

HIS 382: U.S. Constitutional History: Colonial Times to 1896

“Learned Institutions ought to be favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty.”

- James Madison, 1822

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PHYS 22
 T/TH 3PM – 4:15PM

<u>Graduate Teaching Assistant</u>	<u>Office/Hours</u>	<u>Email</u>
TBA		

In HIS 382 we will explore the major themes and problems in the constitutional history of the United States from its British origins to 1896. Part of our task will be to map a chronological and thematic history of the development of constitutional law. Beyond the “what happened and when?” we shall seek to interpret historical processes by exploring the “why?” and the “how?” of constitutional history. We will explore history from different viewpoints and different voices through time.

Course Texts

These texts are available at the University Bookstore. Readings preceded by (BB) are posted on the course Blackboard website.

Melvin Urofsky, *Supreme Decisions: Great Constitutional Cases and Their Impact: Vol. I, To 1896* (Westview Press, 2012).
 ISBN = 9780813347318

Melvin Urofsky and Paul Finkelman, *Documents of American Constitutional and Legal History, Vol I, From the Founding to 1896, 3rd ed.* (Oxford, 2007). **ISBN10:** 0195323114, **ISBN13:** 9780195323115

Documents posted on class Blackboard site. <http://www.itap.purdue.edu/tlt/blackboard/>

Course Expectations and Evaluation

You are expected to attend class every day. You should complete the reading for each day before class and be prepared to ask questions about the issues it raises. I encourage you to take a critical approach to the readings, to ask questions, and to probe issues. It is imperative to maintain an open environment and respect each others’ ideas, comments, and concerns, even if you do not agree with your colleagues or me. Please remain respectful.

Grade Breakdown:

Midterm Exam #1.....	20%
Midterm Exam #2.....	30%
Final Exam.....	35%
4 Quizzes	(5% ea –drop one) 15%

Exams constitute a significant portion of your grade. In order to perform well on exams, you must attend class lectures and read the assigned texts. Exams will include a multiple choice component, fill-in-the-blanks and an in-class essay. Make-up exams will only be scheduled with a documented emergency. Be prepared to submit documentation. Notify me immediately, preferably before the missed exam.

NOTE: I WILL NOT POST OR EMAIL THE EXAM REVIEW SHEETS. IF YOU WANT ONE, COME TO CLASS.

Quizzes test your content knowledge and ability to apply that knowledge. They are usually multiple choice and fill-in-the-blank. You will take four quizzes and drop your lowest or a missed quiz score. If you miss a quiz you will not be allowed a make-up quiz without documentation. If you arrive late to class, your quiz time will be reduced. **Even if we do not cover a case or a document in class, you are still responsible for that material for exams and quizzes.**

THERE ARE NO EXTRA CREDIT ASSIGNMENTS. Please do not ask. You have enough to worry about with the scheduled assignments.

Teaching Assistant

Brian Alberts is our teaching assistant in HIS 382. He has extensive training in history and with working with undergraduates. Please use his resources during his office hours or set up an appointment if you have questions about class material or exams. He will also be doing much of the class grading. If you have a question about grades or evaluation, please see him before you bring the issue to me.

Grading Scale

I use a straight grading scale with pluses and minuses. I do not use a curve. There is no predetermined grade distribution.

A = 93 – 100	B+ = 87 – 89	C+ = 77 – 79	D+ = 67 – 69	F = anything below 60
A- =90-92	B = 83 – 86	C = 73 – 76	D = 63 - 66	
	B- = 82 – 80	C- = 72 – 70	D- 60 – 62	

Students with Disabilities

If you have a disability that may require modification of seating, class requirements or whatever, please see me as soon as possible, so we can make appropriate arrangements. I will keep all discussions confidential as long as the situation permits. Please note that, in order for Purdue University to accommodate your needs, you will need to provide appropriate written documentation for your disability and have it on file with Adaptive Services.

Cheating and Plagiarism (Hint - Don't Do it!!)

Cheating or plagiarism will not be tolerated. At the very least it will earn a failing grade on the assignment and depending on my judgment of the level of severity, failure of the entire class. Instances of plagiarism may be pursued through higher academic and administrative channels. Hint: Do not test my tolerance on this issue.

No phones, computers, or electronic devices of any kind may be used during exams. If you are caught using one (unless it is properly documented as needed for a disability), I will assume you are cheating. For information on what constitutes plagiarism see and how to avoid it, see:

<http://owl.english.purdue.edu/owl/resource/589/01/>

UNIVERSITY EMERGENCY POLICY

In the event of a cataclysmic or simply a major campus emergency, the above requirements, deadlines, and grading policies are subject to changes that may be required by a revised semester calendar. Any such changes in this course will be posted once the course resumes on Blackboard or can be obtained by contacting the professor via email. Also, check the university website at purdue.edu.

Reading and Assignment Schedule

You must read thoroughly the assignment before class and be prepared to discuss it on the date that the reading appears. Readings available on the class Blackboard website are designated with (BB) preceding them. YOU are responsible for locating the assigned readings.

** I reserve the right to make additions, deletions, or changes to this syllabus.

DACL = Documents of American Constitutional & Legal History (Urofsky and Finkelman) will be followed by the Document number and abbreviated case name. Use the Table of Contents on pg vii to determine each Document's page numbers. You are responsible for the brief introductions to each document.

