

**PS 2455H**  
**The Constitutional Debates**

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Office House Tuesday/Thursday 11:00-12:30  
and by appointment

Spring Semester 2020  
Tu/Th 2:00 – 3:15  
Jesse Hall 410

*We are all Republicans, we are all Federalists*

Thomas Jefferson First Inaugural Address

**Course Description:**

This is an undergraduate seminar on the political thought surrounding the drafting and ratification of the United States Constitution. It is not a course in “high theory.” We will make reference to theorists including Locke, Montesquieu, and Rousseau, and describe the underlying beliefs and values of the Founders in terms of various theses (Small Republic, Balance of Orders, Natural Rights among others). However, our primary task is to understand the specific objectives that shaped the design of the Constitution and United States government. The Founders focused on solving practical problems of governance. To understand Founding Era political thought and the Constitution— indeed to understand American government -- we must understand how the Founders saw themselves and the problems they faced.

To do so we must read their own words, not what others have said about them. We shall do so. Specifically, we shall read excerpts from James Madison’s notes taken during the Federal Convention of 1787, selected *Federalist Papers* and selected Anti-Federalist writings. This may seem a daunting challenge, but one of the pleasant surprises of this exercise is that these readings are quite approachable; the Founders wrote in a simple and plain language and the papers are indeed something of a pleasure to read. This is not a class in Framers-worship. The Federalists took the field, but this does not mean they always had the strongest arguments. The Anti-Federalists both profoundly influenced how we understand the Constitution and provided an intellectual lineage that still informs contemporary political debate. We give each side their due.

We will read at a pace that invites in-depth understanding, reflection and discussion. Please arrive at class prepared to discuss the readings. I will lead this class as a seminar and *seminars are participatory activities*.

I have ordered Madison's *Notes of Debates in the Federal Convention of 1787*, the Gideon edition of the *Federalist Papers* and Herbert J. Storing (ed.) *The Anti-Federalist*. These books are required and are available for purchase at the MU bookstore. Please bring the book(s) containing the day's assigned readings to class.

There are also two websites containing materials that may help you better understand the course readings and lectures. These are:

Teaching American History (<http://teachingamericanhistory.org>). Among other things, this site has informative biographies of the convention participants, summaries of convention committee assignments and similar information.

The Founder's Constitution (<http://press-pubs.uchicago.edu/founders/>). This site contains period documents that influenced how the Framers thought about government. These are organized by constitutional article and section, so one can read texts that helped shape particular parts of the constitution.

### Grades:

Semester grades are determined by four brief take home essays (7 pages: 4@15%), one examination (1@10%), and class attendance and ***participation*** (30%). The take home essay questions will be distributed electronically on the dates below. Your responses must be returned by 10:00 a.m. on the corresponding due date.

### Important Dates:

1/30	Constitution Exam	2/13	First Essay Distributed
2/20	First Essay Due	3/5	Second Essay Distributed
3/12	Second Essay Due	4/2	Third Essay Distributed
4/9	Third Essay Due	4/30	Fourth Essay Distributed
5/7	Fourth Essay Due		

### Special Notices:

#### 1. Make-up Examinations and Late Assignments

In general, a missed examination may not be made up. Likewise, I do not accept late assignments. In either of these cases, you will not receive credit for the exam or assignment. I may provide exceptions for those with an acceptable written excuse from a university administrator, health care professional or member of the clergy. This note should be on letterhead with the name, address and telephone number of the person verifying the reason for the missed examination or late assignment. I am the final arbitrator of whether an excuse is acceptable. Please note the dates and times of the examinations. Please bring your student ID to the exam.

## 2. Electronic Devices and Books

There is no need to bring electronic devices to this class. You won't need them. If you do bring an electronic device, think of this class as an airplane: If the device has an on/off switch, the switch needs to be in the off position. On the other hand, bring the relevant book to class every day. You will need it.

