  The History and Constitutional Provisions Surrounding the Impeachment Process

• Charles Black and Philip Bobbitt, pp. 1-65
• Engel, pp. 3-46

Nov. 7  Andrew Johnson’s Case

• Meacham (in Engel), pp. 47-82

Nov. 12-14  Richard Nixon’s Case

• Naftali (in Engel), pp. 83-154
• Schlesinger, pp. 208-277
• Barbara Jordan: Statement at Nixon Impeachment Hearing
  https://www.americanrhetoric.com/speeches/barbarajordanjudiciarystatement.htm

Nov. 19  Bill Clinton’s Case
Baker (in Engel), pp. 155-204

Nov. 21, 26 Donald Trump’s Case
- Engel, pp. 205-224
- Black and Bobbitt, pp. 95-120
- Nov. 26 (subject to change): Briefing Due

Dec 3, 5 Accountability: A Final Assessment

Jepson School of Leadership Studies
Additional Information

Awarding of Credit
To be successful in this course, a student should expect to devote 10-14 hours each week, including class time and time spent on course-related activities.
registrar.richmond.edu/services/policies/academic-credit.html

Disability Accommodations
Students with a Disability Accommodation Notice should contact their instructors as early in the semester as possible to discuss arrangements for completing course assignments and exams.
disability.richmond.edu/

Honor System
The Jepson School supports the provisions of the Honor System. The shortened version of the honor pledge is:
“I pledge that I have neither received nor given unauthorized assistance during the completion of this work.”
studentdevelopment.richmond.edu/student-handbook/honor/the-honor-code.html

Religious Observance
Students should notify their instructors within the first two weeks of classes if they will need accommodations for religious observance.
registrar.richmond.edu/planning/religiousobs.html
If you experience difficulties in this course, do not hesitate to consult with me. There are also other resources that can support you in your efforts to meet course requirements.

**Academic Skills Center** ([http://asc.richmond.edu](http://asc.richmond.edu), 289-8626 or 289-8956): Assists students in assessing their academic strengths and weaknesses; honing their academic skills through teaching effective test preparation, critical reading and thinking, information conceptualization, concentration, and related techniques; working on specific subject areas (e.g., calculus, chemistry, accounting, etc.); and encouraging campus and community involvement. Hours at the Center are: **Sunday through Wednesday 3:00-9:00 p.m. and Thursday 3:00-7:00 p.m.** On-call tutors are also available.

**Boatwright Library Research Librarians** ([http://library.richmond.edu/help/ask/](http://library.richmond.edu/help/ask/) or 289-8876): Research librarians assist students with identifying and locating resources for class assignments, research papers and other course projects. Librarians also provide research support for students and can respond to questions about evaluating and citing sources. Students can email, text or IM or schedule a personal research appointment to meet with a librarian in his/her office on the first floor Research and Collaborative Study area.

**Career Services** ([http://careerservices.richmond.edu/](http://careerservices.richmond.edu/) or 289-8547): Can assist you in exploring your interests and abilities, choosing a major or course of study, connecting with internships and jobs, and investigating graduate and professional school options. We encourage you to schedule an appointment with a career advisor early in your time at UR.

**Counseling and Psychological Services** ([http://wellness.richmond.edu/offices/caps/](http://wellness.richmond.edu/offices/caps/) or 289-8119): Assists currently enrolled, full-time, degree-seeking students in improving their mental health and well-being, and in handling challenges that may impede their growth and development. Services include brief consultations, short-term counseling and psychotherapy, skills-building classes, crisis intervention, psychiatric consultation, and related services.

**Disability Services** ([https://disability.richmond.edu/students/index.html](https://disability.richmond.edu/students/index.html) or 289.8032) The Office of Disability Services works to ensure that qualified students with a disability (whether incoming or current) are provided with reasonable accommodations that enable that student to participate fully in activities, programs, services and benefits provided to all students. Please let your professors know as soon as possible if you have an accommodation that requires academic coordination and planning.

**Speech Center** ([http://speech.richmond.edu](http://speech.richmond.edu) or 289-6409): Assists with preparation and practice in the pursuit of excellence in public expression. Recording, playback, coaching and critique sessions offered by teams of student consultants trained to assist in developing ideas, arranging key points for more effective organization, improving style and delivery, and handling multimedia aids for individual and group presentations.

**Writing Center** ([http://writing.richmond.edu](http://writing.richmond.edu) or 289-8263): Assists writers at all levels of experience, across all majors. Students can schedule appointments with trained writing consultants who offer friendly critiques of written work.