



WINTER 2026 COURSE SYLLABUS

Course Number: 881-R01

Course Title: The Constitution in the Early Republic

Credit Hours: 2

Grading Mode: Letter graded

Meeting Time(s): This class will meet during the Winter 2026 Intersession.

Online instruction: January 5–9, 12, 13, 2026, from 1:00pm–4:00pm.

In-person instruction: February 6, 6:00–7:30pm, February 7, 10:00am–12:00pm, February 7, 1:00pm–3:00pm.

Students are expected to be on video for the duration of each online class. This is intended to be an interactive class with ample discussion so I will assume that if your camera is off that you are unable to participate at that time. We will aim to have a 10-minute break each day near the middle of the class.

Meeting Mode: Hybrid

Exam Time(s): N/A

Exam Mode: Paper

Prerequisite(s): N/A

Corequisite(s): N/A

Instructor(s):

Judge Ryan D. Nelson

Contact Information and Office Hours:

rnello9@GMU.EDU

There are no scheduled office hours, but I am available for meetings upon request.

Reading(s) & Supplement(s):

There is no assigned book for this class. Readings will be assigned from a variety of sources and links or pdfs will be supplied where necessary, although you are welcome to purchase any hardcopies of the books.

Course Overview:

This course explores the liquidation of the U.S. Constitution in the Republic's early years. Reading both primary and secondary sources, students will learn how the public's understanding of the Constitution developed with time and how the Constitution's timeless provisions came to shape every aspect of American life.

Course Learning Outcomes:

Upon completion of this course, students should be able to:

1. Identify the various sources of constitutional power for each branch of government.
2. Identify the Constitution's structural protections, including separation of powers and federalism.
3. Identify original constitutional sources of power relevant to modern issues.
4. Formulate legal arguments for or against the constitutional powers of each branch of government.

Grading Policies:

In order to earn credit for this class, students must be in class (on camera) 80% of the time, participate in discussions, and complete the assignments. There will also be a writing project assigned during class and due by the end of the day on February 20, 2026.

Classroom Policies:

Attendance: Per AR 3-1.4, "maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student's program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements."

Absences: Per AR 4-1.1, "if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student

who is not present for at least 75 percent of a session of the course is absent from that session.”

Use of Technology & AI:

Moderate Use Policy: Generative AI tools may be used in this course for the following purposes, and with the following guidelines. Students may use AI in this course to brainstorm, outline, study, explore, but may not use AI as the primary source for research, as the primary source for text of written assignments, during any quiz or exam, nor during Socratic dialogue. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

Course Schedule & Assignments

Period I (Jan. 5) Introduction, Originalism and The American Revolution

- Antonin Scalia, [Originalism: The Lesser Evil](#), 57 U. Cin. L. Rev. 849 (1989).
- Jack Balkin, [Abortion and Original Meaning](#), 24 Const. Comment. 291 (2007).
- Randy Barnett, [Trumping Precedent with Original Meaning: Not as Radical as it Sounds](#), 22 Const. Comment. 257 (2005)
- Gordon Wood, [Creation of the American Republic: 1776–1787](#), chs. 1, 4 (ed. 1982).

Period II (Jan. 6) The Critical Period

- [Federalist No. 3–7, 15–17, 21–22](#).
- Wood, *Creation of the American Republic*, chs. 9, 10

Period III (Jan. 7) The Constitutional Convention: Representation

- Federalist No. 10, 37, 39, 50
- Wood, *Creation of the American Republic*, chs. 8, 12

Period IV (Jan. 8) The Constitutional Convention: Federalism

- Federalist No. 41, 45–46, 62–64
- Wood, *Creation of the American Republic*, ch. 13

Period V (Jan. 9) The Constitutional Convention: Separation of Powers

- Federalist Nos. 47–49, 51, 67–73
- John Yoo, [Crisis and Command: A History of Executive Power From George Washington to George W. Bush](#) (2009), ch. 2.
- Wood, *Creation of the American Republic*, ch. 11.

Period VI (Jan. 12) Early Disputes I: The Government and the Bank

- Gordon Wood, [Empire of Liberty: A History of the Early Republic](#), 1789–1815, chs. 3, 4.
- Yoo, *Crisis and Command*, 47–64
- Speech of Madison, [Opinions of Jefferson and Hamilton](#).

Period VII (Jan.13) Early Disputes II: Foreign Policy

- Wood, Empire of Liberty, ch. 5
- Yoo, Crisis and Command, pp. 64–86
- Jefferson & Hamilton Opinions on Treaties with France, *available at*:
 - [Jefferson's Opinion on the Treaties with France](#)
 - [Enclosure: Answer to Question the 3d. Proposed by the President of the UStates, 2 May 1793](#)
 - [IV. Opinion on the Treaties with France, 28 April 1793](#)
- Helvidius-Pacificus Debate, [Pacificus Nos. 1–2](#), Helvidius Nos. 1–2.

Period XIII (Feb. 6, 6:00 – 7:30 p.m.) Current Disputes I: Presidential Power

- *Alabama Assoc. of Realtors v. HHS*, 594 U.S. 758 (2021).
- *NFIB v. OSHA*, 595 U.S. 109 (2022)
- Federalist Nos. 67–77
- Thomas Jefferson, [Letter to John Colvin](#), Sept. 20, 1810.
- Abraham Lincoln, [First Inaugural Address](#), March 4, 1861.
- Abraham Lincoln, [Message to Special Session of Congress](#), July 4, 1861.

Period IX (Feb. 7, 10:00 a.m. – 12:00 p.m.) Current Disputes II: Impeachment

- Robert Mueller, [Report On Investigation Into Russian Interference In The 2016 Presidential Election](#) (March 2019).
- Impeachment of Donald J. Trump, [Report of the Committee on the Judiciary of the House of Representatives](#), H.R. Rep. No. 116–346 (2019) (“First House Impeachment Report”)
- [H.R. Rep. No. 117–2](#) (2021) (“Second House Impeachment Report”)
- James Phillips & John Yoo, [You’re Fired: The Original Understanding of Impeachment](#), 94 S. Cal. L. Rev. 1191 (2022).

Period X (Feb. 7, 1:00 p.m. – 3:00 p.m.) Disputes III: Slavery

- Frederick Douglass, [What to the Slave is the Fourth of July?](#), July 5, 1852.
- Thurgood Marshall, [Reflections on the Bicentennial of the U.S. Constitution](#), 1987.
- Nikole Hannah-Jones, [The 1619 Project](#), *New York Times Magazine*, August 18, 2019.
- [Federalist](#) No. 54
- Finkelman, The Founders & Slavery, [13 Yale J. L. & Humanities 413 \(2001\)](#).
- Michael Chan, Alexander Hamilton on Slavery, [66 Rev. of Pol. 207 \(2004\)](#).
- Michael Zuckert, [Slavery and the Constitutional Convention](#), AEI Press (2013).
- *Dred Scott v. Sanford*, 60 U.S. 393 (1857)
- Abraham Lincoln, [First Inaugural Address](#), March 4, 1861.

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703 -993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)