## 3. ADA

Please inform me immediately if you have special needs addressed by the Americans with Disabilities Act (ADA) and need assistance with examinations or other course requirements. You should also notify the Disability Services office regarding ADA considerations relevant to your performance in this class. I will make a reasonable effort to accommodate your needs.

## 4. Intellectual Pluralism

The University community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Departmental Chair or Divisional leader or Director of the [Office of Students Rights and Responsibilities](http://osrr.missouri.edu/) (<http://osrr.missouri.edu/>). All students will have the opportunity to submit an anonymous evaluation of the instructor(s) at the end of the course.

## 5. Academic Honesty

Academic honesty is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person's work has been responsibly and honorably acquired, developed and presented. Any effort to gain advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards academic dishonesty as an extremely serious matter, with serious consequences that range from probation to expulsion. Please contact me if you are in doubt about what constitutes plagiarism, inappropriate paraphrasing, quoting, or collaboration. All examinations and papers in this class must be completed independently.

## Class Schedule

### Part I. Introduction to Founding Era Political Thought and the Constitution

#### 1/21 & 1/23

*The Federalist*. Editor's Introduction

*The Constitution of the United States*: All Articles and Amendments 1-10

#### 1/28 & 1/30

*Notes on Debates*: Madison's Introduction

*Constitution of the United States*: All Articles and Amendments 1-10

## **Part II: The Constitutional Convention**

### **James Madison's *Notes on Debates in the Federal Convention of 1787.***

#### **2/4 & 2/6: The Virginia Plan**

- 5/29 Edmund Randolph's fifteen resolutions (The Virginia Plan)
- 5/31 Discussion of VA Plan resolutions 3-6. (Particular focus on discussions of resolutions 4 & 5)
- 6/1, Executive Powers and Unitary vs. Plural Executive
- 6/2, Electoral College and Impeachment (all except Franklin speech opposing executive salary)
- 6/4 Unitary Executive Conclusion and Executive Veto (Particular attention to "Council of Revision". Remarks by Gerry, King, Wilson, Sherman and Madison)

#### **2/11 & 2/13: Continued Discussion of Executive and Representation**

- 6/6 Election of Representatives (Through remarks by Mr. Read; give particular attention to the Madison-Sherman exchange)
- 6/7 Election of Senators (Through second remarks by Mr. Dickenson)
- 6/8 Veto of State Laws

#### **2/18 & 2/20: The New Jersey Plan**

- 6/15 Mr. Patterson's nine resolutions (The New Jersey Plan)
- 6/16 Discussion of the NJ Plan resolutions (Remarks by Patterson, Wilson and Randolph)
- 6/18 Hamilton's Speech Advocating a Strong National Government
- 6/19 Opposition to the New Jersey Plan (Madison's Speech)

#### **2/25 & 2/27: The Connecticut Compromise**

- 6/28 Debate over state equality in the Senate (particular attention to remarks by Madison and Benjamin Franklin Speech)
- 6/29 State equality continued (particular attention to remarks by Johnson and Madison, and motion introduced by Elseworth)
- 6/30 Same topic continued (Remarks by Wilson, Elseworth, Madison, King and Bedford)
- 7/2 Same topic continued (Remarks by Gov. Morris)

### **3/3 & 3/5: Majority Rule and Resolution of the Deadlock**

- 7/5 Debate over committee report to resolve VA/NJ deadlock. (7/5 Committee report and Remarks by Madison, Morris, Patterson and Gerry)
- 7/6 Majority Rule and Apportionment (Initial Remarks by Morris, Ghorum, King, Butler and C. Pinkney)
- 7/7 Continued (Remarks by Gerry, Sherman and Patterson)
- 7/13 Continued (Remarks by Morris, Madison and Wilson)
- 7/14 Final Debate over Connecticut Compromise (Madison speech and response by Wilson)
- 7/15 Vote on Connecticut Compromise (State-by-State vote)

