

HIS 383: U.S. Constitutional History: 1896 to the Present

“Liberty finds no refuge in a jurisprudence of doubt.”

- Justice Sandra Day O'Connor for the majority, *Planned Parenthood v. Casey* (1992).

“Liberty finds no refuge in a jurisprudence of doubt.”

- Justice Antonin Scalia in dissent, *Lawrence v. Texas* (2003).

Professor: Yvonne M. Pitts

Office: 310 University Hall

Office Hours: W – 1:40 – 3:40 and by appt.

Email: ypitts@purdue.edu (best contact)

KRAN G002

MWF 10:30-11:20

In HIS 383 we will explore the major themes and problems in the constitutional history of the United States from 1896 to the present. 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 Campus Bookstore. Readings preceded by (BB) are posted on the course Blackboard website.

Michael Les Benedict, *The Blessings of Liberty: A Concise History of the Constitution of the United States*, 2nd ed. (Houghton Mifflin, 2006).

(This text is our general reader.)

Melvin Urofsky and Paul Finkelman, *Documents of American Constitutional and Legal History, Vol. II: From 1896 to the Present* 3rd ed.(Oxford, 2008).

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

Blue/Green Books – You will need at least four large, 16 pg exam books. I reserve the right to inspect these books before each exam.

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.....	25%
Final Exam.....	35%
5 Quizzes	(5% ea –drop one) 20%

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.

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 the purposes of exams and quizzes.

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

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. If you turn in a plagiarized case brief, plan on failing the class. Another 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.

Pandemic Policy:

University officials and I request that you do not come to class if you have a fever, influenza symptoms, or any contagious illness. See me about missed course material.

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		
1-10	Introduction, Syllabus	
1-12	U.S. Constitution - DACL pg 1187	
What is Substantive Due Process?		
1-14	Benedict, Ch 11 (209-229); (BB) <i>Munn v. Illinois</i>	How to read a case
Week Two		
1-17	No Class – Martin Luther King Jr. Day	No Class
1-19	(BB) <i>E.C. Knight</i> ; (BB) <i>Pollack</i> ; DACL 154 (Allegeyer)	
1-21	Benedict, Ch. 12 (231-251); DACL 155 (Holden)	
Week Three		
1-24	DACL 158 (McCray); 159 (Lochner)	Quiz #1
Equal Protection and Racial Segregation		
1-26	Benedict, 201-208; DACL 152 (Plessy)	
1-28	(BB) Ida B. Wells and Lynch Law; (BB) <i>Bailey v. Alabama</i> (1911) ***** Add Case	
Week Four		
Progressivism and Moral Reform		
1-31	DACL 160 (Muller); 177 (Adkins); (BB) Working Women and Anti-Suffrage (1910)	
2-2	Benedict, Ch 13 (254 – 267); DACL 181 (Buck)	Quiz #2
2-4	(BB) Mann Act (1910); <i>Caminetti v. US</i> (1917)	First Midterm Review Handed Out in Class
Week Five		
2-7	DACL 169 (Chaffee on Speech); DACL 170 (Schenk); 172 (Abrams)	
2-9	(BB) <i>Gilow v. NY</i> (1925); DACL 182 (Whitney); 186 (Ulysses)	
2-11	Midterm Exam – Bring Blue/Green Book	First Midterm Exam

Week Six		
New Deal Constitutionalism		
2-14	Benedict, Ch 14 (268 – 284); DACL 189 (Schechter); 190 (Butler); 194 (Roosevelt to Congress – read only part A)	
2-16	DACL 196 (West Coast Hotel); 197 (NLRB); 200 (Carolene Products); 199 (Palko)	
Civil Liberties and National Security During Wartime		
2-18	Benedict, Ch 15 (287 – 300); DACL 200 (Barnette); (BB) <i>Minersville v. Gobitis</i> (1940)	
Week Seven		
2-21	DACL 204 (Korematsu); (BB) <i>Ex Parte Quirin</i> (1942); (BB) Exec. Order 9066	
2-23	Benedict, Ch. 16 (311 – 326) DACL 209 (Dennis); 210 (Youngstown);	
2-25	Readings TBA	Quiz #3
Week Eight		
Incorporation and Civil Equality During the Warren Court		
2-28	DACL 208 (Shelley); (BB) <i>Sweatt v. Painter</i>	
3-2	DACL 211 & 212 (Brown I & II);	
3-4	DACL 213 (Southern Manifesto); 215 (Cooper)	
Week Nine		
3-7	DACL 205 (Adamson); (BB) <i>Rochin v California</i> ; (BB) <i>Wolf v. Colorado</i> (1949);	
3-9	DACL 216 (Mapp); 206 (Everson); 218 (Engel)	
3-11	DACL 232 (Lemon) (BB) <i>Sherbert v. Vernier</i>	Midterm Exam Review handed out in class
Week Ten		
3-14 – 3-18	Spring Break – Enjoy!	No Class
Week Eleven		
3-21	Benedict, Ch. 17 & 18 (332 – 358); DACL 225 (Griswold); (BB) <i>Skinner v Oklahoma</i> (1942)	Midterm Review
3-23	Midterm Exam #2	Midterm Exam #2
3-25	238 (Roe) (BB) <i>Reed v. Reed</i>	
Week Twelve		
The Executive Power and the Rise of Conservatism		
3-28	DACL 230 (Brandenburg); 233 (Pentagon Papers); 239 (War Powers Act)	
3-30	DACL 237 (Miller); (BB) <i>Coben v. California</i> (1972) (BB) <i>Hustler v. Falwell</i> (1988).	
4-1	DACL 231 (Charlotte-Mecklenburg); 246 (Bakke); 256 (Croson);	
Week		

Thirteen		
4-4	Benedict, Ch 21 (397 – 420); BB) <i>Craig v. Boren</i> (1976); 259 (Casey)	Quiz #4
4-6	269 (VMI); 281 (Grutter)	
4-8	DACL 252 (Bowers); 268 (Romer);	
Week Fourteen		
4-11	DACL 282 (Lawrence); (BB) <i>Varnum v. Brien</i> (2009)	
4-13	DACL 253 (Aguillard); 258 (Smith); 266 (Rosenberger)	
4-15	Readings TBA	
Week Fifteen		
4-18	(BB) <i>Santa Fe v. Doe</i> (2000); (BB) <i>Ten Commandment Cases</i> (2005)	
4-20	Benedict, Ch. 22 (420 – 433); DACL 278 (Patriot Act); 293 (Hamdan);	
4-22	War on Terror cases – TBA	Quiz #5
Week Sixteen		
4-25	DACL 289 (Kelo	
4-27	<i>United Citizens v. FCC</i>	
4-29	Final Exam, Wrap Up	

Final TBA according to University schedule.