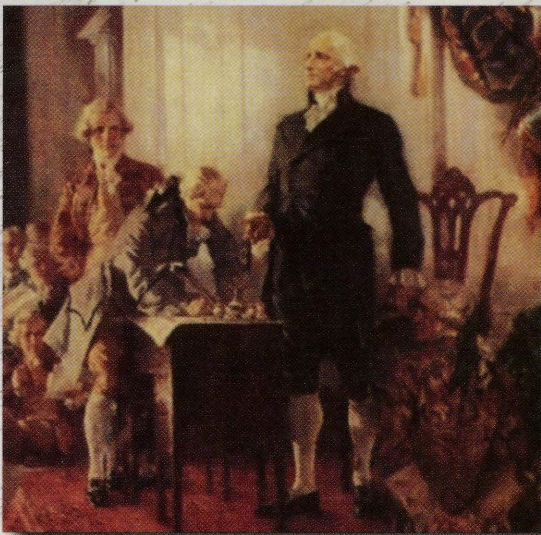


We the People

of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Institute for the American Constitutional Heritage

A Reasoned Way Forward



BY SUSAN OWEN ATKINSON

The atmosphere inside Oklahoma Memorial Union's Molly Shi Boren Ballroom was electric on a Friday night in late March. Spirited dinner conversation filled the air as nearly 400 guests anticipated the evening's main event: a conversation between two heavyweight voices in the debate over the balance between national security and personal freedom.

The formal topic was "Habeas Corpus: Law and Legitimacy in Times of Crisis." The discussion that followed, focusing on the U.S. detention facility at Guantanamo Bay, was legally thorny, heated at times, and for nearly all in attendance, provoked a realization that the stakes in America have never been higher.

The evening's speakers were the Honorable A. Raymond Randolph, circuit judge for the U.S. Court of Appeals, Washington, D.C., and David Cole, nationally noted civil liberties attorney and professor of law at Georgetown University. They came to Norman at the invitation of Kyle Harper, assistant professor of classics and director of the University of Oklahoma's Institute for the American Constitutional Heritage.

The banquet and panel discussion afterwards was the culminating event of the Institute's inaugural Constitutional Studies Symposium held earlier that day. Dinner guests, who included members of the legal and scholarly communities, students, and members of the public, lingered long after the 50-minute discus-

**Constitutionalism—
its foundations,
development and place in
the academic curriculum—
is being addressed in an
exciting new OU program.**



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Robert Taylor

The Honorable A. Raymond Randolph, circuit judge for the U.S. Court of Appeals, Washington, D.C., left, and David Cole, nationally noted civil liberties attorney and professor of law at Georgetown University, voice different views during a discussion of national security and personal freedom.

sion was over, talking and relishing a moment of participation in the true substance of civic life.

“The discussion that night was so weighty, so meaningful. Everyone came away with a much deeper understanding that what’s at stake is nothing less than America’s values—who we are as a people,” says Harper. “Our speakers were perfect representatives of the two distinct philosophies at the heart of this national debate.”

The Institute for the American Constitutional Heritage (IACH) is an ambitious experiment that grew out of University President David Boren’s 2008 critically acclaimed book, *A Letter to America*. The Institute was launched in 2009 with the belief that public universities must do more to emphasize knowledge of America’s constitutional foundations as part of the college curriculum. The Institute has a twofold mission: to create a vibrant, national center for research into the foundations and development of American constitutionalism, and to invigorate the humanities curriculum at a major public university around the core theme of constitutionalism.

In *A Letter to America*, President Boren describes a crisis in American political life, manifesting itself in profound cynicism, bitter partisanship and public apathy, rooted in ignorance about

American constitutional history. “America today is seriously hampered by the lack of a broad understanding of our own history and constitution history,” Boren writes. “The new Institute will play a key role in helping both academic leaders and the general public better understand this key ingredient to our national strength.”

The Institute’s primary goal is to ensure that undergraduate students at the University understand the basic tenets of the Constitution, its history and what it means to live in and work within this system. This goal is being met by offering challenging coursework for undergraduates pursuing a Constitutional Studies minor or concentration, by the establishment of the Constitutional Studies Students Association, which hosts lively, bi-weekly discussions of topics of the day, and by campuswide activities in observance of Constitution Day each September.

The Institute also has plans to establish a post-doctoral fellowship program that will make OU a national center for the best young experts in constitutional law, bringing them to campus to hone their research and teaching skills. Lastly, the IACH seeks to provide forums for public engagement and substantive debate through a community lecture series, events such as last spring’s Habeas Corpus Symposium Banquet and a series



Robert Taylor

Students in Kyle Harper's classes discuss such topics as the ancient roots of law, liberty and self-governance; the development of liberal and republican thought in the modern world; and the historical and ideological background of America's founding.

of public lectures over the next five years commemorating the 150th anniversary of the Civil War.

Edmond native and OU alumnus Harper was recruited to launch this university-wide effort to make constitutional thought and history a core theme of the college curriculum and a focus for the civic responsibility of the public university.

"It is especially meaningful when one of our own graduates comes back to the University of Oklahoma to assume an important leadership role," says President Boren. "Having finished his Ph.D. in history at Harvard and having had his first book published by the Cambridge University Press, Kyle Harper has already established an outstanding reputation as a scholar, and he has recruited a highly talented core faculty for the new Institute."

A former high school debater, Harper remembers well the day during his freshman year that he walked into a class taught

by the late professor Danney Goble, a noted Oklahoma historian. "The first words out of his mouth were: 'Politics is the study of power relationships—it's about our whole way of life.' From that day on I began to learn a deeper way of thinking. It was as if a different part of my brain suddenly woke up." Harper went on to earn a B.A. in letters from OU, graduating *summa cum laude* in 2001.

