

CGR News

The Center for Governmental Responsibility at UF Law



Letter From the Directors

Dear CGR friends and family,

The last few years have been quite a ride! The pandemic chaos hit CGR quite hard as we lost some of our most valuable faculty to retirements and we were unable to replace them during the disruptive last few years. To make way for renovations to student spaces at the Levin College of Law, CGR moved back to Holland Hall, which created difficulties but also allowed for new synergies to develop with the faculty. Now, with valuable support from the College of Law administration and time to create a strategic plan, we are excited to announce CGR's new initiatives and plan for the future.

Of most importance is the fact that long-time director, Jon Mills, is retiring at the end of 2023. It will be hard to imagine CGR without him, but we are assured that he will continue to be involved. Jon was the inaugural director in 1972 and stepped aside only for a few years as he served in the Florida House of Representatives. Under Jon's leadership, CGR received millions of dollars in grants, developed countless initiatives, earned an Emmy for its documentary on the Everglades, and through its work has helped people throughout the state and the world. In anticipation of his eventual retirement, long-time faculty member Danaya Wright was tapped to be his successor. We have served as co-directors for the past year and a half and there is no question it has been a rewarding partnership, although it will be hard to fill Jon's shoes.

Of equal importance is the loss of some tremendous faculty. Thomas Ankersen, who directed the conservation clinic, has retired and is engaged in other environmental projects throughout the state. Joan Flocks, who directed our public policy and social justice initiatives, has retired. Richard Hamann, who taught water law and took CGR fellows and students on amazing trips throughout Florida, has also retired. Timothy McLendon, who directs the Center's international arm as well as teaching Historic Preservation, is teaching legal writing full-time and raising his four amazing children.

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Tim is still an active member of CGR but he has a lot on his plate. Fortunately, CGR has hired a senior scholar and academic fellow, Adam Bent, who is doing amazing work helping CGR with its conferences, its many initiatives, getting us on to social media, all while doing his own academic research into the effects of technology in the field of law. Visiting Professor Jonathan Barry-Blocker (formerly at Southern Poverty Law Center) also joined CGR's efforts in the social justice realm by teaching social justice lawyering and helping lead justice-related activities for students and faculty. Professor Jasmine McNealy, a CGR alumna, is currently a professor in the College of Journalism and a CGR fellow. She is an integral part of the annual Technology, Media and Privacy Law conference. As part of our strategic plan, CGR hopes to continue to replace faculty and build bridges with faculty across UF, the state, and the world. CGR has had close partnerships with the law faculty and throughout UF, including journalism, Latin American studies, medicine, IFAS, and political science. We will continue to foster those relationships and build new ones.

A big part of rebuilding is the role played by our dedicated alumni and friends. As you will learn in these pages, CGR has four ongoing initiatives, as well as directing the Overton Lectures and co-directing the Nelson Institute for Leadership and Ethics. Each of these make valuable contributions to our students, to the people of Florida, and to all of those we touch throughout the world. We are excited to announce CGR's 50th Reunion Celebration, scheduled for October 13, 2023, where we will also unveil its plan for the next 50 years. We will also honor Jon Mills for his amazing dedication and leadership. In this newsletter you will find stories of some of our many activities, information on our academic successes, and learn about our founding donor, Winsome McIntosh.

We look forward to seeing you in October, to involving you with CGR's next 50 years, and to celebrating Jon and the Center's lasting impact.

Jon Mills

Danaya Wright

Academic Highlight

The Pandemic and Privacy: The Global Culture of Intrusion

11:1 Legislation and Policy Brief 47 (2023)

Jon L. Mills, Lucca Viana, and Danielle Black

The pandemic wreaked havoc on nearly everyone's lives, effects that will take many years to understand and overcome. Millions of people died, businesses went bankrupt, and the whole world changed the way it lived. Cities locked down. Borders closed. Children could not visit their dying parents. Zoom became a verb. Business travel changed. Sports teams were excluded from national championships. Some aspects of life will go back to "normal," and some will be permanently changed. This article examines the possible policy changes for the next pandemic that will protect constitutional rights while also protecting people from another lethal pandemic. The article proposes a framework for more efficient and forward-thinking emergency responses, to help protect individual rights.

Unlike many crises, the COVID-19 pandemic crossed borders to affect the entire world and no matter how hard countries tried to keep it out, it made its way in. It affected democracies and dictatorships and challenged governments of all kinds to find ways to protect their people. Some countries did it better, but all countries struggled. Lessons learned from this pandemic include having a pandemic plan to follow before it is needed. But it is also important to understand that different level governments play different roles. In the US, the federal, state, and local governments all served important functions. But at times, a function that might have been more effective had it come from the federal level failed when it came from a local level, and vice versa. Similarly, the executive, legislative, and judicial entities all play important roles as well.

