Course Description
This course focuses on the development of the U.S. Constitution. It being a living document, its history stretches back before its promulgation and extends to the future. Changing political winds and the U.S. court system change what it means through argumentation and interpretation, so we will investigate some of the critical ideologies and court decisions that shape the Constitution’s meaning up to our own time. In the process, you will hone your skills at historical thinking, analysis, and writing, all of which will serve you well no matter what your career decisions.

Expected Learning Outcomes
• You will know the Constitution, its articles and its amendments, and its role in creating and sustaining the American republic.
• You will be able to recognize historical circumstances important to the interpretation of the Constitution and, thus, understand how Supreme Court Justices came to their conclusions.
• You will be able to compare and contrast court cases in different eras to chart the evolution of the interpretation of the Constitution.
• You will be able to marshal evidence in defense of a thesis about vexing questions in the history of the constitution’s development.

Course Construction
Borrowing from my Constitutional History professor, Phillip Shaw Paludan, the success of the course depends on your reading and preparation for the classroom meetings. Most of every Tuesday meeting is scheduled as discussion and discussion can break out at any time in the other meetings, as well. I will sometimes break from my lectures with a question directed at an individual (“Ms. Smedley, is Calhoun right?”) or the class as a whole (“Can anyone explain what nullification means?”) If you have not done the reading assigned for that day you will earn: the anger of the professor, the disrespect of the class, and the anguish of a conscience that knows that other people who relied on you have been let down. Therefore, you will need to be present and be prepared. You might even want to bring your own “brief” of the material as a reference for your participation.

The readings in this class can be challenging. But that’s what discussion is for. I will help guide you through them, but you should be prepared to engage the political, social, and cultural arguments, as well as the historical circumstances, that shape the Constitution’s evolution. You must be able to take a stand and defend it, according to the evidence at hand. That’s what historians do.

Each Thursday and sometimes the first half of a Tuesday, I will lecture on the week’s topic, placing the constitutional issues before us in their historical context. Then, on Tuesdays we will also discuss the documents and essays assigned from Major Problems.

You will write a mid-term exam take-home essay and a final exam in-class essay. The take-home essay will be due Thursday, March 22. The in-class final will be an open-book exam.

You will write two papers, each 3-4 pages long. The questions for these papers can be found in the calendar below, the first dealing with material covered to September 29 and the second dealing with material covered to December 1. Each asks you to use the documents and essays in the handouts as well as Major Problems to provide evidence for your thesis that is the answer to the question.
Required Texts


Handouts


Grading

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
<th>Grade Range</th>
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</thead>
<tbody>
<tr>
<td>Paper 1</td>
<td>10</td>
<td>A = 91 – 100 points</td>
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<tr>
<td>Paper 2</td>
<td>10</td>
<td>B = 81 – 90 points</td>
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<tr>
<td>Mid-Term Exam</td>
<td>20</td>
<td>C = 71 – 80 points</td>
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<tr>
<td>Final Exam</td>
<td>30</td>
<td>D = 61 – 70 points</td>
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<tr>
<td>Participation</td>
<td>30</td>
<td>F = 60 points and below</td>
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(or 20 if quizzes become necessary with the quizzes comprising the remaining 10 percent.)

Important Details

- Attendance is important to your grade because you must be in class to participate.
- All assignments will be completed and submitted on schedule. Makeup work, except in the most extreme circumstances, is not acceptable. If such a circumstance can be anticipated, you must see me ahead of time. If it cannot, documentation will be required.
- The Writing Center can help you with construction of your essays. In addition, I will be happy to read drafts. The Writing Center (942-2093) is in the library (305C).
- **Plagiarism is the worst of academic crimes and will not be tolerated.** Plagiarism is representing someone else’s work as your own. If you plagiarize you will have earned an “F” for the course on the first offense. If you do not know what plagiarism is, please see me. ASU has an honor code that binds students and faculty to academic integrity.
- The ASU Student Handbook contains important information about campus services, programs, policies, and procedures, including such areas as the campus disciplinary rules and the Academic Honor Code. All students are expected to be familiar with this publication and to comply with the policies contained therein, among them maintaining complete honesty and integrity in their academic pursuits according to the Academic Honor Code. The ASU Student Handbook is available at: http://www.angelo.edu/student-handbook/. The Code of Conduct, Disciplinary and Housing Appeals are handled out of the Student Services Office located in HAR 203.
- If you have a documented disability or disorder that requires special consideration for you to complete the class successfully, please see me in my office at your earliest opportunity so we can arrange accommodations. Documentation must be obtained from the Student Services Office (HAR 203).
- Turn off your cell phones before class starts unless you’re waiting for an organ transplant or word about a close relative’s death. Inform me before class in either case.
- **DO NOT** check your cell phone for text messages or any other reason during class. I will deduct 10 points from your grade each time I catch you doing so.
- You may not take notes on electronic devices.
- I will provide you with Blue Books for the final exam.
Course Calendar

Week 1—Introduction: The U.S. Constitution and its History
Tues., 1/16  Introduction to the course, orientation about the readings
Thurs., 1/18  Lecture: How the Constitution Came to Be

