
POS 370

U.S. Constitutional Development

Taylor University

Instructor: Jakob A. Miller

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Office: Reade 231/x85281

Hours: 10–1pm/R

Time: 2:00–2:50am/MWF

Place: Reade 238

“Study the Constitution. Let it be preached from the pulpit, proclaimed in legislatures, and enforced in courts of justice.” — *Lincoln*

Course Description: Welcome to Constitutional Development!

The development of the American political system is like nothing else in the history of the world. It stands as one of the demonstrable triumphs of political science, and the oldest constitution in existence. Yet most Americans seem to think that the drama ended when the ink dried in 1787. In reality, the battle over the Constitution started long before the Revolutionary War, and has been raging ever since. America is an ongoing story.

We’re going to examine those (often bitter) battles, from before the founding right up until today. Because this is a course on the *development* of American Constitutional doctrine, we’ll move in chronological order through the critical periods in the Constitution’s history: the Founding, the early republican and Jacksonian days, the Civil War, the Progressive Era, the New Deal and finally the debates that still rage today.

Required Materials:

In a course on the Constitution, there’s no better source than the original words of those who have shaped its history. Therefore, there is no textbook: all readings will be posted on BlackBoard, with a folder for each class day. Optional readings will be marked as such.

This is a reading-intensive course: it is imperative that you come to each class meeting having carefully read all the assigned texts. We’ll have a brief discussion of how to read government documents on the first day. Students will be expected to be familiar with the material assigned, and will be frequently called upon to summarize and discuss what they have read.

This is not a binding document. All material within subject to change at any time.

Course Goals:

When our time together is over, you should have: 1) Developed an understanding of the historic development of the US Constitution, and the importance thereof. 2) Become familiar with academic/legal arguments, able to argue and discourse as political scholars. 3) Grown as Christian citizens, able to better serve.

Assignments:

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|---------------|-----------|-----|
| Participation | | 20% |
| Exam 1 | Sep 27th | 20% |
| Exam 2 | Oct. 18th | 20% |
| Exam 3 | Nov. 8th | 20% |
| Exam 4 | Dec. 6th | 20% |

Participation: Class participation is both expected and required. I'll give a breakdown of why I have participation as a part of your grade, as well as how participation will be scored in our first meeting.

Exams: There are four take-home exams for this course. Each exam consists of a few short answer questions, and one to two essay questions. Exams will be posted on Blackboard on the dates listed above, and due in one week from that date. Exam 4 is due during our final exam slot of 8:00 am Thursday of Finals Week. Each exam is worth 20% of your final grade.

Plagiarism: In an instructional setting, plagiarism occurs when a person presents or turns in work that includes someone else's ideas, language, or other (not common-knowledge) material without giving appropriate credit to the source. Plagiarism will not be tolerated and may result in failing this course, and may also result in further consequences as stipulated in the Taylor catalogue. **Academic Dishonesty** constitutes a serious violation of academic integrity and scholarship standards at Taylor that can result in substantial penalties, at the sole discretion of the University, including but not limited to, denial of credit in a course as well as dismissal from the University. . . . In short, a student violates academic integrity when he or she claims credit for any work not his or her own (words, ideas, answers, data, program codes, music, etc.) or when a student misrepresents any academic performance.

Course Outline:

Reading assignments and lecture coverage might change — it depends on the progress of the class. However, you must keep up with the reading assignments.

| MONDAY | WEDNESDAY | FRIDAY |
|---|---|---|
| Aug 28th Classes Start at 5pm. | 30th Introduction and Class Overview | Sep 1st Constitutionalism <i>Skim Booth et al.</i> |
| 4th No Class Labor Day | 6th Colonial Debates <i>Declaration</i> and presaging documents. | 8th Creating National Power <i>Articles of Conf. I-IV, VII-IX; Virginia and New Jersey Plans; Article I Sec. 8</i> |
| 11th Separating National Power <i>Federalist 51, 70-1; Centinel I</i> | 13th The Judiciary & The Bill of Rights <i>Brutus 11-12; Federalist 78, 84</i> | 15th Judicial Review <i>Marbury v. Madison</i> |
| 18th Judicial Review II <i>Martin v. Hunter</i> | 20th National Power <i>McCulloch v. Maryland; The Hampden Letters</i> | 22nd Commerce <i>Gibbons v Ogden; Monroe</i> |
| 25th State Power <i>Virginia and Kentucky Resolutions; Chisholm v. Georgia</i> | 27th Executive Power <i>Washington's Letter to the House</i> | 29th The Rise of Jackson <i>Democratic Review</i> |
| Oct 2nd The Bank Wars <i>Statements from Jackson</i> | 4th Slavery and Nullification <i>Excerpt from Prigg; Salmon Chase's Speech</i> | 6th The Civil War: War Powers <i>Taney in Ex Parte Merryman, Bates' Response</i> |

| MONDAY | WEDNESDAY | FRIDAY |
|--|--|---|
| 9th 17 The Civil War: Secession Listen to <i>Lincoln's First Inaugural</i> ; <i>Excerpts from Texas v. White</i> | 11th 18 The Civil War: Congress <i>Excerpts from Legal Tender Cases</i> | 13th No Class Fall Break |
| 16th No Class Fall Break | 18th 19 The Courts v. Democracy <i>A Charter For Democracy; Slaughter-House Cases</i> | 20th 20 States in the New Union <i>Munn v. State of Illinois, 17th Amendment Review</i> |
| 23rd 21 Congress and the New Corporations <i>E. C. Knight</i> | 25th 22 Congress and Civil Rights <i>Letter from Daugherty; Civil Rights Cases</i> | 27th 23 Presidents and Bureaucracies <i>J.W. Hampton Jr. and Co. v. U.S.; Wilson</i> |
| 30th 24 The Taming of the Courts <i>Fireside Chat on Court-Packing, Southern Manifesto</i> | Nov 1st 25 The Courts Come Back <i>Cooper v. Aaron, Eisenhower's Address to the Nation</i> | 3rd 26 Money and the New Deal <i>Wickard v. Filburn, Steward Machine Co. v Davis</i> |
| 6th 27 Civil Rights & Commerce <i>South Carolina v. Katzenbach, Smithsonian on Civil Rights Debate</i> | 8th 28 The Steel Seizure Case <i>The Steel Seizure Case</i> | 10th 29 Transition Read or watch: <i>Nixon's Nomination Speech, Reagan's First Inaugural Address, Clinton's Fourth Annual Message</i> |
| 13th 30 The Changing Nature of Judicial Review <i>Rehnquist, City of Boerne v. Archbishop Flores</i> | 15th 31 Jefferson Rides Again <i>Alden v. Maine, Printz v United States</i> | 17th 32 Everybody Hates Congress <i>United States v. Lopez</i> |
| 20th 33 Who Legislates? <i>INS v. Chadha, Clinton v. City of New York</i> | 22nd No Class Thanksgiving! | 24th No Class Thanksgiving! |
| 27th 34 The Unitary Executive <i>Dellinger, Intro to Yoo</i> | 29th 35 Presidential Secrets <i>In Re Sealed Case, Cheney v. DC DC</i> | Dec 1st 36 Presidential Immunity <i>Clinton v. Jones</i> |
| 4th 37 War <i>Nixon's Veto of the WPR, Fulbright Excerpt</i> | 6th 38 More War <i>60 Words, Fisher</i> | 8th 39 Review Course Conclusion and Final Exam Review. |