

JURI 4110/6110 Democracy and the Constitution
Professor Lori A. Ringhand

1:50-3:50 M or W
Hatton Lovejoy Courtroom
UGA School of Law, Hirsch Hall

ringhand@uga.edu

“Democracy is not a state, it is an act.” –Rep. John R. Lewis

Course Materials

Required: Course reader from Bel-Jean Copy Shop (on College Ave).

Recommended: A RULEBOOK FOR ARGUMENTS (available in multiple formats from various online book sellers)

Course Description

Understanding how democracy works has never been more important. This course will help prepare students to take full and active roles as US citizens and community leaders. Specifically, we will examine how the US Constitution structures democratic representation, and how Americans have used those structures over time to define and challenge the distribution of political power. We also will explore how ideas about representation, democracy, and citizenship have changed over the course of US history, from the sweeping language of the Declaration of Independence, to the federalist separation of power system of the 1789 Constitution, and the equality-focused Civil War amendments. Throughout the course we will ask why our democracy works the way it does, and how we might work together to make it better.

Program of Instruction

The course will use a lecture + discussion group instructional model. What this means is that each week, students will be expected to:

- complete the readings assigned for the week.
- listen to the audio lecture covering the week’s materials.
- attend and actively participate in one weekly discussion group (students enroll for *either* the Monday or the Wednesday section).
- complete any additional weekly projects as assigned.

Audio Lectures and Discussion Groups

- Audio lectures will be posted to the eLC course page each week.
- A list of discussion questions will be posted with each audio lecture. All students should come to their discussion group prepared to address these questions.
- If in-person class meetings are cancelled by the University or the Law School, discussion groups will continue to meet on their assigned days and times, using Zoom.

Attendance

You are required to listen to all audio lectures, attend each of your weekly discussion groups, and engage with any other weekly projects as assigned. Your participation grade will be reduced by a half a letter grade (i.e., from an “A” to an “A-”) for each discussion group session you miss after your first. In addition, missing more than four discussion group sessions may result in you being administratively withdrawn from and receiving an “F” in the course.

If you are ill or symptomatic, or if you think you have been exposed to someone with Covid-19, you should contact me to request permission to attend your discussion session via Zoom.

Evaluation and Grading

Class participation (20%): Significant engagement with the course materials is expected of all students. This includes regular participation in your assigned discussion group sessions, engagement with any assigned weekly exercises, and thoughtful consideration of the weekly discussion questions. You can demonstrate your engagement with the materials by volunteering comments in the class discussion, responding thoughtfully to the comments of your classmates, and being prepared to respond when called on.

Take home papers (30 %): Each student must complete three graded take home essays of between 700-750 words. These essays will correspond to the first three units of the course (units 1, 2 and 3). The essay prompt will be released at the conclusion of the final week of each unit, and your essay will be due one week from when the prompt is released. Each of these essays will constitute 10 percent of your final grade, for a combined total of 30 percent.

Final exam (50 %) The final exam will be an open-book/open-note take home exam administered through eLC. The exam will be cumulative, meaning it will draw on material covered throughout the course.

Learning Outcomes

By the end of the course, students should be able to demonstrate, orally and in writing, their knowledge and understanding of:

1. The principles of democratic self-governance, including disputes about those principles, underlying the major areas of law and history covered in the course.
2. The ways in which contested principles of democratic self-governance work to shape our laws and governing systems.
3. How the US Constitution has shaped disputes about democracy, self-government, and citizenship, both today and during different periods of US history.
4. The legal disputes underlying the major areas of law covered in the course, including understanding the various arguments regarding how those disputes should be resolved.

Office Hours

I will be available to meet with students on Zoom at a regular day and time TBD.

Academic Honesty

As a University of Georgia student, you have agreed to abide by the University's academic honesty policy, "A Culture of Honesty," and the Student Honor Code. All academic work must meet the standards described in "A Culture of Honesty" found at: <http://honesty.uga.edu/>. The Academic Honesty Policy can be found at: <https://honesty.uga.edu/Academic-Honesty-Policy/>

Accommodations Due to Disability

Students who seek special accommodations due to a disability should contact me during the first week of the semester or as soon as the need for the accommodation is discovered. I will work with the Disability Resource Center (706-542-8719, <http://drc.uga.edu/>) to provide appropriate accommodations.

