American Constitutional Development
POLS 4990
Fall 2019
Old Main 318
MWF 11:30 am-12:20 pm

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328B Old Main
Office Hours: Monday and Wednesday 12:30 pm-1:30 pm or by appointment

Course Synopsis

Using a historical perspective, this course will examine the ideas, practices, and institutions that shaped the meaning of the United State’s Constitution. This course will examine the role of Congress, the president, and the Supreme Court in shaping American politics through the historical development of American constitutional law, conceptions, and practices. We will emphasize how political actors have interpreted the Constitution over time, but we will also focus on how political practices and circumstances lead to evolutions in our constitutional system. In the process we will be required to address the difficulty of reconciling the evolving nature of our constitutional system with the idea of a written constitution.

This class will differ from a course on American constitutional law in that we will think about American constitutionalism from a political perspective. In general, we often look to the Supreme Court as the authoritative source of constitutional meaning. However, we will treat the Supreme Court as a political actor, like Congress or the president, rather than strictly a legal entity somehow above the fray of politics. Accordingly, rather than abstracting constitutional law into ahistorical doctrines, we will situate constitutional developments within their political, social, and intellectual environments to further understand the processes by which constitutional interpretations and doctrines are asserted, contested, and ultimately settled.

Course Goals

- **Gain factual knowledge**
  - Much of the course will focus on historical information that will be vital in understanding the development of the ideas, practices, and institutions that shaped the meaning of the Constitution. While I do not require extensive memorization of historical facts, I will expect you to learn important factual information (such as key dates, Supreme Court cases, political speeches, etc.). The midterm exam will be the primary means of assessing this goal.

- **Learn fundamental principles, generalizations, and theories**
  - This course will offer different theories of constitutional development and competing theories of constitutionalism. It will be essential that you understand how these various theories produce different, often times competing, generalizations about the nature of the Constitution and politics. The writing assignment will be the primary means of assessing this goal.
Learn to analyze and critically evaluate ideas, arguments, and points of view

- Guaranteed, you will disagree (sometimes deeply) with some of the political views of individuals in the text and your fellow classmates. Rather than simply dismissing their positions as irrelevant or misguided (putting it nicely), we will endeavor to engage with them, and each other, in a charitable and meaningful way. The writing assignment will be the primary means of assessing this goal.

**Required Texts**


**Assignments and Grading**

**Exams (50 Points)**
There will be one midterm exam consisting of multiple-choice questions and short answer questions. A study guide will be provided.

**Presentations (100 points)**
There will be two presentations throughout the semester in order to fulfill the requirements of a Communication Intensive (CI) course.

For the first presentation (25 points), each student will sign-up to be a class discussion leader for one day. As a discussion leader, you will need to articulate an overview of the reading assignment for the day, what you believe is the most important take-away point from the readings, and lead a class discussion based on pre-prepared discussion questions. You will be graded both on your grasp of the material and your ability to effectively convey it to the class. A rubric will be posted on Canvas. This presentation will help prepare you for your second presentation.

The final three weeks of class will be dedicated to presenting research papers. The presentation will be worth 50 points and attendance at the presentations will be worth 25 points. These presentations will be similar to conference presentations in that about 10 minutes per student will be given, with time also allotted for comments and questions. The presentation should focus on the main aspects of your paper (question, theory, data, and evidence). A rough draft of your paper should be completed prior to the class presentation. Ideally, comments from the presentation will help improve the paper before final submission. It is important that you are in attendance to provide feedback on your fellow students’ presentations. You will receive a 5-point deduction from the 25 for every day of the presentations you miss.

**Writing Assignments (150 points)**
The primary assignment for the course will be a research paper. You will write this paper in three stages. The first stage (20 points) will include constructing your research question and preliminary thesis as well as finding academic sources to help address your question (preliminary bibliography). For the second stage (30 points), you will be required to submit a prospectus for your paper. The prospectus will include your revised research question and thesis, a summary of the main points/arguments you will make in your paper, and a summary of the sources you will use to help substantiate your claims. The final stage will consist of writing your paper. The required length is
13-15 pages, doubled spaced. You will need to include 7 academic sources. Please note, things like Wikipedia, blogs, news articles, or YouTube clips are NOT academic sources. Academic sources must be peer reviewed and published in either an academic journal or as a book.

Substance: choose a portion of the Constitution (clause, phrase, sentence, word, etc.) and discuss 1) the development of its meaning and 2) why this development was significant.

