



UNIVERSITY OF
NOTRE DAME

College of Arts and Letters

DEPARTMENT OF POLITICAL SCIENCE

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Constitutionalism, Law & Politics II: American Constitutionalism Fall 2019

Dr. Vincent Phillip Muñoz

Teaching Assistants: Soren Hansen, Bradley Rebeiro, Abigail Staysa

Department of Political Science
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The conviction that there is a Creator God is what gave rise to the idea of human rights, the idea of the equality of all people before the law, the recognition of the inviolability of human dignity in every single person and the awareness of people's responsibility for their actions. Our cultural memory is shaped by these rational insights. To ignore it or dismiss it as a thing of the past would be to dismember our culture totally and to rob it of its completeness.

- Pope Benedict XVI (2011)

A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.

- James Madison, Letter to W. T. Barry (1822)

Every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are its only safe depositories. And to render them safe, their minds must be improved to a certain degree.

- Thomas Jefferson, *Notes on the State of Virginia* (1782)

If a nation expects to be ignorant & free, in a state of civilisation, it expects what never was & never will be.

- Thomas Jefferson, Letter to Charles Yancey (1816)

Conservative or liberal, we are all constitutionalists.

- Barack Obama, *The Audacity of Hope* (2006)

In “Constitutionalism, Law & Politics II: American Constitutionalism” we shall attempt to understand the nature of the American regime and her most important principles. We will explore the American Constitution and the philosophical and political ideas that animated its creation and subsequent development. Since we lack the time for a comprehensive survey of American political thinkers, we shall examine select statesmen and critical historical periods—specifically, the Founding era, Lincoln and the slavery crisis, and the Progressives. We shall also reflect on how the American regime relates to the larger tradition of Western political thought.

Despite being a large class, “CLPII-AC” often will be conducted as a seminar with frequent class discussion. You should come to every class prepared to contribute to an engaging conversation. The course is designed to help you: think more clearly and deeply about the purpose and limits of political authority, participate more thoughtfully and effectively in the democratic political process, better understand competing visions of American constitutional ideals, and more thoroughly develop your own political ideals while also exploring ideals and viewpoints that are different from your own. Specifically, the course is designed to enable you to:

- Reflect on the meaning of “equality” and “liberty” in the Declaration of Independence and as developed in America’s constitutional history
- Understand the political philosophy of the American Founding, including how the founders designed the Constitution to protect natural rights and to promote ordered liberty
- Apprehend Lincoln’s constitutional thinking and statesmanship
- Understand, analyze, and evaluate the 20th century progressive political and constitutional philosophy
- Analyze and evaluate America’s founding political ideals in light of subsequent criticisms and alternatives
- Engage in civil conversation about contentious constitutional and political issues
- Present your ideas orally with clarity and brevity

Class: CNST 50002, POLS 30665, HESB 30286
Hayes Healy Center 127
Tuesday & Thursday, 12:30-1:45pm

Office: Nanovic Hall 2032

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Office Hours: Monday 8:45am-11:45am and by appointment. I am frequently in my office. You are welcome to drop by anytime, and I will meet with you if my schedule allows.

Teaching Mary Soren Hansen, mhansen3@nd.edu

Assistants Bradley Rebeiro, brebeiro@nd.edu

Abigail Staysa, astaysa@nd.edu

I encourage you to meet with any of the TAs to discuss any and all matters related to our course.

Required Texts to be Purchased Immediately

Hamilton, Madison, Jay, *The Federalist Papers*, Intro. by C. Kesler, ed. C. Rossiter (New York: Mentor, 1999). Other versions are permissible, but I strongly suggest that you purchase this version.
Abraham Lincoln, *Greatest Speeches* (New York: Dover Publications, 1991)
Michael Anton, *After the Flight 93 Election* (Encounter Books, 2016)

Recommended Texts

The Portable Thomas Jefferson, ed. Merrill D. Peterson (New York: Penguin Books, 1975) – Readings from Jefferson will be made available online. You might, nonetheless, enjoy having this edition.

Edmund Morgan, *The Birth of the Republic, 1763-1789*, 3rd ed. (Chicago: U. Chicago Press, 1993)

Frederick Douglass, *The Narrative and Selected Writings*, ed. M. Meyer (New York: Modern Library, 1984) – Get this edition if you can, though it may be out of print.