FERPA Notice

The Federal Family Educational Rights and Privacy Act (FERPA) grants students certain information privacy rights. See the registrar's explanation at <https://osas.franklin.uga.edu/ferpa-and-privacy> FERPA allows disclosure of directory information (name, address, telephone, email, date of birth, place of birth, major, activities, degrees, awards, prior schools), unless a <https://reg.uga.edu/resources/documents/imported/FERPAResultRequestForRestriction.pdf> is submitted to the Registrar's Office.

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 also 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.

Additional Information

All course materials, including but not limited to audio and Zoom recordings, are provided for educational purposes only. You may download them to your personal devices for purposes consistent with the course learning objectives, but you may not otherwise copy, post or distribute them, in full or in part, in any way, through any platform

This syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary.

Weekly Assignments

Pre-class reading assignment

At some point before our first class meeting, please read the introduction to A RULEBOOK FOR ARGUMENTS (included as an Appendix in your course packet). This reading summarizes how to make clear arguments, based on sound evidence and appropriate analogies. It will be of value to you in preparing for class discussion and completing your assigned writing projects.

Unit 1 Introduction

Week 1: Democracy today

- IS THIS ANY WAY TO RUN A DEMOCRATIC ELECTION? p. 1-20 (Wayne)

Week 2: The Declaration of Independence

- The Declaration of Independence
- OUR DECLARATION: A READING OF THE DECLARATION OF INDEPENDENCE (Allen, excerpts)

Week 3: The US Constitution

- The 1789 Constitution
- THE FRAMERS' COUP, p. 169-81 (Klarman)
- *Luther v Borden* (1849)

Unit 2: Institutions

Week 4: Are we a democracy or a republic?

- The Guarantee Clause (Article IV)
- HOW DEMOCRATIC IS THE US CONSTITUTION? p. 159-62 (Dahl)
- THE FEDERALIST PAPERS 10 and 39 (excerpts)

Week 5: The Senate

- Review Article II of the US Constitution
- THE FRAMERS' COUP, p. 182-205 (Klarman)
- *Adams v. Clinton*: Washington, DC and the problem of statehood

Week 6: The Electoral College

- Article II section I, and the 12th Amendment of the US Constitution
- The Electoral Count Act (selected excerpts)
- WHY DO WE STILL HAVE THE ELECTORAL COLLEGE? p. 1-11 (Keyssar)
- *Chiafalo v. Washington* (2019)
- Podcast: Should we abolish the Electoral College?

Week 7: The Supreme Court (assignment continues onto next page)

- Review Article III of the US Constitution
- Legal Theory Lexicon 035: Strict Construction and Judicial Activism

- THE SUPREME COURT CONFIRMATION PROCESS AND CONSTITUTIONAL CHANGE, Chapter 1 (Collins and Ringhand)

Unit 3 Equality, Citizenship and Voting Rights

Week 8: Antebellum

- *Dred Scot v. Sandford* (1857)

Week 9: The Reconstruction Amendments

- The 13th, 14th and 15th Amendments
- THE SECOND FOUNDING, p. 55-80 (Foner)
- *The Civil Rights Cases* (1883)

Week 10: The 14th Amendment and the Right to Vote

- *Harper v. Virginia* (1966)
- *Crawford v. Marion County* (2008)

Week 11: Votes for Women and Soldiers

- The 19th and 26th Amendments
- *Minor v. Happersett* (1875)
- *Oregon v. Mitchell* (1970)
- Should 17-year-olds be allowed to Vote? Proposition 18 and other proposals

Unit 4: Current Disputes

Week 12: Legislative Districting

- *Reynolds v. Simms* and *Lucas v. Colorado* (1964)
- *Rucho v. Common Cause* (2019)

Week 13: The Voting Rights Act

- *Shelby County v. Holder* (2013)
- The Voting Rights Act of 1865 (extracts, available on eLC)

Week 14: Money, Power, and Persuasion

- DEMOCRACY AND TRUTH, p. 26-41 (Rosenfeld)
- *Buckley v. Valeo* (D.C. Cir. 1975)
- *Washington v. 119 Vote NO!* (State of Washington Supreme Court 1998)

Week 15: Your Constitution

- Levinson/Balkin debate (available on eLC)
- Amending constitutions (links on eLC)