

American Constitutional Development-Honors

Course: PSC 2302-H1

Time: TR, 12:30-1:45pm

Room: Draper 341

Instructor: Stephen Block

Office: Draper 350

Office Hours: MWF 10:30am-12pm, and by appointment

Email: steve_block@baylor.edu

Goals and Objectives:

This course will examine the principles of the U.S. Constitution and the development of interpretations of these principles through American history. The aim of this course is not merely to learn “how” interpretations of the Constitution have developed. We will also consider why they developed the way they have and attempt to evaluate the adequacy and correctness of these interpretive developments. To this end, we will be investigating different Constitutional issues and institutions principally through the close study of primary texts. We will begin by briefly considering the purposes the Framers had in forming the Constitution and the means they employed in the Constitution to accomplish these ends. Following this, we will discuss Supreme Court opinions and other documents concerning governmental structures and processes, specifically the Constitutional doctrines of federalism and the separation of powers. We will conclude the course by examining constitutional issues involving questions of liberty and equality.

TEXTS

The following book is required for purchase:

- 1) Nichols and Nichols, *Readings in American Government*, 9th Edition (NN)

Note: Other readings not in NN will be distributed to the class through email or will be posted on Canvas.

COURSE REQUIREMENTS

All members of the class are expected to attend all sessions of the course and to have completed the assigned readings before the date on which they are listed. In accordance with Baylor's attendance policy, a student who misses more than 25% of the scheduled classes (10 classes) will fail the course. Be prepared to discuss the assigned readings and contribute to class discussion.

There will be two writing assignments, a midterm exam, a final exam, a series of announced and unannounced quizzes, and a participation grade.

The participation grade will be determined by attendance record and in-class contribution and engagement. A student may be absent from two classes without penalty. Each additional absence will result in a deduction of one point from your final grade. A perfect attendance record will result in an addition of one extra credit point to the student's final grade.

There will be approximately ten quizzes during the semester, which will be given at the beginning of class and will cover the day's readings.

The final exam will be comprehensive but will focus primarily on the last half of the course.

Note on Technology: The use of cell phones during class is prohibited. Each violation of this rule will result in a deduction of *five points* from the student's final grade. Laptop computers/tablets may only be used in class with the consent of the instructor, which typically will require giving cause (learning disability). If the instructor discovers improper use of a computer in class (i.e. anything but taking notes) *five points* will be deducted from the student's final grade.

The course requirements contribute to the overall course grade in the following proportions:

Participation:	10%
Reflection Paper	15%
Moot Court Assignment:	15%
Midterm Exam:	15%
Final Exam:	25%
Quiz Average	20%

Grading Scale:

100->93=A; 93->90=A-; 90->87=B+; 87->83=B; 83->79=B-; 79->77=C+; 77->73=C; 73->69=C-; 69->66=D+; 66->63=D; 63->60=D; <60=F

Note: If you have a documented learning disability that requires extra time on exams, you must let me know within the first two weeks of class.

Tentative Course Reading Schedule:

The American Founding and Its Principles

Week 1: The Origins and Principles of American Constitutionalism:

8/22: Course Introduction

8/24: Aristotle, *The Politics* (selections); Locke, *Second Treatise of Government* (selections)

Week 2: Rights, Equality, and the Declaration of Independence:

8/29-8-31: *Declaration of Independence* (NN-1); Diamond, “The Revolution of Sober Expectations” (NN-4); Jefferson, “The Natural Aristocracy” (NN-91); Lincoln, “The Meaning of the Declaration of Independence” (NN-2); Lincoln and Douglas, “Exchange on State Sovereignty and the Problem of Majority Rule” (NN-3)

Week 3: The Aftermath of the Revolution:

9/5-9/7: *The Articles of Confederation*; Madison, “The Vices of the Political System of the United States”; “Selections from the Records of the Federal Convention” (NN-6); Madison, “The Work of the Constitutional Convention” (NN-7); Adams, “The Role of the Rich and the Poor in the Legislature” (NN-10); *US Constitution* (NN-Appendix)

Week 4: The Ratification Debates:

9/12-9/14: Centinel, “The Small Republic Argument” (NN-5); *Brutus #1*; Madison, *Federalist 10* (NN-8); Madison, *Federalist 51* (NN-9); Hamilton, *Federalist 84*

Separation of Powers

Week 5: The Federal Judiciary:

9/19-9/21: Brutus, “The Problem of Judicial Review” (NN-51); Hamilton, “The Role of the Supreme Court” (NN-50); *Marbury v. Madison* (NN-54); Jefferson, “Against Judicial Review” (NN-52); *Eakin v. Raub*; Lincoln, “The Authority of the Supreme Court” (NN-53)

Week 6: The Presidency:

9/26-9/28: “Cato Letters 4 and 5”; Hamilton, “On the Presidency” (NN-39); “The Rise of the Rhetorical Presidency” (NN-40); *Myers v. US*; *US v. Curtiss-Wright Corp.* (NN-45); *Korematsu v. United States* (NN-46); *Youngstown Sheet and Tube v. Sawyer* (NN-44)

Week 7: Congress, Separation of Powers, and the Rise of the Administrative State:

10/3-10/5: Hamilton and Madison, “On Congress” (NN-31); Wilson, “The Need for Cabinet Government in the United States” (NN-32); *Schechter Poultry v. US*; *Humphrey’s Executor v. US*; *INS v. Chadha* (NN-38)

Midterm Exam: 10/10

Federalism

Week 8: Self-Government and the Problem of Nationalism

10/12: Jefferson, “On Citizenship” (NN-15); Tocqueville, “The Purposes Served by Local Self-Government” (NN-18)

Week 9: Federalism and the Construction of Congress’ Legislative Powers:

10/17-10/19: Jefferson, “Opinion on the Bank”; *McCulloch v. Maryland* (NN-17); *US v. EC Knight*, *Wickard v. Filburn*, *US v. Lopez*; *South Dakota v. Dole*, *NFIB v. Sebelius* (NN-73)

Liberty and Equality

Week 10: Racial Equality

10/24-10/26: *Plessy v. Ferguson* (NN-87); *US v. Carolene Products* (footnote 4); *Brown v. Board of Education* (NN-88); *California v. Bakke* (NN-62); *Richmond v. Croson*; *Grutter v. Bollinger* (NN-64)

Week 10: Non-Racial Equal Protection and Religious Establishments:

10/31-11/2: *San Antonio v. Rodriguez*; *US v. Virginia*; *Everson v. Board of Education*; *Lemon v. Kurtzman*, *Wallace v. Jaffree*

Week 11: Religious Liberty and the Constitution

11/7-11/9: *Sherbert v. Verner*, *Wisconsin v. Yoder*, *Oregon v. Smith* (NN-83), Religious Freedom Restoration Act, *Locke v. Davey*, *Trinity Lutheran Church v. Pauley*

Week 12: “Substantive” Due Process

11/14-11/16: *Lochner v. NY*; *Pierce v. Society of Sisters*; *West Coast Hotel v. Parrish*; *Roe v. Wade* (NN-84); *Planned Parenthood v. Casey* (NN-85)

Week 13: Sexual Liberty:

11/21: *Lawrence v. Texas* (NN-86); *Obergefell v. Hodges*

Week 14:

11/28-11/30: Catchup and Moot Court