His intellectual pursuits are wide-ranging, from the history of slavery in the ancient world to the development of Christian notions of marriage and family and how law and justice in Greece and Rome continue to shape western legal systems today. Through his studies and research, one truth has crystallized for Harper: that an authentic and nuanced understanding of the United States as a nation, and in particular its constitutional founding, must be grounded in an understanding of history and philosophy from the ancient world to the present.

In addition to Harper, IACH includes core faculty member Kevin Butterfield, who holds a Ph.D. in history from Washington University, St. Louis. Butterfield, an expert on civil society and constitutional values, teaches courses on "Law and Life in America" and "Interpreting the Founding." In fall 2011, the Institute

welcomed two new faculty recruits. Eric Lomazoff holds a Ph.D. in government from Harvard University and is an expert on "The Constitution and the Economy," the course he will teach at OU, along with "Oklahoma and the Constitution." The second addition is Andrew Porwancher, who earned his Ph.D. from Cambridge University and is an expert on the modernization of the Constitution. He will teach "Debating Constitutional Controversies" and "U.S. Legal Philosophy."

Along with core faculty, the IACH includes 23 affiliated faculty members from across the campus. Professors from classics and letters, history, political science, modern languages, the College of Business and the College of Law bring a wide variety of perspectives and expertise to the central theme of constitutionalism. Harper proudly notes that in the first year of its existence, faculty affiliates have been so inspired by the Institute's



The Institute for the American Constitutional Heritage is a dynamic, interdisciplinary new program housed in OU's Department of Classics and Letters that focuses on the study of the U.S. Constitution: its philosophy, historical context, legal substance and contemporary relevance.

mission that they collectively have developed 24 new course offerings for IACH students that weave together people, academic departments and ideas.

But what exactly does the word “constitutionalism” mean, and how does this concept become a touchstone for an entire university curriculum? Harper says, “Constitutionalism refers to our idea of self-governance under law that requires virtue and self-sacrifice from its citizens. It is a system that tries to balance competing human interests with freedom and justice for all.”

He explains that constitutional law is not merely a technical question. “It engages matters of our values as a nation, who we are and what we want to be as a people. It constantly weighs which values should prevail as a basis for fair and rational processes of law. Therefore, it becomes clear that constitutional issues at their heart are really philosophical issues.”

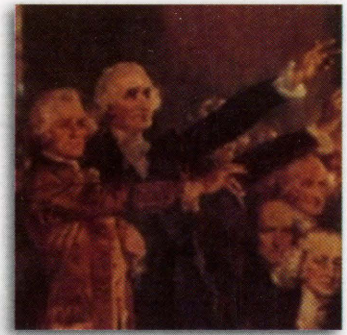
“The University of Oklahoma is one of only a few colleges in the country where an undergraduate can pursue a concentration

or a minor in constitutional studies,” Senior Vice President and Provost Nancy Mergler says proudly. “Through the development of IACH, we have a unique opportunity to give our graduates a more sophisticated understanding of how our Constitution and our government work. It’s important that students—and mem-

bers of the community—understand that there have been many rancorous times in our nation’s history but that our Constitution has always had the flexibility to guide us through those times.”

Mergler observes that students of her generation were eager to abandon old frameworks of understanding the country’s history and founding philosophy. She fears that in doing so “we kind of lost our way. Now, as educators, we have a moment to take a big breath and teach students how to have a political conversation. We can promote knowledge and understanding that will help citizens make informed decisions about what point in time contemporary issues should drive change. The IACH allows us to provide continual, sustained attention to the art of compromise and consensus.”





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Beginning in fall 2011, IACH has established an undergraduate Society of Fellows to challenge OU’s most promising students through an intensive faculty-student mentorship program. Society of Fellows members are awarded a \$1,000 scholarship, a handsome blazer with the Society’s crest signifying their membership, and are invited to monthly dinner discussions with faculty members from across the rich intellectual culture of the campus. According to Harper, “These Fellows are outstanding students who are the country’s next generation of leaders. They need to be well-versed in the nation’s history and its constitutional foundations.”

Student response to the call for applications was overwhelming. When the Society announced that it was seeking members last year, 120 students applied for 15 available fellowships. “We were really impressed by the caliber of the applicant pool, and we’re thrilled that OU students have such a hunger for this kind of intellectual stimulation and involvement,” says Harper.

Butterfield is excited about the OU community’s eagerness to renew its interest in and understanding of the Constitution. He describes an occasion in 2010 when he accompanied one of his students to a meeting of the Constitutional Studies Student Association (CSSA). The student was presenting a paper on re-

cent gay marriage debates in the context of the general trend toward liberalizing marriage laws.

“There was a large crowd at the meeting,” Butterfield says, “and I was really struck by the diversity of viewpoints among the students and the fact that the discussion was continuously grounded in logic and history. This was a clear example of how an academic assignment is feeding into a campus discussion. I am heartened to see real signs of progress of civil discussion—deliberation rather than argumentation.”

For OU student Megan Marks, a junior from Columbus, Ohio, who also serves as president of the CSSA, the Institute for the American Constitutional Heritage is a dream come true. She describes CSSA events that occasionally draw overflowing crowds, during which students and professors really engage in authentic discussions about controversial topics that impact students’ lives.

“This is what I always hoped college would be,” she says. “I’m learning to think and debate; I’m able to get my ideas across without offending people. I’m better spoken and a better writer. The skills I’m learning in the IACH program spill over into the rest of my classes and my entire academic life.”

Susan Atkinson is a freelance writer living in Norman.