

COURSE OUTLINE

1. Course Number and Title: Govt201, Origins of the Constitution

Prerequisites: n/a

Credits: 3 credits

2. Course Description: Origins of the Constitution, Govt201, addresses the origins of the United States Constitution and American constitutionalism. The course delineates both the ideals as well as the practical considerations that shaped this unique document. Beyond these ideals and practicalities, however, committed interests fueled the discussions at the Philadelphia Convention, a thorough analysis of which is central to the course's discussions. The outcome of the convention was a spare but deft management of all these pressures. The U.S. Constitution became not only the backbone for this nation's but arguably Western civilization's concept of rule of law under a genuinely republican regime.

The course is based on the primary text, *Liberty, Order, and Justice* by Dr. James McClellan. The McClellan text may be accessed in IZIO in "Assignments." You may also purchase a copy of this book from Liberty Fund located at <http://tinyurl.com/26hlyro>

Liberty, Order, and Justice provides contextual information about the formative period during the American Founding. Students will also participate in online discussions by responding to topics located in "Discussion" in IZIO.

3. Course Goals: Students will analyze and evaluate how ideals about liberty, order, and justice were grounded in a political formula for organizing a functional and just government, which operated according to an evolving body of law. They will be able to trace contemporary arguments about what constitutes the "rule of law" back to their original concepts and how they were debated during the Convention. Finally, they will identify the qualities of character among the Framers that inform American models of public leadership and civic virtue.

4. Course Outcomes: To achieve the course goals, students will accomplish the following:

1. Students will identify and evaluate the influence of political concepts drawn from the Greek, Roman and English philosophies, and how these ideas influenced America's Founding and why it is referred to as a "founding."

2. Students will compare and explicate the influence of the following political theorists and jurists: Edmund Burke, Edward Coke, Francis Bacon, William Blackstone, Algernon Sidney, John Locke, and Montesquieu. Students will also demonstrate how the English common law tradition impacted the formation of constitutional government in Govt200, Roots of American Order.
3. Students should describe the origin and development of representative government and constitutionalism in the American colonies in terms of the unique cultural and geographic circumstances of North America. Students will begin formulating an understanding about representative government and its connection to American rights and liberties.
4. Recognize the advantages and flaws of early constitutional documents at the state and federal level. Frame these characteristics within the broader sweep of English constitutionalism. Explain the different interpretations of the Declaration of Independence, particularly in terms of the tension between liberty and equality.
5. Analyze the political and social interests of key delegates to the Philadelphia Convention. Contrast their political beliefs and account for the various compromises reached at the Philadelphia Convention.
6. Delineate the evolution of federalism in early America and contrast the decentralized form of federalism with the plans of nationalists to centralize political power. Above all, students should defend the key values, beliefs, and restraints necessary for American federalism to properly function.
7. Assess the success of the specific constitutional restrictions that provide for the “checks and balances” between the “separated” powers of government and the limited powers afforded the federal government in protecting individual and States’ rights.
8. Weigh and contrast the different positions of the Federalists and Anti-federalists in terms of federalism, separation of powers, and the political theories previously discussed in the course.

5. Course Concepts:

1. The Greek, Roman, and English philosophical and political influence
2. Edmund Burke, Edward Coke, Francis Bacon, William Blackstone, John Locke, Algernon Sidney, Montesquieu
3. The Stamp Act, the “Ship Money Case”

4. Declaration and Resolves of the First Continental Congress (1774), Declaration of Independence, Preamble to the Declaration of Independence, The Articles of Confederation,
5. Federal Convention in Philadelphia, the Framers, the Virginia Plan, the New Jersey Plan, Connecticut Compromise, Three-Fifths Compromise, the Constitution, the Bill of Rights
6. Confederation, Federalism, Federalists, States' Rights, Anti-Federalists, The Federalists Papers, The Anti-Federalist Papers
7. Democratic republic, separation of powers, checks and balances, independent judiciary, supremacy clause

6. Required Texts:

McClellan, James. *Liberty, Order, and Justice*. Indianapolis: Liberty Fund, 2000. ISBN: 13: 9780865972568. \$12.00

This book is included in the course and students may access, and print, the text from within the course delivery system. You may also purchase a hardcopy from Liberty Fund by visiting <http://tinyurl.com/26hlyro>

7. Required Lectures:

The required lectures for this course can be found in Izio. Lectures for each session are given by Professor James McClellan and may be found in "Lectures/Text" under "Audio-McClellan Discussion Points."

The lecture on "How to read Primary Sources" can be found in "Audio-Primary Sources" in the Lectures/Text section of Izio.

The guest lectures provided by Professor Lee Cheek can be found in "Audio-Lectures" in the Lectures/Text section of Izio.

8. Recommended Reading (Located in "Lectures/Texts" in Izio)

9. Resources (Located in "Resources" in Izio)

COURSE SYLLABUS

Course Number: Govt201

Course Title: Origins of the Constitution

Faculty: Carey Roberts, Ph.D and John Hendrickson, M.A.

Preliminaries: (Review Announcements in Izio)

Performance Requirements/Course Grade:

You will be evaluated on the basis of performance in three areas:

1. Eight weekly quizzes. Each quiz consists of ten questions. Each question has four possible answers. You are to choose one. Each quiz is valued at 5% of the total value of eight quizzes. (40%)

2. Discussion Topics . Every session offers a number of Discussion Topics. You are to respond to one, wait for your instructor to respond. You will then respond to his response and choose a second topic. Submit your response to that topics, wait for your instructor's response and respond to him in turn. (40%)

3. Book Review (20%) Students will write an analysis of any one of the two books listed below. Your review is due at the end of Session 8 and should reflect comprehension of your subject in light of your work in Govt201. An analysis should be comprehensive and include a citation of the book you are analyzing using the form presented below. This stylistic form follows the University of Chicago Manual of Style. If you do not have a copy of the University of Chicago Manual of Style, you may purchase a copy at Amzon.com for \$12.00. <http://tinyurl.com/2fkoty7>

The book review assignment provides you the opportunity to read an important book in the area of Constitutional History. Your goal is to state the thesis of the author as clearly and accurately as you can, question his main arguments, consider arguments that could be contrary to the author's thesis, and provide your own assessment. Maximum 5 pages, double-spaced.

Kendall, Willmoore, and Carey, George Wescott. *Basic Symbols of the American Political Tradition*. Washington, DC: Catholic University of America Press, 1995. ISBN: 13: 978-081320828.

Ketchum, Ralph. *The Anti-Federalist Papers and the Constitutional Convention Debates*. New York: Penguin, Signet Classics, 2003. ISBN: 13: 9780451528841.

Course Participation and Assignment Submissions

Students are ultimately responsible for participating in the course through the following academic activities: uploading assignments, posting to discussion topics, responding to instructor inquiries, submitting written papers and taking quizzes and exams. Students are expected to be involved in ongoing instructional activities based on the recommended schedule for course completion as detailed in the syllabus. In order to actively participate in a course, Students must make contact with their faculty mentor on a regular basis through one of the following methods:

- Responding with written responses to discussion topic using the Discussion section of the course delivery system for grading by your Instructor.
- Participation in discussion threads with the instructor and other students.
- Completing weekly quizzes.

Yorktown University official grade and writing rubrics are located at http://www.yorktownuniversity.edu/new_rubrics.cfm

Academic Integrity

Available both in the student and faculty handbooks.

Recommended schedule for course completion

[Each session of the course focuses on specific sections of James McClellan's *Liberty, Order, and Justice*. The topics from that book are listed for each session.]

Session 1: The Constitution's Deep Roots and America's First Constitutions:

•The Meaning of Constitutional Government•The Lamp of Experience•The Constitutions of Antiquity•English Origins of Americas Constitution•The Growth of Parliament•The Challenge of Parliamentary Supremacy

Assignments

Lectures

How to Read Primary Sources

<http://tinyurl.com/2wxsf6v>

Introduction and Session I by McClellan, located in "Audio-McClellan Discussion Points")

“The British Influence on the American Constitutional and Political Tradition: The Supremacy of Law and the Rights of Englishmen”
Located in “Guest Lectures on Key Events and Documents”

Required reading

McClellan, *Liberty, Order, and Justice*, part 1, p. 1-38 (found in Lectures/Texts).

Discussion Topics: Respond to one topic. Wait for your instructor to respond, then choose a second topic.

1. What does a political “founding” mean to you?
2. What would happen if a Constitutional convention were held today?
3. Why did the Framers believe a written Constitution was important?
4. Why has the U.S. Constitution endured?

Quiz One

Session Outcomes: 4:1 (reference to section 4 above)

Session 2: Achievement at Philadelphia and Basic Constitutional Concepts:

•The Common Law Tradition •The Republican Tradition & Struggle for Constitutional Liberty •The Influence of Continental Thinkers•The Education of the Founders•The French & American Revolutions Compared

Assignments

Required reading:

McClellan, *Liberty, Order, and Justice*, part 1, p. 39-88.