As the authors note, with a pervasive pandemic, it turns out that a federal system with strong local governments may be the best model if every level plays a role. There is a role for the courts as well – to provide the guardrails for actions of public and private entities that intrude or abuse individual rights. The courts will have to make the assessment of whether the government action is justified by the compelling interest of a pandemic and whether private action is legal, like whether an employer can require employees to be vaccinated.

Some lessons from COVID are clear. National governments must perform several functions: conduct research on the pandemic, fund research for vaccines and treatments, verify vaccines and treatments, provide a threat assessment and, perhaps most importantly, provide leadership with a cohesive, trustworthy message for individuals and other levels of government. The federal government should designate the level of the pandemic and work with all levels of government to define actions and responses to the pandemic.

The authors argue that there should be limitations on the exercise of emergency and disaster relief for any emergency policy, and that actions should be measured by the following three standards:

- (1) The measure taken should be within the defined and designated powers of the statutes or ordinances.
- (2) The measure should be limited in scope and accomplish purposes of the policy and not unnecessarily infringe on personal rights.
- (3) The measure should be limited in duration but renewable while the emergency exists.

Culture is also an important component of any response. Tight cultures have strong social norms, little tolerance for deviance, and higher individual trust in government authority, while loose cultures are more permissive to varying social norms. In loose cultures, people can be politically polarized, which causes a divide in society and in society's reaction to government policies. Moreover, studies show that tight cultures have "more law enforcement per capita, desire greater media restriction, and endorse the use of any force necessary to maintain law and order . . . and have higher conscientiousness." Conversely, looser cultures are more open and tolerate other culture's values, beliefs, experiences and are more concerned about individual freedoms.

Understanding a country's culture, working to develop a plan before it is needed, recognizing that different government levels serve different purposes, and fitting that information into sound, scientifically-driven options, will help governments better respond to the next pandemic. The authors propose four, sensible and data-driven recommendations that governments around the world can take to heart:

- (1) Define the threat level of a pandemic with a credible and scientifically sound process
- (2) Define and limit "emergency authority" to specify pandemic emergencies based on threat level
- (3) Define authority and limits of levels of government to act – make federalism work, and
- (4) Define and limit data collection to protect individual privacy.

For the full article, [click here](#).

CGR's Initiatives

Privacy and Technology

CGR's Privacy and Technology Initiative centers around the study of how changing technologies affect privacy in myriad ways. The long-running TMPL (Technology, Media, and Privacy Law) Conference is a joint venture with the College of Journalism and Communications. In its 6th year, TMPL was held on February 10, 2023 and featured such noted panelists as: Andrew Ferguson; Daniel Marshall; Kathleen McGrory; Jonathan Barry Blocker; Jolynn Dellinger; Amy Gajda; Margaret Hu; Ron Krotoszynski; Lyriisa Barnett Lidsky; Dana McElroy; Ayan Mitra; Russell Weaver; AJ Alvero; David Aronberg; Tracey Maclin; and Mark Puente. The Keynote Lecture was given by Julia Angwin. The event was attended by over 430 in-person and zoom attendees. In addition to spurring research, like the article highlighted in today's newsletter, the TMPL conference builds bridges between media and law to explore first amendment and privacy protections across technology platforms. And stay tuned for more information on next year's TMPL conference and other privacy and technology initiatives.

Heirs Property and Community Preservation

Millions of landowners across the country, but primarily in the South, have lost their property because of a bewildering array of legal rules, financial and knowledge gaps, and unscrupulous behavior by developers and land speculators. Over 10 million acres of Black-owned farmland has been lost over the past century to families and descendants of people who worked hard to earn and preserve that property. The Heirs Property and Community Preservation Initiative seeks to find solutions to preserve homeowner wealth for all, but especially in minority and low-income neighborhoods, thus helping to preserve those communities as vibrant neighborhoods. This initiative has resulted in publications, outreach efforts to communities in Alachua County through a partnership with the Property Appraiser and Tax Collector offices, an ongoing partnership with LISC (Local Support Initiative Corp) of Jacksonville, new draft legislation to facilitate inter-generational transfer of homes, and numerous grants to help develop and fund an heirs property clinic at UF. Empirical research on the effects of climate disasters on home-loss and the racial wealth gap is ongoing. [Click here](#) for a recent article by Professor Danaya Wright on the terrible loss of wealth in low-income communities.