Cass Sunstein, *The Second Bill of Rights: FDR's Unfinished Revolution—And Why We Need It More Than Ever* (Basic Books, 2004)

Course Requirements

CLPII-AC is a participatory lecture class. Some classes will consist primarily in lecture, but I anticipate much class time to be devoted to discussion. Lectures and discussion will be based on the assigned readings. When I do lecture, I encourage participation in the form of questions and comments. In order to participate effectively, you must read, take notes, and think about all assigned readings before class. I cannot over emphasize this point. You will learn more, enjoy class more, and be able to participate more if you read the assigned materials before class. Completing reading assignments before class is the key to success in this class. As a good and informed citizen, you should also read a daily newspaper. We will often begin class with a short discussion of current events, especially those that pertain to subjects discussed in class.

<u>Assignments</u>		<u>Grading Scale</u>			
Short writing assignments	100 points	A	1000-930	C	779-730
Participation	100 points	A-	929-900	C-	729-700
Midterms	500 points	B+	899-880	D+	699-680
Final	300 points	B	879-830	D	679-630
		B-	829-800	D-	629-600
		C+	799-780	F	599-000

<u>Grade</u>	<u>Description</u>	<u>Explanatory Comments</u>
A	Truly Exceptional	All work meets or exceeds the highest expectations for the course
A-	Outstanding	Superior work in <i>all</i> areas of the course
B+	Very Good	Superior work in <i>most</i> areas of the course
B	Good	Solid work across the board
B-	More than Acceptable	More than acceptable, but falls short of solid work
C+	Acceptable	Meets <i>all</i> the basic requirements and standards for the course
C	Acceptable	Meets <i>most</i> of the basic requirements and standards in several areas
C-	Acceptable	Work falls short of meeting basic standards in several areas
D	Minimally Passing	Work just over the threshold of acceptability
F	Failing	Unacceptable performance

No Extra Credit will be given. No exceptions.

No Incomplete Grades will be granted without remarkable circumstances.

Class Attendance is expected. No hats in class, unless for religious reasons.

Class Participation will be based both on the quality and quantity of your class participation.

Good questions count for class participation. If you don't understand something, find something confusing, want more clarification on a point, or just want to talk about something more in class, speak up and voice your concern.

Classroom Decorum: Our class will cover contentious subjects that can evoke passionate feelings.

I expect all in-class comments to be expressed in a civil manner. You are certainly allowed and encouraged to disagree with the professor and your classmates, but you are expected to disagree in an agreeable manner.

Examinations: Success on examinations will require the ability to understand, compare and contrast, criticize, and analyze the concepts and details of the assigned reading, as well as the concepts and details of the class lectures and discussions. Knowledge of the assigned reading is necessary, but not sufficient for success. Class lectures and discussions will often address issues beyond the scope of the assigned reading for which students are responsible. Missed exams will be calculated as a zero. Make-up exams will not be given without prior permission of the instructor.

Laptop Computers, Tablets, Phones, and Recording Devices are not to be used in the classroom without prior permission of professor.

Academic Integrity: Academic dishonesty will not be tolerated. I shall follow and enforce strictly the university's policies regarding academic integrity.

Honor Code: Class members are expected to understand the principles and procedures set forth in the University of Notre Dame Academic Code of Honor (<http://www.nd.edu/~hnr/code/>) and abide by its pledge: *“As a member of the Notre Dame community, I will not participate in or tolerate academic dishonesty.”*

Students with Disabilities will be accommodated as extensively as possible. Please talk directly with the instructor regarding any necessary arrangements.

Please Note. If you cannot make class for an important medical or family reason, please let me know ahead of time. Likewise, if you are having difficulties with an assignment, please talk to me before the assignment is due.

Tentative Schedule/Reading Assignments

This schedule will change. Final assignments will be given in class.

