

SYLLABUS

August 24

Anti-Corruption Law and Development

Fall Semester 2009

Room 121 TUII

Prof. Susan Strawn

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Reading: The majority of reading will be hand-outs or internet. The books are:

Collier, Paul. *The Bottom Billion* (2007).

Ghazvinian, John. *Untapped: The Scramble for Africa's Oil* (2007).

Wrong, Michela. *It's Our Turn to Eat* (2009).

You should bring a copy of the United Nations Convention Against Corruption (UNCAC) to each class, as well as the assigned readings. **This syllabus and the assigned readings will be updated periodically. Make sure you have the latest version handed out in class and posted.**

Grading: Grading will be based on a exam (75%), a class report (25%), with adjustment for participation (one point).

Report: The class report will be done in teams of two or three, depending on final class numbers. Each team will be required to prepare and present a 30-minute report on an energy-rich developing country of your choosing. Further instruction on the report will be provided. Grading will be based on 1) research (a bibliography must be submitted); 2) analysis; and 3) presentation. All team members should present equally, as much as possible. Time limits will be strictly enforced, so practice is essential.

August 24

Introduction to Corruption and the "Resource Curse"

Reading:

Collier, Paul. *The Bottom Billion* (2007), Chapters 1 and 3.

Ghazvinian, John. *Untapped: The Scramble for Africa's Oil* (2007), all.

PART I -- ENFORCEMENT

August 31

Domestic Criminal Law: Bribery, Gratuities, Conflicts of Interest and False Statements

Reading:

UNCAC Arts. 15, 18, 19
18 U.S.C. §§ 201-209.
18 U.S.C. § 1001

United States v. Sun Diamond Growers of California, 526 U.S. 398 (1999)
Crandon v. United States, 494 U.S. 152 (1990)
United States v. Theodore F. Stevens, Indictment
graphics8.nytimes.com/packages/pdf/topics/stevensindictment.pdf

September 14

Domestic Criminal Law: Honest Services Fraud, Embezzlements and Extortion under Color of Official Right (Hobbs Act)

Reading:

UNCAC Art. 17
18 U.S.C. §§ 666, 1341, 1346, 1951.
United States v. McNally, 483 U.S. 350 (1987)
McCormick v. United States, 500 U.S. 257 (1991)
Evans v. United States, 504 U.S. 255 (1992)
United States v. Ganim, 510 F.3d 134 (2d Cir. 2007)

September 21

Corruption Crimes and Enforcement: Impact of Legal Culture

Constitutional Considerations:

- 1) Immunities, Separation of Powers, Federalism
UNCAC Art. 30, par. 2
United States v. Brewster, 408 U.S. 501 (1972)
United States v. Rayburn House Office Bldg, Room 2113, 497 F.3d 654, 654-63 (D.C. Cir. 2007)
U.S. v. Collins, 972 F.2d 1385, 1385-97 (5th Cir. 1992)
McNally

2) First Amendment/Campaign Finance

McCormick

Caperton v. A.T. Massey Coal Co, Inc., 129 S.Ct. 2252 (2009)

Special Investigative Techniques and Proof

UNCAC Arts. 20, 28, 37, 50

United States v. Singleton, 165 F.3d 1257 (10th Cir. 1999)

United States v. Myers, 692 F.2d 823, 823-38, 840-845, 849-50
(Thompson-Murphy Trial), 860-61 (2d Cir. 1982).

Collins

September 28

The Foreign Corrupt Practices Act

October 5:

Anti-Money Laundering and Financial Sanctions

October 12:

Asset Recovery and International Cooperation

PART II -- PREVENTION

October 19:

Bidding and Procurement

October 26:

Smuggling/Trading Schemes

November 2:

Revenue Management

November 9:

**Government Institutions: Anti-Corruption Commissions, Inspector Generals,
Judiciary**

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November 16:

Class Report
Civil Service and Civil Society

November 23

Class Report
International Organizations and Aid

November 30

Class Reports/Review and Discussion

Reading:

1. Collier, pp. 135-151; 178-9.
2. Wrong, Michela. *It's Our Turn to Eat* (2009).