Week 2—The U.S. Constitution and Its History
Reading: Major Problems: Documents, 557-573, The U.S. Constitution
Tues., 1/23  Discussion: What Does the Constitution Seem to Do?
Thurs., 1/25  Lecture: Philadelphia, Federalists, and Anti-Federalists

Week 3—Creating the American Republic
Reading: Major Problems: Documents, 30-56; Analytical Essays, 57-75; Madison’s Federalist 10 and 51
Tues, 1/31  Discussion: Turning Ideas into Government
Wed., 2/1  Lecture: The Dawn of Human Rights

Week 4—Rights in the New Republic
Reading: Major Problems: Documents, 76-93; Analytical Essays, 94-109
Tues., 2/6  Discussion: Early Constitutional Problems and Possibilities
Thurs., 2/8  Lecture: What Marbury v. Madison Did

Week 5—The Departmental Theory and the Establishment of Judicial Review
Reading: Major Problems: Documents, 110-137; Analytical Essays, 136-156
Tues., 2/13  Discussion: The Constitution and the Issue of Sovereignty
Thurs., 2/15 Paper #1 Question: If Madison, in Federalist 10 (1787) and 51 (1788), advocated—as matters of liberty—wide civic participation and independent branches of government respectively, what were John Adams’ reasons for invoking arguably unconstitutional Presidential powers as early as 1798 that seemed to suppress civic participation? Was he justified?

Week 6—Andrew Jackson, Nullification, and Indian Removal
Reading: Major Problems: Documents, 157-177; Analytical Essays, 177-191
Mon., 2/20  Discussion: Was John C. Calhoun right?
Thurs., 2/22  Lecture: Was the Constitution Pro-Slavery or Anti-Slavery?
Paper #1 due

Week 7—Abraham Lincoln, Slavery, and the Civil War
Reading: Major Problems: Documents, 192-215; Analytical Essays, 215-228
Tues., 2/27  Discussion: Race and the Court in the 19th Century
Thurs., 3/1  Lecture: The Redefinition of Freedom

Week 8—Reconstruction and the Fourteenth Amendment
Reading: Major Problems: Documents, 229-255; Analytical Essays, 255-273
Tues., 3/6  Discussion: Why was the 14th Amendment so Important?
Thurs., 3/8  Lecture: The Industrial Revolution’s Demands on the Constitution
Distribution of Take-Home Mid-Term Exam Questions
Week 9—3/12 – 3/16 NO CLASS—SPRING BREAK

Week 10—Protective Legislation and the Liberty to Contract
*Reading: Major Problems: Documents, 274-296; Analytical Essays, 297-310*

Tues., 3/20 Discussion: Was The Constitution Up to the Task of Industrial Regulation?
Thurs., 3/22 Lecture: Modern War’s Effects on Civil Liberties
*Take-Home Mid-Term Exam Due*

Week 11— Total War and the Emergence of Modern Civil Liberties
*Reading: Major Problems: Documents, 311-331; Analytical Essays, 331-345*

Tues. 3/27 How Does Fear Change Constitutional Interpretation?

Week 12— Franklin Roosevelt, the Depression, and the New Deal
*Reading: Major Problems: Documents, 346-370; Analytical Essays, 370-382*

Tues., 4/3 The Court and Liberal Politics
Thurs., 4/5 Lecture: The New Deal, Japanese Internment, and “Separate but Equal”

Week 13— Race and Civil Rights in the Cold War Era
*Reading: Major Problems: Documents, 383-401; Analytical Essays, 402-415*

Tues., 4/10 Discussion: Was Brown v. Board a Corrective to Racial Discrimination?
Thurs., 4/12 Lecture: Women’s Rights and a Woman’s “Right to Choose”

Week 14— Abortion Rights
*Reading: Major Problems: Documents, 417-433; Analytical Essays, 437-450*
*Alderman and Kennedy, Right to Privacy handout*

Tues., 4/27 Discussion: Where is “the right to choose” in the Constitution?
Thurs., 4/19 Lecture: The Effects of the Constitution’s Establishment Clause
*Paper #2 Question: The right to privacy is nowhere specifically guaranteed in the Constitution. How did Supreme Court Justices William O. Douglas and Arthur J. Goldberg apply the Ninth Amendment to create a right to privacy in Griswold vs. Connecticut and how did that lead, in turn, to the Supreme Court’s decision in Roe v. Wade that permits abortions in the first trimester of pregnancy?*

Week 15— Freedom of and Freedom from Religion
*Reading: Major Problems: Documents, 451-468; Analytical Essays, 469-483*

Tues., 4/24 Discussion: Does the Constitution Allow Prayer in Public Schools?
Thurs., 4/26 Lecture: What Rights to States Have?
*Paper #2 essay due*

Week 16— Federalism and Judicial Review
*Reading: Major Problems: Documents, 484-504; Analytical Essays, 504-517*

Tues., 5/1 Discussion: What about Rights in the Modern Era?
Thurs., 5/3 Review

Final Exam, Tuesday, May 8, 10:30 a.m. – 12:30 p.m., A 225