* = course reader

Supplemental Course Lectures

September 12	12:30pm	Charles Kesler, “How to Think About <i>The Federalist</i> ” - Attendance Required
September 13	11:30am	Sohrab Ahmari, David French, Charles Kesler - panel on “What is Conservatism in the Age of Trump?” Attendance Encouraged
September 17	12:00pm	Kathryn Pearson, “Congress in the Trump Era: Gender Dynamics and Partisan Politics” – Attendance encouraged until class begins
September 19	4:00pm	Arthur Brooks, “Love Your Enemies” - Attendance Encouraged
October 3	12:30pm	James Ceaser, “James Madison: The Founder of Modern Founding” - Attendance Required
October 11	12:00pm	Archbishop Chaput lecture – Attendance Expected
October 17	12:30pm	Forrest Nabors, “Reconstructing America: Republicanism, Oligarchy, and the American Constitutional Order” – Attendance Required
November 1	12:30pm	Fr. Dominic Legge lecture – Attendance Expected
November 7	11:00am	Andrew Koppelman, “The Unnecessary Conflict Between Gay Rights and Religion Liberty” – Attendance encouraged
December 5	12:30pm	Michael Anton, “Trump and the Flight 93 Election,” – Attendance Required

Introduction (Aug. 27)

Donald Kagan, “[Democracy Needs Patriotic Education](#),” *Wall Street Journal*, September 26, 2014*
Martin Diamond, “On the Study of Politics in a Liberal Education”*

I. THE AMERICAN FOUNDING

It has been the Will of Heaven that We should be thrown into Existence at a Period when the greatest Philosophers and Lawgivers of Antiquity would have wished to live: a Period when a Coincidence of Circumstances without Example, has afforded to thirteen Colonies at once an opportunity, of beginning Government anew from the Foundation and building as they choose. How few of the human Race, have ever had any opportunity of choosing a System of Government for themselves and their Children? How few have ever had any Thing more of Choice in Government, than in climate? These colonies have now their Election and it is much wish'd that it may not prove to be like a Prize in the Hands of a Man who has no Heart to improve it.

- John Adams
- circa March 1776

The Declaration of Independence, Social Compact Theory & Principles of the American Revolution (Aug. 29, Sept. 3)

The Declaration of Independence, in *The Portable Thomas Jefferson (PTJ)*, pp. 235-241*

Thomas Jefferson, [Letter to Roger C. Weightman](#), June 24, 1826, *PTJ*, pp. 584-85*

John Locke, [Second Treatise of Government](#), §4, 6, 25-34*

Alexander Hamilton, "[The Farmer Refuted](#)," Feb. 23, 1775*

Theophilus Parsons, "[The Essex Result](#)" (1778)*

1784 [New Hampshire Bill of Rights](#) (1784)*

James Madison, "[Property](#)"*

Edmund Morgan, *The Birth of the Republic*, pp. 1-112 (recommended)

The Articles of Confederation & the "Critical Period" (Sept. 5)

George Washington, [Letter to James Warren](#), October 7, 1785*

George Washington, [Letter to John Jay](#), August 1, 1786*

Madison, "[Vices of the Political System of the United States](#)"*

The [Articles of Confederation](#), in Morgan, pp. 163-70 (recommended)

Edmund Morgan, *The Birth of the Republic*, pp. 100-158 (recommended)

The Founders' Constitution (Sept. 10, 12, 17, 19, 24, 26, Oct. 1, 3)

But whatever may be the judgment pronounced on the competency of the architects of the Constitution, or whatever may be the destiny, of the edifice prepared by them, I feel it a duty to express my profound & solemn conviction, derived from my intimate opportunity of observing & appreciating the views of the Convention, collectively & individually, that there never was an assembly of men, charged with a great & arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them, than were the members of the Federal Convention of 1787, to the object of devising and proposing a constitutional system which would best supply the defects of that which it was to replace, and best secure the permanent liberty and happiness of their country.

- James Madison

- Introduction to *The Debates in the Federal Convention of 1787*

The [Constitution](#) of the United States of America (in *The Federalist Papers*)

"The [Address and Reasons of Dissent on the Minority of the Convention of Pennsylvania](#) to

Their Constituents," December 18, 1787*

Montesquieu, *The Spirit of the Laws**

- Book III, Chapters 1-3, On the Principle of Democracy

- Book V, Chapters 1-7, On Laws and Elements Related to Democracy (recommended)

- Book VIII, Chapters 1-4, 15-20, On the Corruption of the Principles of the Three Government

