Constitutional Convention
POLS 4890
Fall 2020
Old Main 115
MWF 11:30 am-12:20 pm

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Office Hours: Wednesdays 12:30-2:00pm or by appointment

Course Synopsis

The United States Constitution is currently the longest continually active constitution in the world. The formal, written Constitution has been incredibly stable for over two centuries and has been amended only 27 times. (In contrast, Alabama’s most current constitution has been amended 909 times!). However, the dramatic social, political, and economic changes in the United States over this period—and the current level of political dysfunction and polarization—raises questions about the adequacy of the Constitution to address contemporary social and political needs.

In this course simulation, you have been called into convention to address this constitutional question. Like the founders, you will have to decide if the nation’s charter works as is, needs only minor revisions, or if we need a new constitution. You will debate, attempt to draft, and pass a constitution, then convince students in two other classes to ratify it. In so doing, you will not only explore theories of constitutionalism, you will experience, first hand, the extreme challenge of creating “rules of the game” that are both functional and acceptable to everyone.

Overall, the purpose of this simulation is to help us think more deeply about constitutional structures and the intersection between theory and practice.

Given the unprecedented situation with COVID-19, the course will be adapted to any subsequent changes to university policy and/or scheduling.

Course Goals

- Learning to apply course material to improve thinking, problem solving, and decisions
  - Much of the course will be a simulation of a constitutional convention. This will give you an opportunity to meaningfully engage with fellow students in discussion of theories and principles of politics and constitutionalism to refine and enlarge your own understanding of politics and the Constitution. You will also have an opportunity to experience the importance of thinking, problem solving, and compromising with others who may have differing political views than your own.

- Developing skill in expressing myself orally and in writing
  - Much of this course will involve articulating your thoughts and perspectives using the spoken and written word. You will need to think about how to make convincing speeches and write convincing arguments as you engage in the various parts of the
constitutional convention process. This will give you an opportunity to develop your ability to meaningfully and convincingly express your thoughts and positions to others.

- 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 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. You will also have an opportunity to critically evaluate the arguments of others through writing responses to published opinions on the Constitution.

**Required Texts**

There are no required texts for this course. Any required readings will be posted on Canvas or will be available online.

**Assignments and Grading**

**Convention (20%)**

Attendance and participation in the convention are vital for this simulation to work. As such, each student will start with 50 points for participation and attendance. You will be penalized 5 points for each day of the convention you miss unless prior arrangements are made for university excused absences. A Zoom option for attending will be given to those who cannot attend class given the unprecedented COVID situation. There will also be bonus and penalty points awarded throughout the convention and ratification process. These points will be explained at the beginning of the convention.

**Response Papers (10%)**

To practice analyzing and critically evaluating the ideas, arguments, and points of views of others, we will be utilizing *The Atlantic’s* “The Battle for the Constitution” resource ([https://www.theatlantic.com/projects/battle-constitution/](https://www.theatlantic.com/projects/battle-constitution/))

For these response paper assignments (5 points each), you will choose an article from the project, and write a 2-3 page response paper addressing the author's main argument. In your paper, you will 1) briefly summarize the main argument, 2) identify the strengths of the author’s claims, and 3) discuss the weaknesses of the argument. The bulk of your paper should address points 2 and 3. Response papers are due on Fridays at the beginning of class.

**Writing Assignments (30%)**

*Comparative Constitutionalism Paper*

In preparation for the convention, we will engage in a study of comparative constitutionalism. For this assignment, you will choose a country other than the United States and write a 2-3 page paper that compares and contrasts the constitutions. You will not be required to make a normative assessment in this assignment. This will be more of an informational brief to highlight variations in
constitutional design to help bring different ideas to the convention about constitutional principles and structures.

*Vices Paper*

To prepare for the convention, you will submit your version of James Madison’s *Vices of the Political System of the United States* (which we will read) in which you diagnose the problems with the Constitution that you would like remedied in the convention. There is no length requirement for this assignment, but your paper needs to demonstrate thoughtful engagement with the topic.

*Ratification Debates*

During the ratification process, you will be required to write a paper that either supports or opposes the constitution created in the convention (your version of the *Federalist* or *Anti-Federalist* papers). This 5-6 page paper must address the reasons for your position on the constitution and make an argument as to why (or why not) it should be ratified. Ratification will take place in different classes than ours, so you will need to write this paper as if you were trying to persuade someone else of your position on the constitution.

*Final Paper (40%)*

The final writing assignment will be the final for the course and will build on your paper from the ratification process. For the paper, you will choose one specific aspect of the class constitution and argue for or against it. Your paper (7-8 pages, double-spaced) should address 1) the theoretical foundations and justifications for your support for (or opposition to) the specific provision and 2) a normative evaluation of the specific provision. For this paper you will need to include at least 6 academic sources to help substantiate your claims. The final paper will be due Wednesday, December 16th on Canvas by 4:00 pm.

*Grading Scale*

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*Tentative Reading Schedule*

**Week 1:**

08/31: Introduction to course
09/02: James Madison “*Vices of the Political System of the United States* (Canvas)
09/04: “Think the Constitution Will Save Us? Think Again” (Canvas)
**Week 2: Comparative Constitutionalism**

09/07: LABOR DAY
09/09: Jose Luis Cordeiro “Constitutions around the World: A View from Latin America”
*Short Paper Due on Comparative Constitutionalism*
*Short Paper Due on Comparative Constitutionalism*

**Week 3: Convention**

09/14: Introduction to the Convention
*Vices Paper Due*
09/16: Deliberation
09/18: Deliberation

**Week 4: Convention**

09/21: Deliberation; Sanford Levinson “The Constitution Is the Crisis” (*The Atlantic*)
09/23: Deliberation
09/25: Deliberation

**Week 5: Convention**

09/28: Deliberation
09/30: Deliberation
10/02: Deliberation
*Response Paper Due*

**Week 6: Convention**

10/05: Deliberation
10/07: Deliberation
10/09: Deliberation
*Response Paper Due*

**Week 7: Convention**

10/12: Deliberation
10/14: Deliberation
10/16: Deliberation
*Response Paper Due*

**Week 8: Convention**

10/19: Deliberation
10/21: Deliberation
10/23: Deliberation
*Response Paper Due*
Week 9: Convention

10/26: Deliberation
10/28: Deliberation
10/30: Deliberation
*Response Paper Due

Week 10: Convention

11/02: Deliberation
11/04: Deliberation
11/06: Deliberation
*Response Paper Due

Week 11: Convention

11/09: Deliberation
11/11: Deliberation
11/13: Final Convention Vote

Week 12: Ratification

11/16: Prepare Defense or Opposition to Constitution
11/18: Prepare Defense or Opposition to Constitution
11/20: Prepare Defense or Opposition to Constitution

Week 13: Ratification

COURSE MOVED TO REMOTE DELIVERY VIA ZOOM
11/23: Prepare Defense or Opposition to Constitution
*Ratification Paper Due
11/25: THANKSGIVING HOLIDAY
11/27: THANKSGIVING HOLIDAY

Week 14: Ratification

11/30: Present in POLS 2200
12/02: Present in POLS 3320
12/04: Assessment of Ratification

Week 15: Ratification

12/07: Work on final paper
12/09: Work on final paper
12/11: NO CLASS
FINAL DEADLINE:

Final Paper: Wednesday, December 16\textsuperscript{th} by 4:00 pm on Canvas

**NO EMAIL SUBMISSIONS WILL BE ALLOWED, PLEASE UPLOAD YOUR PAPER TO CANVAS**