Equality of Rights and Social Justice

The Equality of Rights and Social Justice Initiative arose out of CGR's long-standing commitment to social justice. And over the past few years (since 2019) CGR has been a leader in the efforts to recognize the Equal Rights Amendment in the US Constitution. With encouragement and funding from the McIntosh Foundation (see highlight of Winsome McIntosh elsewhere in this newsletter), CGR drafted a comprehensive Research Memorandum on the legal questions surrounding the late ratification of the ERA. CGR faculty have given talks across the country on the ERA and its unusual procedural status, from academic spaces like the Loyola University Chicago Constitutional Law Forum, to the Dallas Area Law Librarians Spring Symposium, to the Marion County, Florida, Law Day. Visiting Professor Jonathan Barry-Blocker taught Social Justice Lawyering when Professor Joan Flocks retired and students were inspired to perform many hours of community legal service. The Self-Help Clinic at the Alachua County Courthouse was revived from its pandemic closure, with the participation of students who helped community members fill out family law and probate forms so they could protect their interests pro se. Next year this initiative will be examining the racial gaps in education, voting rights, and food insecurity as technology threatens to increase gaps between rich and poor, privileged and exploited populations across the state and country.

Law and Policy in the Americas

The Law and Policy in the Americas Initiative stems from CGR's historic work in South America. This initiative began when CGR proposed a Center for Judicial Reform and Rule of Law in the Americas, which was premised on the concept that a democracy without an effective judiciary governed by the rule of law inhibits the capacity of its citizens to enjoy basic freedoms and discourages the international community from investing in the future of the country. With the same goal, CGR staff created, planned, and conducted training for judges in Brazil. Tim McLendon continues this crucial work, coordinating rule of law conferences with leaders throughout South America, such as Columbia and Brazil.

Overton Lectures

This year students in Florida Constitutional Law had the pleasure of hearing from 5 Florida Supreme Court justices. The first in the Overton Lecture Series was Justice Couriel, who lectured on Article 1 of the Florida Constitution. In addition, Justice Couriel discussed new methods of interpreting law, such as corpus linguistics.

Nelson Initiative for Leadership and Ethics

CGR and the Smathers Libraries collaborate to direct the Nelson Initiative for Leadership and Ethics. This year we were thrilled to bring former Senator and current NASA Administrator Bill Nelson to UF, along with astronauts Charles Bolden and Robert Gibson to discuss the challenges facing leaders who need to bridge gaps between the experts and scientists and the administrators and politicians. Discussing the Challenger tragedy, the astronauts explained how we learn to better communicate and that true leadership means leaving one's ego at the door to ensure that safety is number one. NASA experts had warned that there were perils in the Challenger mission, but those warnings were ignored. New attitudes and procedures have been implemented to ensure those warnings are never again ignored. The astronaut program is leading off the Nelson Initiative's efforts to highlight how good leadership affects us in many important ways, from government responses to a global pandemic, to how we tackle climate disasters, to what we can learn from history. Stay tuned for more exciting events from the Nelson Initiative.

CGR in the News

CGR faculty were quoted extensively on matters of interest to CGR's initiatives. A few of these include:

Click here to read a Washington Post article quoting Jon Mills on privacy.

Click here to read a Miami Herald article quoting Danaya Wright on the foreclosure crisis and the loss of land wealth in vulnerable communities.

Click here to read Danaya Wright on the impact of dying without a will in the Wall Street Journal.

Click here to read Danaya Wright on the Disney/DeSantis feud in CNN.

Click here to read Danaya Wright on intestacy and non-traditional families in The Atlantic.

Donor Highlight

Michael and Winsome McIntosh and the McIntosh Foundation

In 1972, when President Richard Nixon was refusing to expend funds for environmental protection that had been allocated by

Congress, the McIntoshes met Dean Richard Julin and Jon Mills. That very first meeting led to a 50-year partnership that took CGR to victory in the US Supreme Court and countless victories since. Michael and Winsome are responsible for some of the most important environmental-based impact litigation in the country. Winsome took over as president of the McIntosh Foundation in 2015 when her husband Michael died. Since 2015, Winsome has helped sponsor efforts to solidify the Equal Rights Amendment, spearhead important climate protections, and the McIntosh Foundation supports the National Resources Defense Council, Greenpeace, EarthJustice, and ClientEarth. Winsome has been a long-time supporter of CGR, has been a member of the CGR Advisory Council, and is a dear friend and patron. The McIntosh Foundation has always represented the vision and courage of its leaders Mike and Winsome. They take on challenges not because they are easy but because they are important. The Foundation has fought for justice and for environmental causes across the world.



CGR's 50th Anniversary: Register and Save the Date!

CGR will be celebrating its historic 50th anniversary on October 13, 2023. The event will also honor Jon Mills, who will be retiring from UF Law later this year. [Click here](#) to register to attend the event.