### **3/10 & 3/12: Presidential Selection, Impeachment, Judicial Review, Separation of Powers and Functions**

- 7/17 Presidential Selection (Begin with 9th resolution through end of the day)
- 7/19 Presidential Selection Continued, Term of Office and Impeachment (Speeches by Morris, Madison and Gerry)
- 7/20 Impeachment Continued (Begin with revisited resolution 9. Speeches by Morris, Mason, Madison, C. Pinkney, Gerry, King, Randolph and Morris)
- 7/21 The Courts and Separation of Powers/Functions (Through vote on Resolution 10)

### **3/17 & 3/19: The Courts, Judicial Review and Slavery**

- 8/15 The Courts and Judicial Review Continued (Begin with Madison's proposal for negating laws passed by Congress. Particular attention to remarks by C. Pinkney and Sherman).
- 8/21 Slavery (Begin with Luther Martin's remarks on slavery following vote on export taxes)
- 8/22 Slavery Continued (Continue through remarks by Randolph)
- 8/25 Slavery Continued (Begin with "Committee of 11" Report through Dickerson: especially remarks by Madison and G. Morris)
- 9/17 Signing of the final draft (Begin with disposition of journals and documents. Benjamin Franklin's final remarks.)

### **3/24 & 3/26: No Class. Spring Break**

### **Part III. The Federalist and Anti-Federalist Debate**

#### **3/31 & 4/2: The Advantages of Union: *Federalist Nos. 1-14***

- a. The Unique Situation of the Americans. *Federalist Nos. 1*
- b. The Dangers of Confederation. *Federalist No. 6*
- c. Small Republics, Large Republics and Representation *Federalist Nos. 9-10*
- d. Anti-Federalist Response: "The Federal Farmer" *Letter No. 1*
- e. Anti-Federalist Response: "Brutus" *Letter No. 1* (Begin at 2.9.10)

#### **4/7 & 4/9: Powers Exercised by National Governments and this Government: *Federalist Nos. 23-44***

- a. The National Taxing Power *Federalist Nos. 30-31*
- b. State Powers to Tax and The N&P Clause *Federalist Nos. 33*
- c. Concerning Difficulties in the Convention *Federalist No. 37*
- d. Republican Government *Federalist No. 39*
- e. Necessary and Proper Powers. *Federalist No. 44*
- f. Anti-Federalist Response: Brutus *Letter No. 1*

#### **4/14 & 4/16: Separation of Powers and Functions: *Federalist Nos. 47-51***

- a. Separation of Powers and Functions. *Federalist Nos. 47-51*
- b. Anti-Federalist Response: *Centinel Letters No. 1&5*

#### **4/21 & 4/23: Institutions of Government – Congress: *Federalist Nos. 52-66***

- a. House of Representatives Terms *Federalist No. 52-53*
- b. House of Representatives Apportionment *Federalist No. 54*
- c. Size of the House *Federalist Nos. 55-56*
- d. The House and Republican Government *Federalist No 57*
- e. Senate: Purpose and State Equality *Federalist No. 62*
- f. Senate: Stability *Federalist No. 63*
- g. Anti-Federalist Response: Brutus *Letters IV & XVI*

#### **4/28 & 4/30: Institutions of Government – Presidency and Judiciary: *Federalist Nos. 67-83***

- a. The Electoral College *Federalist No. 68*
- b. Energy in the Executive *Federalist Nos. 70-71*
- c. Tenure and Judicial Review *Federalist No. 78*
- d. Proper Objects *Federalist 80*
- e. Judicial Encroachment *Federalist 81*
- f. Anti-Federalist Response: Brutus *Letters XII & XV*

#### **5/5 & 5/7: The Bill of Rights & Seminar Conclusion**

- a. The Bill of Rights *Federalist 84*
- b. Anti-Federalist Response: *The Federal Farmer Letter II*