

Constitutional Foundations of American Government

FCCW – Summer 2017

Time:	T & R, 5:30-7:35	Instructor:	Christopher D. Berk
Room:	Building 5, 107	Email:	chrisberk@virginia.edu
		Office Hours:	T, 3:30-5:00 Building 5, library

Description

The Preamble to the U.S. Constitution begins with the phrase “We the People.” This formula for democratic rule, however, is deceptively simple. This course introduces students to the complex constitutional structure of American government. Topics to be covered include Constitutional history, politics, and theory; the role of the states and the federal government in the federal structure; the allocation of powers among the legislative, executive, and judicial branches; and civil rights and liberties.

Course Objectives

Students in this course will elaborate, complicate, and apply concepts in political science & philosophy to wider issues in American government. The assignments will hone your ability to reason from evidence and push you to communicate complex ideas efficiently and effectively.

Course Structure

This is a seminar and not a lecture course. Most of the classroom time will be dedicated to discussion, deliberation, and debate. We’ll begin most sessions with a close reading of a particular court case or case study, then move to the more abstract readings.

Required Text

Graber, Mark. 2015. *A New Introduction to American Constitutionalism*. New York: Oxford. [ISBN-13: 978-0199943883]

Assignments

Participation (10%): Students are expected to read the assigned material before class and to contribute to discussion regularly and thoughtfully. As we will be referencing the material during our seminar discussions, I expect that you will bring the text or articles with you to class. Attendance is mandatory. Students with three unexcused absences will fail the participation section of the course.

Second, class discussion will be a combination of open conversation and cold-calling. If you do not feel able to participate on a given day for whatever reason, you can let me know at the beginning of the session. Please do not do this more than two or three times over the term.

Issue papers (60%): Each student must prepare two short issue papers. In the first paper I expect students to (1) highlight the core issues raised by the prompt, and (2) present the strongest arguments on both sides of the issue (20%, 1500 words). It will be due **June 15**. In the second paper, you'll have to make a persuasive argument. Not only will you highlight the core issues raised by the prompt, but I expect you to respond to counter-arguments in the process of forwarding your central claim (40%, 2000 words). Due **July 11**. I will provide a more detailed grading rubric ahead of releasing each prompt.

Final (30%): The final is an in-class examination (short answer, 3000 words). It will be held **August 1**.

Submission Requirements

Except in documented cases of illness or emergency, late papers will lose 1/3 of a letter grade per day. However, each student may, at his or her discretion, take a 48-hour extension for one of the issue papers, no questions asked. If you are using your extension please indicate this on the first page of your paper.

Please submit all papers electronically in an *editable* format (.doc, .docx, .odf, etc.) to chrisberk@virginia.edu no later than 5pm on the due date. Do *not* put your name on your paper; use your student ID number. Please put the word count at the end of your document.

Computer Use During Class

You're welcome to use a computer (tablet, etc.) in class, but if you bring a computer you will be expected to post copies of your class notes on the course wiki (in UVA Collab) following the class session to share with others. If you are not willing to do this, do not bring a computer with you.

Disability Accommodation

If you are in need of accommodation for an impairment or disability, contact me as soon as possible. You should also contact the Student Disability Access Center (SDAC) to document your needs and determine a reasonable accommodation. They can be reached at sdac@virginia.edu.

I assume that all of us learn in different ways, and that the organization of any course will accommodate each student differently. For example, you may prefer to process information by speaking and listening, so that some of the written handouts I provide may be difficult to absorb. Please talk to me as soon as you can about your individual learning needs and how this course can best accommodate them. If you do not have a documented disability, remember that other support services, including the UVa Writing Center and the Office of Health Promotion, are available to all students.

Reading Schedule

All material will be available through the course UVA Collab page.

Practical notes on

The reading for this class will, at times, be difficult. While the number of pages assigned each session might not be high, you'll quickly discover this does not mean the reading load is light. You should expect to spend at least four hours reading per class session. Some of it will be detailed reading of texts, particularly court cases, where accuracy and command are necessary. At other times, you'll need to read quickly through a large amount of material, passing rapidly over details and pulling out the central themes and concepts.

Week 1

5/23: "We the People"

- Montesquieu, *The Spirit of the Laws*

5/25: Constitutionalism and Constitutions

- Graber, *A New Introduction to American Constitutionalism* [henceforth, *AC*], chapter 1
- Allen, "Prologue" in *Our Declaration*
- The United States Declaration of Independence

UNIT 1: FOUNDATIONS

Week 2

5/30: US Constitution

- *AC*, chapter 2
- US Constitution

6/1: US Constitution, cont.

- Graber, *Dred Scott and the Problem of Constitutional Evil*
- *AC*, chapter 3
- Elster, "Introduction" in *Constitutionalism and Democracy*

Week 3

6/6: Federalism

- *The Federalist*

6/8: *no session*

Week 4

6/13: Federalism, cont.

- *U.S. v. Lopez* (1995)
- LaCroix, *The Ideological Origins of American Federalism*

UNIT 2: INSTITUTIONS

6/15: Congress

ISSUE PAPER 1 DUE

- *Gibbons v. Ogden* (1824)
- Smith, Roberts, & Wielen, *The American Congress*

Week 5

6/20 Congress, cont.

- *Heart of Atlanta Motel v. U.S.* (1964)
- *Katzenbach v. McClung* (1964)

6/22: Presidency

- Wood, “The Inventor of the Presidency,” in *The New York Review of Books*
- *Youngstown Sheet & Tube Co. v. Sawyer* (1952)

Week 6

6/27: Presidency, cont.

- Howell, *Power without Persuasion*
- *Hamdi v. Rumsfeld* (2004)
- *Hamdan v. Rumsfeld* (2006)

6/29: Judiciary

- Bilder, “Idea or Practice: A Brief Historiography of Judicial Review”
- *Marbury v. Madison* (1803)

Week 7

7/4: *no session*

7/6: Judiciary, cont.

- *Cooper v. Aaron* (1958)
- AC, chapter 5

Unit 3: RIGHTS & LIBERTIES

Week 8

7/11: Civil Liberties

ISSUE PAPER 2 DUE

- AC, chapter 6
- Bill of Rights

7/13: Civil Liberties, cont.

- Stone, *Perilous Times: Free Speech in Wartime*

Week 9

7/18: Civil Liberties, cont.

- *Ruffin v. Commonwealth* (1871)
- Chase, “We Are Not Slaves: Rethinking the Rise of Carceral States through the Lens of the Prisoners’ Rights Movement” in *The Journal of American History*
- *Johnson v. Avery* (1969)

7/20: Civil Rights

- *Brown v. Board of Education of Topeka* (1954)
- Civil Rights Act of 1964
- Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?*

Week 10

7/25: Civil Rights, cont.

- Voting Rights Act of 1965
- *Shelby County v. Holder* (2013)
- Voter ID Archives, The Black Youth Project

7/27: Civil Rights, cont.

- Freeman, *The Politics of Women's Liberation*
- Friedan, "The Problem that Has No Name" in *The Feminine Mystique*

Week 11

8/1: Conclusion

- McCann, *Rights at Work*