Some questions to guide your inquiry could include: How was the portion of the Constitution initially understood and how is it now understood? What is the most convincing evidence of this development? Which institution(s) had the most impact on these changes? How did this development impact the separation of powers and/or federalism? What, if anything, can we learn from these developments? How can understanding historical institutional changes and the process by which change occurs help inform our understanding of contemporary politics? These questions are not intended to be a template for writing your paper, so do not feel that you have to address them in your paper. Also, please recognize that you are writing a relatively short paper on topics that could potentially be (and probably are) the subject of lengthy books. You are not going to be able to address all the developments to the Commerce Clause in this paper, so please do not try. Make your topic manageable.

Stage 1 and stage 2 will be submitted in class on October 16th and November 8th. The final paper is due Thursday December 12th by 4:00 pm. For submission, I will place a class box in the Political Science office. You may submit them early if needs be.

**Grading Scale**

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**Tentative Reading Schedule**

**Week 1: Constitutionalism and Constitutional Change**

08/26: Introduction to course
08/28: *Constitutional Construction* ch. 1 (Canvas)
08/30: NO CLASS
Week 2: Understanding Constitutionalism

09/02: LABOR DAY
09/04: *American Constitutionalism* ch. 1 (pp. 3-18)
09/06: *Constitutional Construction* ch. 1 (pp. 18-27)

Week 3: The Colonial Era to the Founding Era

09/09: *American Constitutionalism*, ch. 2, pp. 39-45
09/11: *American Constitutionalism*, ch. 2, pp. 45-47
09/13: *American Constitutionalism*, ch. 3, pp. 49-64

Week 4: The Founding Era

09/16: *American Constitutionalism*, ch. 3, pp. 65-71
09/18: *American Constitutionalism*, ch. 3, pp. 71-78
09/20: *American Constitutionalism*, ch. 3, pp. 79-92

Week 5: The Early National Era

09/23: *American Constitutionalism*, ch. 4, pp. 93-98; 101-122
09/25: *American Constitutionalism*, ch. 4, pp. 122-137; 145-153
09/27: *American Constitutionalism*, ch. 4, pp. 163-177

Week 6: The Jacksonian Era

09/30: *American Constitutionalism*, ch. 5, pp. 185-212
10/02: *American Constitutionalism*, ch. 5, pp. 212-233
10/04: *American Constitutionalism*, ch. 5, pp. 233-240; 245-247

Week 7: Session, Civil War, and Reconstruction

10/07: MIDTERM 1 IN CLASS
10/09: *American Constitutionalism*, ch. 6, pp. 249-262
10/11: *American Constitutionalism*, ch. 6, pp. 272-276; 299-301; 311-313

Week 8: National Power and Federalism

10/14: *American Constitutionalism*, ch. 7, pp. 319-329; 333-342
10/16: *American Constitutionalism*, ch. 7, pp. 346-352; 354-367; 406-411
STAGE ONE DUE IN CLASS
10/18: NO CLASS: FALL BREAK

Week 9: The New Deal and Great Society

10/21: *American Constitutionalism*, ch. 8, pp. 417-425
10/23: *American Constitutionalism*, ch. 8, pp. 428-438
10/25: *American Constitutionalism*, ch. 8, pp. 449-456; 460-471458-471; pp. 490-512
Week 10: New Deal and Contemporary Politics

10/28: *American Constitutionalism*, ch. 8, pp. 493-502; 505-509
10/30: *American Constitutionalism*, ch. 9, pp. 544-550; 553-558
11/01: *American Constitutionalism*, ch. 10, pp. 563-582

Week 11: Contemporary Politics

11/04: *American Constitutionalism*, ch. 10, pp. 588-594
11/06: *American Constitutionalism*, ch. 10, pp. 596-613
11/08: *American Constitutionalism*, ch. 11, pp. 615-627
STAGE TWO DUE IN CLASS

Week 12: Presidential Power and War Powers

11/13: *American Constitutionalism*, ch. 11, pp. 686-708
11/15: *American Constitutionalism*, ch. 11, pp. 708-714

Week 13: Alternatives to Judicial Review and Finality

11/18: Research Presentations
11/20: Research Presentations
11/22: Research Presentations

Week 14

11/25: Research Presentations
11/27: THANKSGIVING HOLIDAY
11/29: THANKSGIVING HOLIDAY

Week 15

12/02: Research Presentations
12/04: Research Presentations
12/06: Research Presentations

FINAL DEADLINE:

Final Paper: Thursday December 12th by 4:00 pm in the Political Science office

NO EMAIL SUBMISSIONS WILL BE ALLOWED