

BILL OF RIGHTS

American Politics Seminar. Fall Term 2016

Tuesdays 6:10-8:00 PM

Dr. Z. (M. K. Zebrowski)

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This seminar is an investigation of the nature and importance of the federal Bill of Rights in the American federal and state constitutional systems. Common readings, class discussions, and student seminar papers consider the social, political, and legal significance of the Bill of Rights in historical and contemporary American discourse and analysis, along with constitutional case law regarding specific rights. The first part of the course is devoted to a discussion of common, required readings that consider the Bill of Rights in historical and contemporary perspective. The second part of the course is devoted to students' presentations, in class, of their own research on individual topics relating to particular rights grounded in the American federal and state bills of rights. A breakdown of course requirements and grading is indicated below.

Each student will write a 35-page research paper on a topic relating to a particular right grounded in the American federal Bill of Rights or in state bills of rights. There are many approaches to an appropriate seminar paper. For example, a paper may address specific case law relating to a specific right, an individual state constitution's bill of rights, or the importance of a particular right in American political and legal discourse. We will begin discussing students' personal career interests, research interests, and research strategies on the first day of class. During the first part of the course, as students set out their research programs, we will often come back to these issues in class discussions.

By Thursday September 15 each student must submit a brief paragraph describing his/her research topic. This is in preparation for a special, required meeting devoted to students' research in Butler Library on September 20. The statements of research plans will help the librarians organize their ideas and comments in a way that is most beneficial to students. In addition, each student must submit a prospectus and preliminary annotated bibliography for the paper on October 11. The prospectus must contain: a description of the topics the paper will cover; a preliminary outline of the paper; a preliminary annotated bibliography containing at least 20 primary and secondary sources. More complete guidelines for the prospectus and preliminary annotated bibliography will be handed out and discussed in class on September 13. The prospectus and preliminary annotated bibliography will be returned with comments on October 18. At the same time, a schedule for students' presentations in the second part of the course will be distributed. Students will present their research to the seminar for comment and discussion (approximately 35-40 minutes for each presentation; 15 minutes for comment and discussion). Presentations will begin October 25 and continue through December 6. There will be no class on Election Day, November 8.

Class attendance and participation are required. Students should be prepared to discuss the weekly assigned material and their colleagues' papers in class. Papers are due Friday December 16. There will be a short final quiz on Tuesday December 20 during the regular final exam period. This quiz will provide students with an opportunity to synthesize all of the course material, including the common readings, discussions, and the comparative perspective gained from listening to and commenting on each others' papers. Put these dates and times into your calendars now.

I do not maintain regularly scheduled office hours. However, my time is quite flexible. To schedule an appointment, please send me an e-mail.

NO EATING OR CELL PHONES IN CLASS.

Requirements and grading. Work submitted late will be down-graded:

Seminar research paper	55%
Prospectus and annotated bibliography for research paper	10%
Oral presentation of individual research to the Seminar	10%
Contribution to the Seminar: discussion of common readings and seminar papers; attendance	10%
Final quiz	15%

Readings:

The following three books are available at Book Culture. Other readings are on reserve in College Reserve/Butler Library or online. Additional readings may be announced as the term goes along.

Cass R. Sunstein, *Why Societies Need Dissent* (Harvard, 2005)
Akhil Reed Amar, *The Bill of Rights: Creation and Reconstruction* (Yale, 1998)
Richard A. Primus, *The American Language of Rights*
David Cole, *Engines of Liberty: The Power of citizen Activists to Make Constitutional Law*
(Basic Books, 2016)

Assignment dates are tentative and may vary as class discussions require. Any additions to or changes in the readings will be announced. If there is any confusion about specific weekly assignments, do not hesitate to ask for clarification.

SCHEDULE OF WEEKLY ASSIGNMENTS

September 6 Introduction to the Course and Requirements.
Initial discussion of students' research interests and papers.

September 13 Foundations of the American Bills of Rights.

Assignment: – James H. Hutson, "The Bill of Rights and the American Revolutionary Experience" (link on CourseWorks)
– Jack N. Rakove, "Parchment Barriers and the Politics of Rights" (link on CourseWorks)
– Cass R. Sunstein, *Why Societies Need Dissent*

Note: The articles by Hutson and Rakove are also in: Michael J. Lacey and Knud Haakonsson, eds., *A Culture of Rights* (reserve)

Discussion of students' research papers, con't.
Guidelines for preparing prospectus and preliminary annotated bibliography handed out.

September 15 Brief paragraph description of research topic due (for use of librarians).
Descriptions can be submitted by ordinary e-mail, but not as attachments.
E-mail topics and descriptions to mkz1@columbia.edu and jt628@columbia.edu

September 20 Class meets in 306 Butler Library with reference librarian John Tofanelli.

September 27 **The Federal Bill of Rights: Amendments I-X;
Transforming Importance of the Federal 14th Amendment**

Assignment: – Akhil Reed Amar, *Bill of Rights*

October 4 **Understanding Rights in Changing Context: Change and Development.**

Assignment: – Richard A. Primus, *The American Language of Rights*

October 11 **Citizen Rights, Responsibility, Politics, and Change.**

Assignment: – David Cole, *Engines of Liberty*

**Prospectus and preliminary annotated bibliography due.
Schedule of student presentations determined.**

October 18 **New Challenges: Technology, Surveillance, Privacy, Whistleblowing, Dissent.**

Assignment: – Neil M. Richards, “The Dangers of Surveillance,” *Harvard Law Review* 126.7 (2013): 1934-1964 (reserve)
– *Liberty and Security in a Changing World: Report and Recommendations of the President’s Review Group on Intelligence and Communications Technologies* (December 2013) (Whitehouse.gov website link through Course Reserves/Courseworks)
– Mary-Rose Papandrea, “Leaker Traitor Whistleblower Spy: National Security Leaks and the First Amendment,” *Boston University Law Review* 94 (March 2014): 449-544 (reserve)

**Prospectus and preliminary annotated bibliography returned with comments.
Schedule of student presentations handed out.**

**October 25 -
December 6** **Student presentations of seminar papers.**

November 8 **Election Day, no class.**

December 16 **PAPERS DUE.**

December 20 **FINAL QUIZ. 6:00-8:00 pm. Put this date and time on your calendars.**