

POL 8460
Constitutional Law: Rights and Liberties (Grad)

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Office hours: by appointment
Classroom: Baldwin 302
Meetings: Wednesdays 3:00-5:45

This seminar provides an overview of American Constitutional Law, with a focus on rights and liberties. More specifically, we consider the role that constitutional ideas and institutions played in broader patterns of political development. Thus, in some ways, this is an “APD” approach. Prior experience with traditional constitutional law (i.e. an undergrad class) is not required, but may be helpful. While we will discuss original research and analysis, the primary sources of discussion for this class are time-specific original sources (speeches, debates, bills, treatises, laws) that have shaped jurisprudence as we know it. Not surprisingly, we also examine case-law.

Course Material:

The primary reading material for this class will be Gillman, Graber, and Whittington. *American Constitutionalism Volume II: Rights, and Liberties*. Oxford UP, 2020. ISBN- 9780197527641

Recommended material:

Bruce Ackerman, *The Failure of the Founding Fathers: Jefferson, Marshall, and the Rise of Presidential Democracy* (Harvard, 2005)
Michael Kent Curtis, *Free Speech, "The People's Darling Privilege"* (Duke, 2000)
Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford, 2004)
David Rabban, *Free Speech in its Forgotten Years* (Cambridge, 1999)
Gerald Rosenberg, *The Hollow Hope*, 2nd edition (Chicago, 2008)

Other assigned material will be made electronically available.

Course Grades

Class participation (25% of the total grade): All students should come to class every week with a point of view (or at least some thoughtful questions) about the assigned materials. Since the class will be conducted in a seminar format, this is our single most important requirement. I expect everyone to participate in the debates raised by the readings -- to think about the arguments, reject some positions, embrace others, and defend the choices you make.

Analytic essays (15% each, 45% total): Each student will complete three essays

during the course of the semester (4-5 pages), due in class during the week that we are discussing the material addressed in the essay. The first essay (for everyone) is due by Week 4, at the latest. You can write about anything that is relevant to the week's readings, but be sure to do so in a way that advances your own argument, rather than simply summarizing those of others.

*Research proposal/ Final Assignment (30% of the total grade): **DUE: DEC 5th***

For this assignment, you should prepare a proposal for a research project within the field of American constitutional development, broadly defined. I encourage you to think of it as something to continue in the future, and it may be a research project that you cannot actually complete by semester's end. It should, nonetheless, contain evidence of a significant amount of work already completed.

In thinking about what you might want to write about, start by trying to identify a puzzle that merits further examination. Keep your eyes peeled for apparent incongruities between your observation of the real world (or the historical record of the real world) and the existing literature. Is there a particular event (or set of events) that seems not to fit with existing scholarly descriptions of American constitutionalism? Does this suggest that the existing accounts are wrong or incomplete? Or that the event is not as it first appears?

When "finished," these proposals should be roughly 10-15 pages. Depending on the particular form that your proposal takes, it should probably include a clear statement of an empirical research question; a preliminary answer to that question; a clear statement of why this question is interesting or significant, and how it fits with the existing literature; a preliminary description of how you would go about answering this question; and a thorough bibliography.

Mental Health and Wellness Resources:

- If you or someone you know needs assistance, you are encouraged to contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.
- UGA has several resources for a student seeking mental health services (<https://www.uhs.uga.edu/bewelluga/bewelluga>) or crisis support (<https://www.uhs.uga.edu/info/emergencies>).
- If you need help managing stress anxiety, relationships, etc., please visit BeWellUGA (<https://www.uhs.uga.edu/bewelluga/bewelluga>) for a list of FREE workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center.
- Additional resources can be accessed through the UGA App.