Letter of Agrippa, [#IV](#)*

The Federalist Papers, #s: 1, 9, 10, 14, 23, 25

The Federalist Papers, #s: 37, 40

The Federalist Papers, #s: 47-49, 51

The Federalist Papers, #s: 57, 62, 63

The Federalist Papers, #s: 70-72

The Federalist Papers, # 78

Essays of Brutus: #s [11](#), [12](#), [15](#)*

September 12 12:30pm Charles Kesler Lecture on *The Federalist* - Attendance Required
September 13 11:30am Panel on “What is Conservatism in the Age of Trump?” Attendance Encouraged
September 17 12:00pm Kathryn Pearson, “Congress in the Trump Era: Gender Dynamics and Partisan Politics” – Attendance encouraged until class begins
September 19 4:00pm Arthur Brooks Lecture - Attendance Encouraged
October 3 12:30pm James Ceaser, “James Madison: The Founder of Modern Founding” - Attendance Required

On The Necessity of a Bill of Rights (Oct. 5)

George Mason’s proposal of a bill of rights at the constitutional convention, September 12, 1787*

James Wilson in the Pennsylvania Convention, November 28, 1787*

The Federalist Papers, #84

Jefferson-Madison correspondence on a bill of rights

- [Jefferson to Madison](#), December 20, 1787, *PTJ*, pp. 428-33*
- [Madison to Jefferson](#), October 17, 1788*
- [Jefferson to Madison](#), March 15, 1789, *PTJ*, pp. 438-40*

Religion and the Founding (Oct. 5, 10)

1780 Massachusetts Constitution, The Declaration of Rights, Arts. II-III*

Barnes v. Falmouth (1810) – MA Supreme Court*

George Washington

- “Farewell Address”* (excerpt)
- [Letter to the Quakers](#), September 1789
- [Letter to the Hebrew Congregation at Newport](#), August 1790

Thomas Jefferson

- “[A Bill for Establishing Religious Freedom](#),” (1777, 1786), *PTJ*, pp. 251-53*
- “Religion” from *Notes on the State of Virginia*, *PTJ*, 208-13*
- “Manners” from *Notes on the State of Virginia*, *PTJ*, 214-15*
- [Letter to the Danbury Baptist Association](#), January 1, 1802, *PTJ*, 303-04*

James Madison

- “[Memorial and Remonstrance Against Religious Assessments](#),” June 20, 1785*
- [Letter to Edward Livingston](#), July 10, 1822*

Tocqueville, *Democracy in America*, I.II.9, “Principles Causes that Tend to Maintain the Democratic Republic in the United States,” p. 129-142*

- “Religion Considered as a Political Institution and How it Powerfully Contributes to the Maintenance of a Democratic Republic Among the Americans,” p. 129-31
- “Indirect Influence of Religious Beliefs upon Political Society in the United States,” p. 131-36
- “The Principal Causes That Make Religion Powerful in America,” p. 136-142

October 11 - Archbishop Chaput Lecture – Attendance Expected

First Midterm Examination - October 11 2019

II. A NEW BIRTH OF FREEDOM: LINCOLN & THE CIVIL WAR

That this nation, under God, shall have a new birth of freedom – and that government of the people, by the people, for the people, shall not perish from the Earth.

- President Lincoln, Gettysburg Address (1863)

Lincoln and Douglas on the Meaning and Philosophy of American Democracy (Oct. 15, 17)

John C. Calhoun, [Speech on the Reception of Abolition Petitions](#), February 6, 1837*

William Harper, “Slavery in the Light of Social Ethics,” 1860*

A Reader’s Companion to the Lincoln-Douglas Debates*

Stephen Douglas, [Speech at Chicago](#), July 9, 1858, in Johannsen (ed.), *The Lincoln-Douglas Debates*, 22-36*

Abraham Lincoln, [Speech on the Repeal of the Missouri Compromise](#), Peoria, Illinois, October 16, 1854*

[Dred Scott v. Sanford](#) (1857)*

Abraham Lincoln, [Speech on the Dred Scott Decision](#), June 1857*

October 17, 12:30pm – Forrest Nabors’ lecture, “Reconstructing America: Republicanism, Oligarchy, and the American Constitutional Order” – Attendance Required

October 22, 24 - Fall Break

Equality, Slavery and the Founding (Oct. 29)

Thurgood Marshall, “[Reflections on the Bicentennial of the U.S. Constitution](#),” 1987*

Thomas Jefferson:

- *Notes on Virginia*, *PTJ*, 127-28, 184-93, 214-15*
- [Letter to Benjamin Banneker](#), August 30, 1791, *PTJ*, 454-55*
- [Letter to Henri Gregoire](#), February 25, 1809, *PTJ*, 517*
- [Letter to Edward Coles](#), August 25, 1814, *PTJ*, 544-47*
- [Letter to John Holmes](#), April 22, 1820, *PTJ*, 567-69*

