

CONSTITUTIONAL PRINCIPLES: CORE TEXTS (GOV 312P, UNIQUE #38010)

THE UNIVERSITY OF TEXAS AT AUSTIN

Spring 2023

Professor: Timothy Brennan

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Class Time: TTh, 9.30-11.00

Location: PMA 5.116

Office Hours: Tues, 8.00-9.00 and Thurs, 12.00-1.00 in WAG 401

Course Description

This class will examine the underlying principles of American political life. We will proceed mainly through a close reading of primary sources. Topics discussed will include: the debate over the Constitution of 1787 between the Federalists and the Anti-Federalists; competing theories of constitutional interpretation; the nature of democracy as a social condition; the tyranny of the majority; the phenomena of individualism and materialism; the principles of the Declaration of Independence; the problem of slavery in the founding and the early republic; the moral and constitutional issues at stake in the Civil War; the question of civil disobedience. The class carries a Cultural Diversity in the U.S. Flag: we will consider the writings of Frederick Douglass, Booker T. Washington, W.E.B. Du Bois, and a number of other African-American writers. The class also carries an "Ethics" flag: we will consider the difficult practical questions faced by leaders such as James Madison, Abraham Lincoln, Martin Luther King, and others.

Required Texts

Please make sure you purchase physical copies of the editions listed below. E-books or different editions are not acceptable substitutes.

1. Publius (Alexander Hamilton, James Madison, and John Jay). *The Federalist Papers*. Edited by Clinton Rossiter. Signet Classics. ISBN 0451528816.
2. Alexis de Tocqueville. *Democracy in America*. Trans. Harvey Mansfield and Delba Winthrop. University of Chicago Press. ISBN 0226805360.
3. Frederick Douglass. *Narrative of the Life of Frederick Douglass*. Penguin Publishing Group. ISBN 9780451529947.
4. Booker T. Washington. *Up From Slavery*. Dover Classics. ISBN 0486287386.
5. Course Packet. (This will be posted in Canvas as a PDF and will also be available for purchase as a physical text from Document Solutions in GSB 3.136 at 100 W 21st St).

You are required to have a physical copy of every book. Used copies are fine, but make sure you have the correct editions. You are also required to have the relevant readings with you in class.

Assignments

Your grade will have four components:

1. Two 1500-word interpretive essays (worth 25% of the grade each). These papers will be on topics to be announced. Papers will lose 3 points out of 100 for each 24 hours that they are late. Papers that use quotes from an incorrect edition of a book, or that contain no quotes whatsoever, will not be graded.
2. Two reading responses of 250-500 words (one before Spring Break, and one after). These will be graded as either Satisfactory, +, or -. Each grade of + will add one point to your final grade and each grade of - will subtract one point. One of the responses should be an exploration of an issue raised by the reading assignment. The other should raise three questions that you think should be discussed in the class devoted to the assignment. These papers must be emailed to me at timothy.brennan@austin.utexas.edu by 2:00pm of the day *before* we discuss the relevant assignment. No late papers will be accepted. In other words, they are to be your preliminary response to the assignment before we discuss it in class. Failure to do enough of the papers will result in a subtraction of 2 points of the final grade for each paper not completed.
3. Midterm exam, to be held during class time (20%).
4. Final exam, scheduled for 8:00am on April 28 (30%).

Students who miss no more than two classes will have the option of substituting a 1000-word paper due on April 23 for the final exam. This paper will be worth 20 percent of the final grade and the first two papers will each be worth 30 percent. Students who elect to do the paper must submit it on time; otherwise they will be obliged to take the final exam.

With the exception of the reading responses, plus and minus grades will be used as follows: A (94-100); A- (90-93); B+ (87-89); B (84-86); B- (80-83); C+ (77-79); C (74-76); C- (70-73); D (60-69); F (below 60).

The use of laptops, tablets, cell phones, and other electronic devices is not permitted during class time.

Academic dishonesty will be treated extremely seriously. Plagiarism will result in an F for the course. The university's Honor Code, with information on the meaning of academic integrity, can be found online (<http://catalog.utexas.edu/general-information/the-university/>).

If you are a student with a disability, or think you may have a disability, and need accommodations please contact Services for Students with Disabilities (SSD). You may refer to SSD's website for contact and more information: <http://diversity.utexas.edu/disability/>. If you are already registered with SSD, please deliver your Accommodation Letter to me as early as possible in the semester so we can discuss your approved accommodations.

COURSE READING SCHEDULE

The schedule below is subject to revisions – please look out for Announcements in Canvas.

Readings found in the course packet are marked “CP.”

