Course Overview

This course explores the development of American constitutional law. Through close readings of legal history, Supreme Court decisions, and theory, we will focus not only on constitutional doctrine but the broader political and intellectual context in which it arises. Course themes will include the following: constitutional allocation of power among branches of federal government and between federal and state governments; protection of individual rights and the development of liberty over time (from economic protection to protection of individual autonomy); and protection for individuals from discriminatory government conduct in the Fifth, Fourteenth, and Fifteenth Amendments. The broader aims of this course are to give substantive exposure to essential aspects of the American constitutional tradition and judicial process.

Course Required Books (Available at the Duck Store)

- Additional readings will be available on Canvas.

Course Assignments

*Understanding the Constitution: Student Analysis*

The first assignment of the course is a guided essay of minimum 5 pages that identifies major themes and analyzes the meaning of the US Constitution. An outline sheet is provided with guiding questions that should be answered in a readable essay format. Essays are due at the end of Week 2.

*Constitutional Law Study Proposal and Peer Review*

Students will submit a Case Study Proposal on Week 1. A guidelines sheet for this proposal is on Canvas. The proposal will identify a constitutional issue extensively adjudicated in the courts.
and design a research question that probes the political, judicial, and other implications or outcomes of this issue. Proposals must be a minimum of 6 pages and provide an annotated list of sources and cases to be analyzed (included in the 6-page minimum). Students will email their proposals to the instructor and one other student in class. Each student will receive another proposal from their peer and will have 2 weeks to prepare a response that provides constructive feedback for the Final Case Study.

**Midterm and Final Exams**
There will be an in-class midterm and a final exam administered on Week 3 and Finals Week respectively. These exams will test knowledge and analysis of the relevant cases and readings. Study guides will be provided one week in advance.

**Final Constitutional Law Study**
A 12–15-page case study and analysis of legal reform must be completed by Finals Week. Based off of your proposal and incorporating advice offered by the instructor and peer in the proposal review, this Final Case Study will be centered on a research question which drives the analysis and provides a substantive look at a specific set of political and constitutional law issues.

**Attendance and Participation**
Attendance is required for all classes. The first 2 absences will be waived without penalty. Upon the third absence, students will receive a half-grade deduction in their final grade (a B+ final grade, for example, will be a B final grade with 3 absences). Each subsequent absence will warrant an additional half-grade deduction in the final grade. There will be no waived or excused absences after the first two missed classes. Exemplary participation in class may give a student a half-grade increase, at the discretion of the GE.

**Grade Breakdown**

Constitutional Analysis Essay: 15% of overall grade  
Midterm Exam: 15% of overall grade  
Final Exam: 20% of overall grade  
Constitutional Law Study Proposal: 15% of overall grade  
Peer Review Component of Proposal: 5% of overall grade  
Final Case Study: 20% of overall grade  
Attendance and Participation: 10% of overall grade

**Substantive Learning Goals**

- Identify key themes and conflicts in American constitutional law.
- Evaluate normative concerns and constitutional theories historically.
- Analyze the efficacy and desirability of alternative arrangements or reforms.
- Make connections between the Constitution and institutional arrangements and limitations.
- Assess the efficacy of constitutional norms in relation to core values of democracy, equality, and liberty.
- To use argument and evidence effectively to convey deep understanding of the Constitution and its core concerns.
Unique Learning Needs

I am happy to accommodate any unique learning requirements so long as prior authorization is granted by UO’s Accessible Education Center. Please review their information here: https://aec.uoregon.edu

Additionally, I will attempt to accommodate any religious observances that may conflict with the course if identified within the first two weeks of class. For UO’s religious holidays information, see: https://registrar.uoregon.edu/calendars/religious-observances

Classroom Expectations

Plagiarism is a violation of your student responsibilities and will not be tolerated. Students are encouraged to review UO’s plagiarism and cheating policy and review resources that may help students avoid this here: https://dos.uoregon.edu/academic-misconduct

Food and drink are allowed in the classroom but must not be a distraction to others. Similarly, laptops and other electronic devices are allowed but only if used exclusively for our course. Browsing the internet or engaging in social media activity is explicitly not allowed. Students who use electronic devices for anything other than course work will be asked to leave.

Title IX Statement

In our roles as Instructors, we are generally required to let the Office of the Dean of Students, Title IX Coordinator or the Office of Affirmative Action & Equal Opportunity know about any discrimination, harassment, or physical and sexual assault students disclose to us (or in our presence). If an abuse that occurred in the past is disclosed, we are still encouraged to report if we reasonably believe there is a current or future risk of harm based on the information we received.

However, it is important for you to know that disclosures in a classroom discussion or course assignments that may draw on personal experiences will not trigger such a reporting obligation. That means that if you disclose something in an assignment or discussion as part of this course we will not share that information, and the university will not initiate an investigation or outreach based on that information, unless you ask us to. If you have questions about your rights, resources that are available or how to file a complaint please see http://safe.uoregon.edu or call the 24-hour SAFE hotline to speak with a confidential resource who can talk to you about your options.

Course Schedule

Week One: Interpreting the Constitution
M: Reading the U.S. Constitution


R: Dahl, How Democratic, ch. 2, pp. 7–39; Scalia’s Responses to Wood, Tribe, and Dworkin, pp. 129–149. Understanding the Constitution: Student Analysis, due by 11:59PM, October 5 [to be uploaded on Canvas].

Week Two: The Constitutional Founding, Powers and Limitations of Congress and Executive

M: Akhil Amar, America’s Constitution, ch. 1, pp. 5–53; Patrick Henry, Debate in the Virginia Ratifying Convention (1788) [on Canvas]; Thomas Jefferson, Letters to James Madison (1787) and David Humphreys (1789) [on Canvas]; John Adams, “A Defence of the Constitutions of Government of the United States of America” (1787) [on Canvas]; James Madison, Federalist 10 [on Canvas];


R: Amar, America’s Constitution, ch. 4–5, pp. 131–204; Con Law Study Proposal due by 11:59PM, October 19 [to be uploaded on Canvas].

Week Three: Judicial Review, the Judiciary, States, Territories, and the Bill of Rights


R: Mid-Term Exam in class.

Week Four: Civil Rights and Civil Liberties: Free Speech, Due Process, and Equal Protection