John Adams:

- [Letter to Robert Evans](#), June 8, 1819*
- [Letter to George Churchman and Jacob Lindley](#), January 24, 1801*

George Washington, [Letter to Robert Morris](#), April 12, 1786*

James Madison

- [Memorandum on an African Colony for Freed Slaves](#), ca. Oct. 20, 1789*
- [Letter to Robert J. Evans](#), June 15, 1819*
- [Letter to Robert Walsh](#), 27 November 1819*
- *The Federalist Papers*, #54

Alexander Hamilton, [Letter to John Jay](#), March 14, 1779*

James Wilson, [Pennsylvania Ratifying Convention](#), Dec. 3-4, 1787*

John Jay [to the President of the \[English\] Society for Promoting the Manumission of Slaves](#), June 1788*

Pennsylvania [1780 Act for the Gradual Abolition of Slavery](#)*

Lincoln and the Meaning of the Civil War (Oct. 31)

Lincoln, Gettysburg Address, November 19, 1863, *ALGS*, 103-04

Lincoln, Second Inaugural, March 4, 1865, *ALGS*, 106-09

Frederick Douglass (Oct. 31)

Narrative of the Life of Frederick Douglass, 3-228 (highly recommended)

“[What to the Slave is the Fourth of July?](#)” July 5, 1852*

“Free Blacks Must Learn Trades,” pp. 349-352*

“Three Kinds of Abolitionists,” pp. 353-59*

“[What Should Be Done With Emancipated Slaves](#),” January 1862, pp. 373-78*

“The Progress of Blacks Twenty Years after Emancipation,” December 8, 1883, pp. 379-88*

“The Future of Blacks in the United States”*

“[Oration in Memory of Abraham Lincoln](#),” April 14, 1876,” 389-91*

November 1, 12:30pm – Fr. Dominic Legge Lecture – Attendance Expected

III. LIBERAL PROGRESSIVISM, THE NEW DEAL & THE GREAT SOCIETY

We of the present generation are in the first season of free, outspoken, unrestrained constitutional criticism. We are the first Americans to hear our own countrymen ask whether the Constitution is still adapted to serve the purposes for which it was intended

- Woodrow Wilson, *Congressional Government*, 1885

Natural rights and natural liberties exist only in the kingdom of mythological social zoology.

Not natural rights but consequences in the lives of individuals are the criterion and measure of policy and judgment.

- John Dewey, *Liberalism and Social Action*, 1935

The Political and Constitutional Philosophy of Progressive Liberalism (Nov. 5, 7, 12, 14)

Herbert Croly, “Reconstruction; It’s Conditions and Purposes,” Ch. 7 from *The Promise of American Life*, ed. Arthur M. Schlesinger (Cambridge, MA: Belknap Press of Harvard University Press, 1965), pp. 176-214*

Theodore Roosevelt, “[The New Nationalism](#),” (1910)*

Woodrow Wilson

- “[Leaders of Men](#)”*

- Excerpts from *Constitutional Government in the United States*: Chapter 1, “[What is Constitutional Government?](#)”; Chapter 3: “[The President of the United States](#)”*

- *The New Freedom* (excerpts)*

Charles E. Merriam, “[Recent Tendencies](#),” Chapter 8 of *A History of American Political Theories* (1903)*

Walter Rauschenbusch, “The Socializing of Property,” in *Christianizing the Social Order* (1912)*

Franklin D. Roosevelt

- [Commonwealth Club Address](#), September 23, 1932*
- [Second Acceptance Address](#), June 26, 1936*
- [Address on Constitution Day](#), September 17, 1937*
- [“Four Freedoms” Speech](#), Eighth Annual Message to Congress, January 6, 1941*
- [1944 State of Union Address](#), January 11, 1944*

Home Building and Loan Association v. Blaisdell (1934)*

Herbert Hoover, [“The Consequences of the Proposed New Deal,”](#) October 31, 1932*

November 7, 11:00am – Andrew Koppelman lecture, “The Unnecessary Conflict Between Gay Rights and Religion Liberty” – attendance encouraged

Interpreting the Constitution (Nov. 19)

Felix Frankfurter, [“The Zeitgeist and the Judiciary”](#) (1913)