January 10

U.S. Constitution (in *The Federalist Papers*, pp. 542-56)
Publius, *Federalist Papers*, Nos. 1, 3, 4, 9

January 12 – no class

January 17

Anti-Federalists on the Problem of an Extended Republic (CP)
Publius, *Federalist Papers*, Nos. 10, 14, 51 (last paragraph only, pp. 320-22)

January 19

Anti-Federalists on the Threats to Federalism Under the Constitution (CP)
Publius, Nos. 33, 39, 46, 51

January 24

Anti-Federalists on the Legislative Branch (CP)
Publius, Nos. 52, 53, 55, 57, 62, 63

January 26

Anti-Federalists on the Executive Branch
Publius, Nos. 69, 70
Harvey C. Mansfield, “The Case for the Strong Executive” (CP)
Gene Healy, “The Cult of the Presidency” (CP)
Adrian Vermeule, “Imagine There’s No Congress” (CP)

January 31

Anti-Federalists on the Judicial Branch (CP)
Publius, No. 78
Marbury v. Madison (CP)
Thomas Jefferson on the Judicial Branch (CP)
Andrew Jackson, Veto of the Bank Bill (CP)
Abraham Lincoln, Statement on *Dred Scott* (CP)
Cooper v. Aaron (CP)
Edwin Meese, “The Law of the Constitution” (CP)

February 2

Benjamin Franklin, Closing Speech at the Constitutional Convention (CP)

Publius, No. 85
Anti-Federalists on the Need for a Bill of Rights (CP)
Amendments to the U.S. Constitution (in *The Federalist Papers*, pp. 558-68)
Frederick Douglass, "A Plea for Free Speech in Boston" (CP)
Franklin D. Roosevelt, "The Second Bill of Rights" (CP)

February 7

William Brennan, "The Constitution: Contemporary Ratification" (CP)
Antonin Scalia, "Judicial Adherence to the Text of Our Basic Law" (CP)
Roper v. Simmons (CP)

February 9

Midterm exam

February 14

Tocqueville, pp. 3-15, 27-44, 45-52

February 16

Tocqueville, pp. 52-65, 82-93, 143-46, 149-54, 187-92

February 21

Tocqueville, pp. 220-35, 235-48

February 23

Tocqueville, pp. 274-88
George Washington, Letter to the Hebrew Congregation at Newport (CP)
George Washington, Thanksgiving Day Proclamation (CP)
George Washington, Farewell Address (CP)
Jefferson, Letter to the Danbury Baptist Association (CP)

February 28

Tocqueville, pp. 399-400, 403-10, 411-15, 445-52, 452-58

March 2

Tocqueville, pp. 479-84, 485-92, 500-506

March 7

Tocqueville, pp. 506-14, 517-21

March 9

Tocqueville, pp. 535-39, 587-88, 640-45, 661-76

March 14 – No class

March 16 – No class

March 21

The Declaration of Independence (in *The Federalist Papers*, pp. 528-32)
John Locke, *Second Treatise of Government* (CP)

March 23

Patrick Henry, Letter to Robert Pleasants (CP)
Debates on Slavery at the Constitutional Convention (CP)
Pennsylvania Abolition Society, Petition to Congress (CP)
Tocqueville, *Democracy in America*, pp. 326-48

March 28

Frederick Douglass, *Life of Frederick Douglass*, Chapters 1-11

March 30

William Lloyd Garrison, “On the Constitution and the Union” (CP)
Frederick Douglass, “The Meaning of the Fourth of July for the Negro” (CP)
Frederick Douglass, “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?” (CP)

April 4

John C. Calhoun, Speech on the Oregon Bill (CP)
Abraham Lincoln, Peoria Speech (CP)
Stephen A. Douglas, Springfield Speech (CP)
Alexander Stephens, “Cornerstone Speech” (CP)

April 6

Lincoln, First Inaugural (CP)
Lincoln, Emancipation Proclamation (CP)
Lincoln, Gettysburg Address (CP)
Lincoln, Second Inaugural (CP)

W.E.B. Du Bois, "Abraham Lincoln" (CP)
W.E.B. Du Bois, "Again, Lincoln" (CP)
Frederick Douglass, "Oration in Memory of Abraham Lincoln" (CP)

April 11

Booker T. Washington, *Up From Slavery*, pp. 1-38, 44-64, 71-85

April 13

Booker T. Washington, *Up From Slavery*, 105-15
W.E.B. Du Bois, "Of Mr. Booker T. Washington and Others" (CP)
W.E.B. Du Bois, "Of the Training of Black Men" (CP)

April 18

Martin Luther King, Letter from Birmingham Jail (CP)
Martin Luther King, "I Have a Dream" (CP)
Malcolm X, "The Ballot or the Bullet" (CP)
Zora Neale Hurston, Letter to the *Orlando Sentinel* (CP)

April 20

Bakke v. California (CP)
Ibram X. Kendi, "The American Nightmare" (CP)
Coleman Hughes, "A Better Anti-Racism" (CP)
Glenn Loury, "Unspeakable Truths About Racial Inequality in America" (CP)