

The Constitution's Rights and Wrongs

Course Description

S The Constitution Tour

America's widely copied Constitution has had unusual success and longevity. This course takes a lawyer's precise look at how it works, at proposals to reform it, and at some denunciations of it. We describe the founders and explore their process, and their reasoning from English, Roman and Greek history. We stress free elections, First Amendment freedoms and how the Constitution answers current public issues, including racial ones.

We encourage class questions and discussion. We often find opportunities to add a little humor, sometimes via a cartoon on the screen and sometimes by gently making fun of some historical personage.

We look into the founders' reasons for several fundamental choices:

A federal republic, with sovereignty divided between federal and state governments.

A written constitution which grants broad but limited powers to the federal government, reserving others to the states or to the people, and which cannot be amended except by the concurrence of a super-majority of the federal legislature and a super-majority of the states.

A president and legislators who serve only for a fixed term of years and judges who can serve for life, with all these officials being oath-bound to preserve and protect the Constitution.

A two-house legislature with one house representing people in local districts and the other representing the states themselves.

We also look at the history of slavery, civil war, abolition, reconstruction and segregation, and study the language and impact of Amendments XIII, XIV and XV. We explore Lincoln's 1858 argument against Senator Douglas, that America's founders intended to confine slavery where it was pending its ultimate extinction. We compare some contrary arguments of Senator Douglas and modern racial theorists.

We study the Supremacy Clause and the plain constitutional illegality of South Carolina's "nullification" of a federal tariff and the South's later "secession".

Although we aspire to having a well organized syllabus whereby the course is already pretty well planned and scheduled in advance, in prior years this ambition has gone awry. Students bring up all sorts of interesting questions based on current events. Such discussions sometimes expand, shrinking the time for other things, and sometimes the instructor decides to pursue ideas he hadn't at first planned. The instructors regret this, moderately, and hope to do better, probably.

Weekly Layout: