FOUNDING THE AMERICAN NATIONAL GOVERNMENT

Fall 2017  Political Science RPOS 430Z  Sec. 10550
Massry Center for Business  Room B14  Tuesdays, 5:45-8:35

Professor: Michael J. Malbin

OFFICE HOURS:  Tues/Thurs 1:30-2:30 in Humanities B16 (Pol. Sci. Contact Office)
Additional times by appointment.

TELEPHONE:  (202) 969-8890, ext. 221  E-MAIL: mmalbin@albany.edu

COURSE DESCRIPTION:

How many times in contemporary politics have we heard references to what “the Framers intended”? Many disputes in American politics today reflect ongoing debates articulated during the drafting and ratification of the Constitution and Bill of Rights. (Some examples: small versus large government; executive, legislative and judicial power; factions and political parties; direct democracy, citizenship, and representation; the role of "elites"; the freedoms of speech and religion; etc.) Scholars and lawyers debate the role that the Framers’ intentions should play today. Whatever one may think about that issue, there is no question that understanding the 1787 debates, their philosophical underpinnings, and their practical aftermaths will give invaluable insights into what happened later, what is still happening, and why.

This course will examine these subjects in depth, using a variety of instructional techniques. There will be some traditional lecture/seminar discussions. Students will also be assigned to teams and make presentations on assigned subjects. Finally, because this is a writing intensive course, students will write short papers followed by a longer one at the end. After a series of interim steps, a complete draft of the longer paper will be presented during the next-to-last class. A final version of the term paper will be submitted in lieu of a final exam.

Students should expect a short paper, assigned oral presentation, or quiz on the assigned readings, every week. There will also be a second assignment many weeks that involves steps in preparing a term paper.
OBJECTIVES:
By the end of the semester, students should have accomplished the following:

1. Read and understood primary and secondary source material on differing sides of the major decisions during and in the period shortly after the Constitutional Convention;
2. Analyzed the differing arguments, both sympathetically and critically;
3. Understood the relationships between the institutional means (governmental structures) chosen by those who wrote and ratified the U.S. Constitution and the ends (purposes, goals) sought by those who differed with each other;
4. Understood how the historical arguments have been applied to and helped shape more recent political conversations;
5. Understood how one could weigh similar concerns in a hypothetical context at a different time and place when one has the freedom to imagine coming to different decisions about political and governmental structures;
6. Written individual papers and participated oral team presentations designed to consolidate and demonstrate the above skills; and
7. Worked through a series of assigned steps that will culminate in a multi-draft, thesis-driven, evidence-based term paper using primary source material. Because learning how to focus on an appropriate research question is often the most difficult part of writing a paper, the process will begin early with required assignments. All topics must be approved by the instructor.

POLICIES

Academic Honesty:
Students are expected to be familiar with and adhere to the university's regulations concerning academic honesty. A copy of those policies is provided at the end of this syllabus. Read them. You will also find a link there to the full set of policy guidelines. Violation will result in a severe penalty that may include a failing grade in the course and referral to the appropriate university judicial authority.

So far this is standard formula, so pay special attention to what is coming next: Penalties will be imposed for inadvertent as well as deliberate plagiarism. Since inadvertent plagiarism is not fully intentional, you need to be aware of what it is. It is easy to cut-and-paste material from the Internet, summarizing a source’s logic, evidence, reasoning or language. When you do this, you are obliged to acknowledge in the main body of the paper that you are doing so, and not merely with a within-text citation. You need to say something like “Smith says that…” even when you paraphrase. Putting in a citation at the end of a series of directly paraphrased sentences is NOT adequate. The same thing goes for following the order of another person’s argument and evidence. Summarizing another person must be acknowledged, and close paraphrasing should be rare. When you paraphrase closely, you probably should be quoting.
Using only the within-text citation is adequate only if you are taking a fact or referring to another’s conclusion. Much more is needed once the phrasing or the other’s argument begins to look similar. And copying the other person’s footnotes is NEVER appropriate because it suggests that you did not look up the original source on your own. When you do want to do a second-degree citation like this, it should contain something like this: Jones, p. 133 as cited by Smith, p. 221.

If your paper turns out to be a series of quotes and paraphrases, and if you give all of the proper references using words of acknowledgment as well as within-text citations, then it will not be plagiarized. It will not be considered dishonest. So far, so good – but that is still not enough to make a paper satisfactory. Compiling a series of quotes and paraphrases – even if properly acknowledged – will not be enough to do a passable job. A paper must be made up of and organized around your thoughts – your thesis, reasoning and evidence, phrased in your words and serving your paper’s end.

If you have any questions about this while writing, it is your responsibility to ask questions in advance.

**Attendance:**
Attendance in class, on time, is expected. This class meets only once per week. Students who miss two or more classes without a documented excuse will be penalized significantly in their final grades. Missing a graded team presentation without adequate excuse will result in the individual student receiving a zero for the exercise in question instead of the team grade.

**Late papers and assignments:**
All papers and assignments are due on the date **and at the time** assigned. Excuses will be accepted only for an adequately documented illness or emergency. To give two examples: someone with an anxiety disorder that affects writing may well have a documented illness. Someone who has a conflicting exam or event does not. Nothing prevents the student with a known conflict from reading ahead and writing the paper early. The due dates are on the syllabus. Instructions will be available early. All papers are to be submitted electronically. Late papers will be penalized at the rate of one grade (for example from B to B-) for each 24-hours late, with the first late day beginning immediately after the assignment was due. Assignments four or more days late without permission will not be accepted. They will be given a zero, which in turn will have a major effect on the semester’s grade. Submitting a bad (or even a failing) paper that acknowledges the assignment will be much better for the final grade than a zero.

**Special Needs:**
Students with special needs should register with the Disability Resource Center (Campus Center 137). The office will provide you with a letter describing the accommodations needed. Please give this letter to me within the first two weeks of the semester and remind me before each relevant event.
GRADING AND ASSESSMENTS

Short papers (2 pp.) – 20% total. Five required. Top 4 grades count.
   All 5 must be submitted or a zero will be averaged in.
Team projects – 20% total (10% end-of-semester peer evaluation. 10% instructor)
Preliminary steps for end-of-semester paper: (title, bibliography, intro) 5%
Draft of final paper + oral presentation of summary – 15% (Presented in class Nov. 29)
Final version of final paper (12-15 pp.) – 30% (Due Dec. 13)
Class Participation (includes attendance) – 10%

Grading scale for items graded in percentages:  
A= 93-100, A-= 90-92, B+= 87-89, B = 83-86, B-= 80-82, C+ = 77-79, C = 73-76, C- = 70-72, D+ = 67-69, D = 63-66, D- = 60-62,  
E=below 60.

Revising and resubmitting: All students are required to submit a first and a final draft of the
end-of-semester paper, each of which will be graded. For the short papers: students may
choose to revise and resubmit any or all of these papers. Resubmissions should show
substantial substantive changes, not grammar checks or copy-editing. The due date for
resubmission will be seven calendar days after I distribute my comments on the first draft. (If
you are absent that day, the clock will be ticking.) The grade for the paper will be the average of
the grades each draft receives separately.

BOOKS

The following items are available in the Campus Center bookstore.
Discount prices and used copies may be available from online or other sources.

   (Abridgment of James Madison’s Notes on the convention, with supporting narrative.)

(2) Alexander Hamilton, James Madison, John Jay. *The Federalist*. Options:
   (a) The Penguin paperback is in the bookstore. (Rossiter, Kesler, ed.)
      ISBN: 978-0451528810
      This is a modest priced edition with a good introductory essay, contents and index.
   (b) Other print editions are also acceptable.
   (c) The following online edition is free from the Avalon Project at Yale University:
      http://avalon.law.yale.edu/subject_menu/fed.asp
      If you use this one, you should print the assigned papers to mark up.
      NB: The Avalon Project is good for sources from the period for your term papers.

(3) Robert A, Goldwin, *From Parchment to Power: How James Madison Used the Bill of Rights to
## SCHEDULE OF CLASSES AND READINGS

* = on Blackboard.

You are advised to print hard copies, mark them up, and bring them to class.

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Readings and Notes</th>
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<tr>
<td>Aug 29</td>
<td>Introductory class</td>
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*Articles of Confederation  
**Paper (2 pp)**: Does Allen’s analysis of the Declaration ring true? Be specific, with page references, drawing from all sections of the assigned reading. Point out items you thought illuminating and/or ones with which you disagreed. Provide reasons to support your opinions. |
| Sep 12 | The Constitutional Convention – From the Opening to the Great Compromise | Larson & Winship (Madison’s Notes), pp. 1-91 [91]  
+ Appendix A (Virginia Plan), Appendix B (NJ Plan)  
*Convention: Day-by-Day Summary (Use for reference while reading Larson & Winship for the next couple of months, bring to class)  
*Selected votes at the Convention, through the Great Compromise  
*Recommended (not required): Farrand, *Framing of the Constitution*, ch. 4-7 [59]  
**TEAM EXERCISE** |
| Sep 19 | Reading: Nation and State, Large Republic or Small – the Advantages and Limitations of Large Republic Pluralism | *Storing, *What the Anti-Federalists Were For*, ch. 3-5 [35].  
*Storing, Outline of *The Federalist* (unpublished) [2]  
Federalist # 9, 10, 41, 46 [30]  
*Brutus, I and IV [14] |
| Sep 26 | Congress: Representation, Bargaining, Deliberation, and Compromise | Larson & Winship (Madison’s Notes), 54-59, 107-114, 118-125 [25]  
Constitution, Article 1, Sections 1-6 (Larson & Winship, 201-204)  
*Federalist*, #53, 55, 62 [18]  
Constitution, Amendments 17, 19, 24, 26  
*Recommended: Sen. McCain’s speech upon his return to the Senate (7/25/17)  
**Paper (2 pp)** |
<table>
<thead>
<tr>
<th>Oct 3</th>
<th>Congress: The Power to Govern</th>
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<tr>
<td></td>
<td>Larson &amp; Winship (Madison’s Notes), pages 123-24</td>
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<td>Constitution, Article 1, Sections 7-10 (Larson &amp; Winship, 204-207)</td>
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<td>Federalist #33 [5]</td>
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<td>* Jefferson’s Opinion on the Constitutionality of a National Bank (1791) [5]</td>
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<td>* Hamilton’s Opinion on the Constitutionality of a National Bank (1791) [22]</td>
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<td>* McCulloch v. Maryland (1819) [24]</td>
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<td></td>
<td><strong>Recommended:</strong> J. Ellis, <em>Founding Brothers</em>, ch. 2 “The Dinner.” The chapter is about events behind the 5-minute song “The Room Where It Happens” in <em>Hamilton</em>. <a href="https://www.youtube.com/watch?v=IWdBOsk8D7A">https://www.youtube.com/watch?v=IWdBOsk8D7A</a>, which is fun to hear.</td>
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<td><em>Contemporary Excerpts (required):</em></td>
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<td><em>J.J. Stevens’</em> (Opinion of the Court, pp. 4-6, highlighted) and <em>Thomas’</em> (dissent, pp. 1-4, highlighted): competing views of the commerce power in <em>Gonzales v Raich</em> (2005) [on conflicts between federal and state laws concerning the medical use of marijuana]. [7]</td>
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<td><strong>Also read -- Writing a research paper:</strong></td>
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<td><em>Booth, et al. The Craft of Research</em>, ch. 3, “From Topics to Questions” [This is in the folder called “Writing Papers”] [16]</td>
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<tr>
<th>Oct 10</th>
<th>Separation of Powers: Presidency and Congress [99]</th>
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<td><strong>Separation of Powers:</strong></td>
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<td>Constitution, Article II (Larson &amp; Winship, 207-210)</td>
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<td></td>
<td>Federalist #48,51 (Sep of Powers [10]), 70-71 (Presidency [12]) [22]</td>
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<td><strong>Presidential Elections:</strong></td>
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<td>Larson &amp; Winship (Madison’s Notes), pp. 92-103, 124-25, 139-44, 148-50 [23]</td>
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<td>Constitution, Amendments 12, 20, 22, 25</td>
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<td><strong>Paper (2 pp)</strong></td>
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<td><strong>End-of-semester research paper:</strong> Bring (hand in) tentative paper topic idea (one sentence). Class discussion, brainstorming, of your potential topics.</td>
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<tr>
<th>Oct 17</th>
<th>Presidential Power: Selected Topics [87]</th>
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<tr>
<td></td>
<td><strong>Removing an Executive Branch Appointee:</strong></td>
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<td>*Thach, Creation of the Presidency, ch. 6, “The Removal Debate”, 140-65 [26]</td>
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<td><strong>War and Foreign Policy Powers:</strong></td>
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<td><em>Neutrality Proclamation</em> [1]</td>
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<td>*Pacifus [Hamilton] [7] and *Helvidius (Madison) [7]</td>
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<td>*Statement by President Trump on Signing the Sanctions Act</td>
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<td><strong>Impeachment:</strong></td>
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<td>Constitution, Article I, Sec. 1 (final clause); Article I, Sec. 3; Article II, Sec. 4.</td>
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<tr>
<td></td>
<td>*Excerpts from Madison’s notes</td>
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<td></td>
<td><em>From Impeachable Offenses: Hamilton’s Defense of Himself in the Reynolds Affair + Giles’ Resolutions Criticizing Hamilton</em> [13]</td>
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<td></td>
<td>[In the show <em>Hamilton</em>, this is the subject of “The Reynolds Pamphlet”]. <a href="https://www.youtube.com/watch?v=kOSCOw50kos">https://www.youtube.com/watch?v=kOSCOw50kos</a></td>
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**TEAM EXERCISE**

End-of-semester paper topic due. Discussion of paper topics.
### Oct 24
**Ratification and Bill of Rights** [121]
- Goldwin, *From Parchment to Power*, pp. 15-28, 36-139. [118]

**Paper – 2pp**
Also hand in: Annotated bibliography for final paper topic.

### Oct 31
**Bill of Rights, Part II – Selected Issues** [110 + court excerpts, not inc. recommended]

**First Amendment: Speech, Press and Assembly**
- *Virginia and Kentucky Resolutions* [9]
- *Citizens United v US*, excerpts from J. Scalia’s opinion [8]

**Second Amendment: Right to Bear Arms**
- *Levy, The Right to Keep and Bear Arms*, in *Origins*... [28]
- *District of Columbia v. Heller* 554 U.S. 570
  Opinion of the Court (J. Scalia), 1-32
  Dissent by J. Stevens, 1 and 17-27

**TEAM EXERCISE**

### Nov 7
**Public Service, Ambition, Corruption, and Conflicts of Interest** [71]
- *Storing, What the Anti-Federalists Were For*, ch. 9, Conclusion [6].

**Recommended:**

**A Reply Brief will be added when it is available.**

**TEAM EXERCISE:** Who has the better of the argument, Teachout or Tillman?

**Also -- submit prospectus (outline of paper, with indications of the argument and the evidence to be used to support each major point.)**

### Nov 14
**Political Parties – the Need and the Problem** [91]
- *Gillespie “Political Parties and the American Founding” in P. Schramm and B. Wilson, American Political Parties and Constitutional Politics* (pp. 17-43) [27]
- *Malbin, “Political Parties Across the Separation of Powers,” in Schramm & Wilson (Published in 1993), pp. 75-90* [16]

**Paper (2 pp)**

### Nov 21
Writing workshop for final paper

### Nov 28
**Long Paper:** Oral presentations of final papers (main points) +
**Full paper drafts** to be submitted.
Length of oral presentation to be determined by class size.
<table>
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<tr>
<th>Date</th>
<th>Description</th>
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<tr>
<td><strong>Dec 5</strong></td>
<td><strong>Unfinished Business: Slavery, Originalism</strong> [89]</td>
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<td><strong>Slavery:</strong></td>
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<td>*J. Ellis, <em>Founding Brothers</em>, ch. 3, “The Silence” (pp. 81-119) [28]</td>
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<td>*Abraham Lincoln, “Cooper Union Address” (Feb. 27, 1860). [15]</td>
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<td>Constitution, Amendments 13-15</td>
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<td><strong>Originalism:</strong></td>
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<td><em>Blake, Originalism Explained (W Post, Feb. 2017)</em> [3]</td>
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<td><strong>Native Americans</strong> (recommended, not required):</td>
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<td></td>
<td><strong>TEAM EXERCISES</strong></td>
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<td>Long Paper drafts returned with comments</td>
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<td>Leave time for peer evaluations of teams + of instructor.</td>
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<td><strong>Dec 13</strong></td>
<td>Scheduled time for final exam: 5:45-7:45. No exam.</td>
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<td>Revised paper is due to be submitted by electronic submission by 8 PM on this day.</td>
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APPENDIX: ACADEMIC HONESTY

The following pages have been copied from: http://library.albany.edu/usered/cite/citing.html

When and Why to Cite Sources

What is Plagiarism?
Plagiarism is defined as "a piece of writing that has been copied from someone else and is presented as being your own work" or "taking someone's words or ideas as if they were your own" [1]

Plagiarism is a serious issue in the academic community. While plagiarism sometimes does occur intentionally, it also occurs because the writer doesn’t understand or does not know how to avoid it. Please visit our online tutorial: Plagiarism 101 for an entertaining and interesting look at why people plagiarize and strategies to avoid it.

Plagiarism occurs when you use someone else’s ideas and PRETEND they are your own. Avoiding plagiarism doesn’t mean that you can never use other people’s ideas. It’s a widely known secret that in fact you CAN use other peoples’ ideas and even their words. For many research papers you NEED to do this in order to prove your own points. So use their ideas! Use their words! Professors expect to see in your writing that you’ve done your research and understand what the experts think when you formed your own opinions. The trick is to acknowledge who these expert ideas really belong to by CITING them!

So let’s assume you don’t want to plagiarize, you’ve given yourself enough time to do it right, but you’re still not sure about “putting things in your own words,” judging when to cite work, or how to cite it. Read on for more information and examples.

Why Acknowledge Sources
Doing research for a paper is an exploration and learning process. By acknowledging our sources we show our reader the path we took to come to our conclusions. Citing the authors we read shows how we tied others’ research and ideas together and how we came to learn about and develop our own ideas and opinions.

Why should you cite your sources?
1. Citations reflect the careful and thorough work you have put into locating and exploring your sources.
2. Citations help readers understand the context of your argument and are a courtesy to the reader, who may share your interest in a particular area of study.
3. Citations allow you to acknowledge those authors who contributed to your learning and your work.
4. Citations, by illustrating your own learning process, also draw attention to the originality and legitimacy of your own ideas.
5. By citing sources you demonstrate your integrity and skill as a responsible student and participant in your field of study. [2]

When to Cite Sources
While professors and scholars may have specific requirements based on the needs of their discipline, there are cases where you should always cite your sources.

1. Direct quotes of more than one word. If the author’s words are powerful or you need to be specific for your argument, the authors’ words can be used as a direct quote.
2. **Paraphrasing or summarizing.** If you want to use someone else’s idea to help you make your point or to support your own ideas, in this case you would “translate” the ideas into your own words. [NB: “Always cite.”]  

3. **Information which may be common knowledge** but still unfamiliar to your reader. This would also include statistical information which may be familiar information but still requires confirmation.  

4. **Not just books or articles** should be cited. Any source that you use for information can and should be cited including interviews, websites, TV programs, etc.  

5. **Whenever you are not sure** if something should be cited, err on the side of caution and cite sources. Let’s look at some examples...  

**Direct quotes**  
How much you quote will determine how it appears in the body of your paper but whether it is one word or an entire paragraph, direct quotes need to be cited.  

*Lappe’s explanation of a “thin democracy”* [3] addresses a number of basic flaws within our American society.  

Global warming is being recognized as a major issue throughout the world and as Al Gore instructs, “it is time to make peace with our planet.” [4]  

**Paraphrasing or Summarizing** [NB: “Always cite”].]  
This involves translating what you have read (or heard) and putting it into your own words. Paraphrasing typically refers to putting an idea or passage into your own words. Summarizing involves capturing the main idea or reducing a detailed piece to a shorter and more general synopsis.  

*[Instructor’s additional comment: when summarizing someone else’s work, it is not sufficient to drop in a footnote. The text must also say something like “according to ...” or “Smith says that...” or “some historians have argued ....”]*  

**HERE’S AN EXAMPLE:**  

"Instructors usually allow students to find their own topics for a major writing assignment; thus choose something of interest to you so you won’t get bored after a few days. At the same time, your chosen topic will need a scholarly perspective." [5]  

**Paraphrase:** When students are permitted to select their own topic to write about they should choose one that is interesting to them. The topic should also be scholarly in nature so that students will be able to find appropriate research and resources on the topic. [6]  

**Summary:** Students should select writing topics that are interesting and also lend themselves to academic research. [6]  

A summary generally addresses the overall theme of a passage, article, opinion, etc. while a paraphrase generally restates a more specific thought or idea. The difference between summarizing and paraphrasing is sometimes obvious and sometimes subtle — do you see the difference?  

**Common Knowledge? Or Not?**  
Some basic facts are common knowledge and easily confirmed from a variety of sources. Statistics should always be cited, as well as opinions and less familiar facts. Information that is considered well-known within your field of study will also help determine if it is considered common or not. However, if you are not sure, cite it!
Example 1:

The University at Albany located in Albany, NY and is part of the State University of New York.

This is common knowledge and easily confirmed in a multitude of sources.

Example 2:

The State University of New York was officially established in February of 1948 and currently consists of 64 institutions. The University at Albany is one of ten University Centers that are part of the SUNY system. [6]

While the SUNY system is well known and these facts are easily confirmed, specific historical information or statistics should be cited.

How to Cite?

We’ve talked about plagiarism as well as why and when to cite. The next question is "How?"

There are two things you need to know from your professor.

The FIRST is how you will reference your sources within your paper. Generally you will use one of the following options:

- **IN TEXT** citation is when your source author is included within the body of your paper. This acts as a reference to your 'Works Cited' page.
- **END NOTES** format is used in this document. The cited idea or quote is noted with a number and the source is listed at the end of the paper.
- **FOOT NOTES** format is similar to end notes however the citations are listed at the bottom of each page.

The SECOND thing you need to know is what Format and Style Guide to use. There are very specific rules about how to do this that are not included in this document. Your professor will tell you which s/he wants you to follow. The choices will typically be one of the following:

- **MLA** Format and Style Guide (Modern Language Association)
- **APA** Format and Style Guide (American Psychological Association)
- **CHICAGO** Manual of Style

Please visit the University Libraries' Cite... Web page at Cite... for information and instructions on these style guides. Once you know what your professor wants you will need to follow the rules of that format accordingly.

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