William J. Brennan, “The Constitution of the United States: Contemporary Ratification” (1985)*

Edwin Meese III, “Interpreting the Constitution” (1985)*

Building a Great Society (Nov. 21)

Martin Luther King, Jr., [“I Have a Dream,”](#) [video](#) August 28, 1963*

Lyndon Baines Johnson, The [“Great Society”](#) Speech, May 22, 1964*

Lyndon Baines Johnson, [“To Fulfill These Rights,”](#) June 4, 1965*

Robert Bork, “Civil Rights – A Challenge,” *The New Republic*, August 31, 1963*

Ronald Reagan, [“A Time for Choosing,”](#) [video](#), October 27, 1964

Second Midterm Examination – November 26, 2019

November 28 – Thanksgiving Break

IV. THE FUTURE OF AMERICAN CONSTITUTIONALISM

The New Left and Contemporary Progressivism (Dec. 3, 10)

Herbert Marcuse, “Repressive Tolerance” (1965)*

Charles Taylor, “The Politics of Recognition,” sections I-III (1993)*

Cass Sunstein, selections from *The Second Bill of Rights: FDR’s Unfinished Revolution—And Why We Need It More Than Ever* (Basic Books, 2004), pp. 17-44, 175-207*

Trumpian Conservatism (Dec. 10, 12)

Michael Anton, “The Flight 93 Election,” in *After the Flight 93 Election* (2016), pp. 61-76

Michael Anton, “Pre-Statement on Flight 93,” in *After the Flight 93 Election* (2019), pp. 22-59

Thomas D. Klingenstein, [“Our House Divided: Multiculturalism vs. America,”](#) *American Mind* October 31, 2018*

Dec. 5, 12:30pm – Michael Anton Lecture on “Trump and the Flight 93 Election,”– Attendance Required

Final Examination

Secondary Readings of Interest

The Declaration of Independence & Principles of the American Revolution

Harry V. Jaffa, "What is Equality? The Declaration of Independence Revisited," in *The Conditions of Freedom: Essays in Political Philosophy* (The Johns Hopkins University Press, 1975)

Harry V. Jaffa, "Equality, Liberty, Wisdom, Morality and Consent in the Idea of Political Freedom," *Interpretation* 15, no 1 (1987): 3-28*

Michael P. Zuckert, "Locke in America: The Philosophy of the Declaration of Independence," in *Launching Liberalism* (University Press of Kansas, 2002), pp. 203-34

Thomas G. West, *The Political Theory of the American Founding: Natural Rights, Public Policy, and the Moral Conditions of Freedom* (Cambridge University Press, 2017)

Danielle S. Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (Liveright, 2014)

James W. Ceaser, *Nature and History in American Political Development* (Harvard University Press, 2006)

Dan Himmelfarb, "The Constitutional Relevance of the Second Sentence of the Declaration of Independence," *Yale Law Journal*, October 1990*

Gordon Wood, "[The Greatness of George Washington](#)," *Virginia Quarterly Review* (Spring, 1992)

Equality, Slavery, and the Founding

Thomas G. West, *Vindicating the Founders* (Rowman & Littlefield, 1997), 1-36

Herbert J. Storing, "Slavery and the Moral Foundations of the American Republic," in *Toward a More Perfect Union*, ed. Joseph M. Bessette (The AEI Press, 1995)

Lance Banning, "[Thomas Jefferson and Sally Hemings: Case Closed?](#)" *Claremont Review of Books* (Summer 2001)

The Articles of Confederation & the "Critical Period"

Peter S. Onuf, "The First Federal Constitution: The Articles of Confederation," in *The Framing and Ratification of the Constitution*, eds. Leonard W. Levy and Dennis J. Mahoney (Macmillan, 1987)

Lance G. Banning, "The Constitutional Convention," in *The Framing and Ratification of the Constitution*, eds. Leonard W. Levy and Dennis J. Mahoney (Macmillan, 1987)

Donald Lutz, "From Covenant to Constitution in American Political Thought," *Publius* 10 (1980): 101-133

The Constitution

Herbert Storing, *What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution* (University of Chicago Press, 1981)

Herbert Storing, "Federalists and Anti-Federalists: The Ratification Debate," in *Toward a More Perfect Union: The Writings of Herbert Storing*, ed. Joseph M. Bessette (The AEI Press, 1995), 37-78