Date	Reading	Assignments
Week One		
8-21	Intro, Syllabus	
8-23	DACL 1 (Magna Carta); DACL 11 (English Bill of Rights)	
Week Two		
8-28	12 (John Locke); (BB) Filmer, <i>Patriarcha</i> ; (BB) Colonial Charters;	
9-30	DACL 3 (Virginia Rules on Religion); 5 (Mayflower Compact); 7 (Bloody Tenent)	
Week Three		
9-4	DACL 4 (Blacks and Slavery); 8 (Statutes on Slavery); (BB) Dale's Lawes; (BB) Percy's "A Discourse of Virginia"	Quiz #1
9-6	DACL 15 (Otis on Writs), 16 (Blackstone, Parliamentary Omnipotence), 21 (<i>Somerset v. Stewart</i>)	
Week Four		
9-11	DACL 18 (Stamp Act Congress) , 22 (Common Sense), 24 (Declaration of Independence);	
9-13	DACL 34 (U.S. Constitution), 36 (Federalist Papers), 37 (Brutus No. 1); (BB) Paul Finkelman, "How the Pro-slavery Constitution Shaped American Race Relations," (2003)	Quiz #2
Week Five		
9-18	DACL 46 (Alien and Sedition Acts), 47 (Kentucky and Resolutions)	Exam Review Handed Out in Class
9-20	Urofsky, Supreme Decisions Ch. 1 (1-16) ; DACL 51 (<i>Marbury v. Madison</i>); 57 (<i>Ex Parte Bollman</i>)	
Week Six		
9-25	Exam #1	Exam #1
9-27	DACL 67 (Against Universal Suffrage) BB (<i>Martin v. Massachusetts</i> , 1805); DACL 59 (<i>Fletcher v. Peck</i>)	
Week Seven		
10-2	Urofsky, Supreme Decisions Ch. 2 (17-32) ; 63 (<i>Dartmouth v. Woodard</i>), 65 (<i>McCullough v. Maryland</i>)	
10-4	No Class Meeting- Urofsky, Supreme Decisions Ch. 3 (33-45) ; DACL 70 (<i>Gibbons v. Ogden</i>)	No Class Meeting
Week Eight		
10-9 ??????????	Fall Break	Fall Break
10-13-11	Urofsky, Supreme Decisions Ch. 4 (47-60) ; 69 (<i>Johnson v. M'Intosh</i>) 80 (<i>Worcester v. Georgia</i>); (BB) <i>Cherokee Nation v. Georgia</i>	
Week Nine		
10-18-11	55 (<i>Palmer v. Mulligan</i>), 81 (<i>Barron v. Baltimore</i>); 68 (<i>Cohens v. Virginia</i>)	Quiz #3
10-20-11	85 (<i>New York v. Miln</i>); 86 (<i>Charles River Bridge v. Warren River Bridge</i>)	
Week Ten		
10-25-11	76 (<i>State v. Mann</i>); 78 (South Carolina Ordinance of Nullification); 83 (Declaration of the American Anti-Slavery Society)	
10-27-11	Urofsky, Supreme Decisions Ch. 5 (61-73) 91 (<i>Prigg v. Pennsylvania</i>); 99 (<i>Roberts v City of Boston</i>)	Exam #2 Review Handed Out in Class
Week Eleven		
11-1-11	Urofsky, Supreme Decisions Ch. 6 (75-90) ; DACL 100 (Fugitive	

	Slave Act of 1850); 107 (<i>Dred Scott v. Sandford</i>); 112 (South Carolina Ordinance of Secession)	
11-3-11	Exam #2	Exam #2
Week Twelve		
11-8-11	Urofsky, Supreme Decisions Ch. 7 (91-106) ; DAOL 118 (Emancipation Proclamation) 116 (<i>Ex Parte Merryman</i>); 129 (<i>Ex Parte Milligan</i>)	
11-10-11	<i>Benedict</i> , Ch. 10 (186-206); DAOL 126 (Black Codes of Alabama and Mississippi); 127; BB (13 th , 14 th , 15 th Amendments)	
Week Thirteen		
11-15-11	DAOL 135 (<i>Slaughterhouse Cases</i>); 136 (<i>Bradwell v. Illinois</i>); 137 (<i>Minor v. Happersett</i>); (BB) <i>U.S. v. Susan B. Anthony</i>	
11-17-11	140 (<i>Reynolds v. United States</i>); 142 (<i>Crow Dog's Case</i>)	Quiz #4
Week Fourteen		
11-22-11	Docs TBA	
11-24-11	No Class – Thanksgiving Break	No Class
Week Fifteen		
11-29-11	141 (<i>Civil Rights Cases</i>); 143 (<i>Yick Wo v. Hopkins</i>)	
12-1-11	139 (<i>Munn v. Illinois</i>); BB (<i>Santa Clara v. Southern Pacific Railroad</i>); 147 (<i>U.S. v. E.C. Knight</i>);	
Week Sixteen		
12-6-11	148 (<i>In re Debs</i>) 152 (<i>Plessy v. Ferguson</i>)	
12-8-11	Wrap Up – Final Exam Review	

Final Exam Date and Time TBA by Registrar.