Lecture:

Session 2 by McClellan (located in “Audio McClellan Discussion Points”)

Magna Charta

http://www.yorktownuniversity.com/media/mcclellan/govt201/session1and2/Magna_Charta_1.wma

Petition of Right and English Bill of Rights

http://www.yorktownuniversity.com/media/mcclellan/govt201/session1and2/petition_of_right.wma

Discussion Topics: Respond to one topic. Wait for your instructor to respond, then choose a second topic.

1. What "threads of tradition" are interwoven in the early American political tradition?
2. Where do the roots of American order lie?
3. How did seemingly diverse traditions eventually come together?
4. Why is the U. S. Constitution unique in history?
5. Why did the Framers create a republican form of government and not a direct democracy or some other form?
6. How did the Framers view human nature?
7. Was the American Revolution conservative?
8. How did the Framers view tradition, history, and religion?

Quiz Two

Session Outcomes: 4:2

Session 3: America's First Constitutions and Declarations of Rights. Part I:

•Colonial Governments•Relations with Great Britain•Local Government in the Colonies•Civil Liberties in the Colonies•The Movement toward Independence.

Assignments

Lecture:

Session 3 by McClellan (located in "Audio-McClellan Discussion Points")

Required Reading

McClellan, *Liberty, Order, and Justice*, part 2, p. 89-120

Discussion Topics: Respond to one topic. Wait for your instructor to respond, then choose a second topic.

1. Do state constitutional traditions play a role in the overall picture of American constitutional development?

2. If someone from a foreign country came to the United States to study constitutionalism, would it be a good idea for them to begin by studying state constitution-making rather than the federal constitution of 1787?
3. To what degree did the founders of the American colonies have a vision of liberty and order for their respective colony?
4. How successful were the Founder's in reconciling liberty and order?
5. Why was the Legislature so important to the American Colonists?
6. What are the major characteristics of the Constitution of your state?
7. Why is it important to have a written charter or Constitution?

Quiz Three

Session Outcomes: 4:3

Session 4: America's First Constitutions and Declarations of Rights. Part II:

•The Declaration of Independence•The Rights Proclaimed•The First State Constitutions, 1776-1783•The Articles of Confederation

Assignments

Lectures

Mayflower Compact by Carey Roberts

http://www.yorktownuniversity.com/media/mcclellan/govt201/session1and2/Magna_Charta_2.wma

Fundamental Orders of Connecticut

http://www.yorktownuniversity.com/media/mcclellan/govt201/session3/orders_connecticut.wma

Declaration of Resolves of the Continental Congress Part I

http://www.yorktownuniversity.com/media/mcclellan/govt201/session3/declaration_resolves_1.wma

Declaration of Resolves of the Continental Congress Part 2

http://www.yorktownuniversity.com/media/mcclellan/govt201/session3/declaration_resolves_2.wma

Declaration of the Causes and Necessity of Taking Up Arms

http://www.yorktownuniversity.com/media/mcclellan/govt201/session3/declaration_arms.wma

“The Declaration of Independence” by H. Lee Cheek (“Guest Lectures on Key Events and Documents”) in Lectures/Texts.

Session 4 by McClellan (found in “Audio-McClellan Discussion Points”)

Required reading:

McClellan, *Liberty, Order, and Justice*, part 2, p. 121-240 (the bulk of this session’s readings are primary documents).

Discussion Topics: Respond to one topic. Wait for your instructor to respond, then choose a second topic.

1. Can the phrase "all men are created equal" be used to promote a radical reorganization of American society? What do you believe Thomas Jefferson meant by this phrase?

2. What kinds of rights are included in the Declaration of Independence? From where did these rights come?

3. How were the Articles of Confederation successful?

4. Why were the Articles of Confederation not sufficient as a national government?

Quiz Five

Session Outcomes: 4:4

Session 5: The Achievement of the Philadelphia Convention

Detailed treatment of the Philadelphia Convention. The Problems of the Convention. The Delegates to the Convention. A Wide Range of Talents Plans and Progress at Philadelphia. The Meaning of Federal. The Virginia Plan: A Supreme National Government. Hamilton’s Concept of a Unified America The New Jersey Plan: Checks Upon Central Power. The Benefits of Compromise and Consensus

Assignments

Lectures:

Session 5 by McClellan (located in "Audio-McClellan Discussion Points")

McClellan, The Philadelphia Convention: Introduction. Located in "Guest Lectures on Key Events and Documents"

McClellan, The Philadelphia Convention: Part II
Located in "Guest Lectures on Key Events and Documents"

Required reading

McClellan, *Liberty, Order, and Justice*, part 3, p. 241-294

Discussion Topics: Respond to one topic. Wait for your instructor to respond, then choose a second topic.