Saving the Revolution: The Federalist Papers and the American Founding, ed. Charles R. Kesler (Free Press, 1987)

Charles R. Kesler, "Natural Law and the Constitution: The Federalist's View in *Constitutionalism in Perspective*, ed. Sarah B. Thurow (University Press of America, 1988)

Charles R. Kesler, "Education and Politics: Lesson from the American Founding," *University of Chicago Legal Forum* 1 (1991): 101-22

Martin Diamond, "The Federalist's View of Federalism," in *As Far as Republican Principles Will Admit*, ed. William A. Schambra (AEI Press, 1992)

Martin Diamond, "Ethics and Politics: The American Way," in *The Moral Foundations of the American Republic*, 3rd edition, ed. Robert H. Horwitz (Charlottesville: University Press of Virginia, 1986)

Thomas L. Pangle, "The Philosophic Understanding of Human Nature Informing the Constitution," in *Confronting the Constitution*, ed. Allan Bloom (The AEI Press, 1990)

Douglas Adair, "That Politics May Be Reduced to a Science: David Hume, James Madison, and the Tenth Federalist," *The Huntington Quarterly* 20, no. 4 (1957): 343-360. Also in, Adair, *Fame and the Founding Fathers*, ed. H. Trevor Colbourn (New York: W.W. Norton, 1974)

David F. Epstein, "The Political Theory of the Constitution," in *Confronting the Constitution*, ed. Allan Bloom (The AEI Press, 1990)

Harvey C. Mansfield, "Separation of Powers in the American Constitution," in *America's Constitutional Soul* (The Johns Hopkins University Press, 1991)

Harvey C. Mansfield, "[The Case for the Strong Executive](#)," *Claremont Review of Books* 7, no. 2 (Spring 2007)

Akhil Reed Amar, *America's Constitution: A Biography* (Random House, 2005)
Akhil Reed Amar, *The Bill of Rights* (Yale University Press, 1998)
Michael Zuckert, "[Slavery at the Constitutional Convention](#)," (2013)

On The Necessity of a Bill of Rights

Robert Goldwin, *From Parchment to Power: How James Madison Used the Bill of Rights to Save the Constitution* (The AEI Press, 1987)
Hadley Arkes, "On the Dangers of a Bill of Rights: Restating the Federalist Argument," in *Beyond the Constitution* (Princeton University Press, 1990), 58-80
Herbert Storing, "The Constitution and the Bill of Rights" in *Toward a More Perfect Union*, ed. Joseph Bessette (The AEI Press, 1995)

Religion and the Founding

Vincent Phillip Muñoz, *God and the Founders* (Cambridge University Press, 2009)
Donald Drakeman, *Church, State, and Original Intent* (Cambridge University Press, 2010)

Lincoln and the Civil War

Harry V. Jaffa, *Crisis of the House Divided* (The University of Chicago Press, 1959)
Harry V. Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming Civil War* (Rowman & Littlefield, 2000)
Harry V. Jaffa, "[The Speech That Changed the World](#)"
Alan Guelzo, *Lincoln's Emancipation Proclamation* (Simon & Schuster, 2004)

Southern Constitutionalism & Reconstruction

Forrest Nabors, *From Oligarchy to Republicanism: The Great Task of Reconstruction* (Missouri, 2017)

The Progressives' Critique of the Founding & The New Deal

Charles R. Kesler, "Woodrow Wilson and Statesmanship of Progress," in *Natural Right and Political Right: Essays in Honor of Harry V. Jaffa*, eds. Thomas B Silver and Peter W. Schramm (Carolina Academic Press, 1984)
Charles R. Kesler, "The Public Philosophy of the New Freedom and the New Deal," in *The New Deal and Its Legacy*, ed. Robert Eden (Greenwood Press, 1989)
Charles R. Kesler, *I Am the Change: Barack Obama and the Crisis of Liberalism* (HarperCollins, 2012)

Modern Liberalism / Contemporary Progressivism

Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Harvard University Press, 2000)
John Halpin and Conor P. Williams, "[The Progressive Intellectual Tradition in America](#)," (Center for American Progress, 2010)
Sanford Levinson, *Constitutional Faith* (Princeton University Press, 1988)
Mark Lilla, *The Once and Future Liberal: After Identity Politics* (HarperCollins, 2017)
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