1. To what degree were the Framers motivated by political theory?
2. To what degree were they motivated by their and their state's interests?
3. What kinds of different plans were offered to change the nature of the American union? What were these plans supposed to achieve?
4. Did the Framers fail to address the issue of slavery at the Convention?
5. Were the Anti-Federalists too ideological?
6. Were the concerns of small states justified?
7. Should the Electoral College be abolished?
8. Are the Federalists responsible for the constitutional drifting today?
9. Who was the most influential member of the Convention?

Quiz Five

Session Outcomes: 4:5

Session 6: Basic Constitutional Concepts: Federalism

Powers Delegated to Congress. Powers Denied to Congress

Powers Denied to the States. The Division of Powers. The Supremacy Clause

National and State Obligations. Obligations of the National Government to the States. Obligations of the States to the National Government. Obligations of the States to Each Other. The Role of the States in the Amendment Process
The Advantages of Federalism. The Future of Federalism

Assignments

Lecture:

Session 6 by McClellan (from “Audio-McClellan Discussion Points”)

Required reading

McClellan, *Liberty, Order, and Justice*, part 4A, p. 295-326

Discussion Topics: Respond to one topic. Wait for your instructor to respond, then choose a second topic.

1. Why was federalism a better form of government for the thirteen states in 1787 than a republic?
2. Is there any difference between a republic and a federation?
3. Why is separation of powers and checks and balances fundamental to our constitutional system?
4. Has Congress historically kept its powers within the enumerated powers of Article 1, Section 8?
5. Has Congress delegated too much power to the Executive branch and administrative agencies?
6. How would the Founders react to our government today? Would we be considered good stewards?
7. Is nullification a constitutional doctrine?

Quiz Six

Session Outcomes: 4:6

Session 7: Basic Constitutional Concepts: Separation of Powers and Rule

of Law The Separation of Powers. Checks and Balances. Checks Upon the Congress. Checks Upon the President. Checks Upon the Judiciary
The Independence of Congress. The Independence of the President. The Independence of the Judiciary. Summary and Review. Separation of Powers: A Critical Evaluation. Separation of Powers at the Crossroads
The Rule of Law: The Basic Principles of the American Constitution

Assignments

Lecture:

Session 7 by McClellan (from "Audio-McClellan Discussion Points")

Required reading:

McClellan, *Liberty, Order, and Justice*, part 4B, p. 327-380.

Discussion Topics: Respond to one topic. Wait for your instructor to respond, then choose a second topic.

1. What does the term "separation of powers" mean?
2. If you were writing the Constitution of the United States, would you include the Separation of Powers?
3. What is the current state of separation of powers in our constitutional system?
4. Is Judicial Review constitutional or is it activism?
5. How would you define judicial activism?
6. Has the Executive Branch grown too powerful?
7. Why has federalism "evolved"?

Quiz Seven

Session Outcomes: 4:7

Session 8: Defending the Constitution: The Struggle Over Ratification and the Bill of Rights Survey of the major arguments, movements, and interests

involved in the ratification of the Constitution of 1787. The Anti-Federalist Persuasion. The Constitution Establishes a Consolidated Empire. The Constitution Establishes an Aristocracy. The Constitution Confers Too Much Power. An Imperial Congress An Elected Monarch. An Omnipotent Judiciary The Federalist Response. Congress is not an Oligarchy. The President is not a King. The Judiciary is the Least Dangerous Branch. Whether a Bill of Rights was Necessary. The Clash of Values. The Progress of Ratification. The Bill of Rights: The First Ten Amendments

Assignments

Lecture:

Session 8 by McClellan (from "Audio-McClellan Discussion Points")

Required reading

McClellan, *Liberty, Order, and Justice*, part 5, p. 381-462.

Discussion Topics: Respond to one topic. Wait for your instructor to respond, then choose a second topic.

1. Usually, historians and political scientists frame the ratification debates in terms of what the Federalists were "for" versus what the Anti-federalists were "against."
2. Turn the tables on this old interpretation and ask yourself, ".What were the Federalists 'against' and what were the Anti-federalists 'for'?"
3. Were the arguments of the Anti-Federalists valid? Have any of their concerns come to fruition today?
4. Who was your favorite Federalist? Your favorite anti-Federalist?
5. Why should college students be required to read *The Federalist Papers* and *Anti-Federalist Papers*?
6. Is the Tenth Amendment to the Constitution still valid today?
7. Does an individual have the right to keep and bear arms?

8. Did the Northwest Ordinance of 1787 allow Congress to regulate slavery in the territories?

Quiz Eight

Book Review due at end of session

Session Outcomes: 4:8