Spring 2018

**HIS 383: U.S. Constitutional History: 1896 to 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).

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What is a “right”? What is “liberty”? How do we balance the protection of individual rights with “promoting the general welfare” when the two are in conflict? The United States is a constitutional democracy based in a document written over 220 years ago. How we have interpreted the Constitution determines not only past and present rights and liberties, but also our obligations to the nation and to each other. It is simultaneously a legal document, a roadmap for governance, and a statement of our fundamental ethical and political values. Constitutional conflicts illuminate some of the deepest divisions and some of the highest aspirations of the United States. It is of singular importance in defining what it means to be an “American.”

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.

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. <https://mycourses.purdue.edu/>

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.

**Learning Outcomes**

By the end of the course students will:

* Map the development of constitutional law from 1896 to the present.
* Identify major cases and doctrines in the twentieth century.
* Identify major social and cultural themes that influenced constitutional law.
* Read constitutional case law for holdings and arguments.
* Develop legal arguments for both positions in a case.
* Write a coherent thesis about change over time, supported by case law and historical evidence.

Classroom Etiquette:

In this course, each voice in the classroom has something of value to contribute. Please respect the different experiences, beliefs and values expressed by students and staff involved in this course. We support Purdue's commitment to diversity, and welcome individuals of all ages, backgrounds, citizenships, disability, sex, education, ethnicities, family statuses, genders, gender identities, geographical locations, languages, military experience, political views, races, religions, sexual orientations, socioeconomic statuses, and work experiences. Purdue’s nondiscrimination policy can be found at: <http://www.purdue.edu/purdue/ea_eou_statement.html>.

I am Purdue LGBTQ Center’s **Safe Zone** program trained and committed to an inclusive work and learning environment.

Preferred Names and Pronouns: If you have a preferred name and/or preferred pronouns that you would like me to use, please let me know. Preferred names should appear in the database I receive from the Registrar and I will use those. If your preferred name does not appear in the database or if you have questions, please see me. FYI – In order for your preferred name to appear in the database supplied by the registrar and on Blackboard, you have to put your preferred name in the MyPurdue system online.

I expect you to behave in a professional, respectful, and ethical manner during class periods. Please adhere to the following course policies:

1. Use computers or tablets to take notes for class – not to engage in myriad social networking activities.

2. Turn off and put away cell phones. Do not let your cell phone beep, buzz or make any sort of distracting noise. I do not want to see your phone.

3. Do not text or engage in social media in class. It is disrespectful to me and to your colleagues.

4. Do not record my lectures or photograph me or my Powerpoints.

Failure to adhere to these policies may result in being asked to leave the classroom or other penalties.

**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.

Lectures are a crucial part of HIST 383. In order to be successful, you must attend class to take notes. I DO NOT distribute my Powerpoints or notes except in extreme circumstances and solely at my discretion.

**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 if you participate in a university sponsored event or with a documented emergency. You MUST present documentation of a university sponsored event BEFORE the exam. All make-up exams are given solely at my discretion. Be prepared to submit documentation. In the event of an emergency, notify me immediately, preferably before the missed exam when I will have the most flexibility to accommodate you.

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. Make-up quizzes are given at my discretion and may require 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.

**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 me to accommodate your needs, you will need to provide appropriate written documentation for your disability and have it on file with Disability Resource Center ( www.purdue.edu/drc/ ).

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

I should not have to say this, but cheating or plagiarism will not be tolerated. Plagiarism refers to “the reproduction of another's words or ideas without proper attribution. Moreover, knowingly to aid and abet, directly or indirectly, other parties in committing dishonest acts is in itself dishonest." [University Senate Document 72-18, December 15, 1972]. University Regulations contain further information on dishonesty. You are expected to produce your own work and to accurately cite all necessary materials. Cheating, plagiarism, and other dishonest practices will be punished as harshly as Purdue University policies allow. ANY instances of academic dishonesty will likely result in a grade of F for the course and notification of the Dean of Students Office. Do not test my tolerance on this issue.

Cheating includes but is not limited to:

* the use of unauthorized notes during assessments.
* using any type of electronic device during assessments (unless pre-approved).
* crib sheets
* copying another student’s work.
* substituting another student’s work as your own.
* altering exam books before exams.
* any effort to affect graded assessments through deceit, misrepresentation, or falsification.
* Copying answers as quiz/exam pages are being handed in.

If I catch you with “wandering eyes” or holding back your quiz or exam to fill it in as the others are collected, I will ask you to sit in the front row during assessments in addition to other possible penalties. No phones, computers, or electronic devices of any kind may be used during assessments. If you are caught using one (unless it is properly documented as needed for a disability), I will assume you are cheating.

In addition, the Office of the Provost wishes to make students aware that they can report issues of academic integrity that they observe, either through the Office of the Dean of Students ([purdue.edu/odos](http://purdue.edu/odos)), call 765-494- 8778 or email integrity@purdue.edu.

**UNIVERSITY EMERGENCY POLICY**

Purdue University has an Emergency Preparedness Plan which is attached to this syllabus. You will find further information at: <http://www.purdue.edu/ehps/emergency_preparedness/>. Please familiarize yourself with these policies.

In the event of a cataclysmic or simply a major campus emergency including a weather emergency, zombie apocalypse or alien invasion, 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** |  |  |
| 1-9 | Introduction and Syllabus |  |
|  |  |  |
| 1-11 | U.S. Constitution - DACL pg 1187; (BB) *Berea College v. Kentucky* (1908)DACL 152 (Plessy) |  |
| **Week Two** | **What is Substantive Due Process?** |  |
| 1-16 | (BB) U.S. v. E.C. Knight (1895) (BB) Pollack v. Farmers Loan (1895); DACL 154 Allgeyer |  |
|  |  |  |
| 1-18 | DACL, 155 (Holden)158 (McCray) |  |
| **Week Three** |  |  |
| 1-23 | DACL 159 (Lochner) DACL 160 (Muller) | **Quiz #1** |
|  | **The Progressives and Moral Reform** |  |
| 1-25 |  DACL 181 (Buck);  |  |
| **Week Four** |  |  |
| 1-30 | DACL 170 (Schenk)DACL 172 (Abrams)DACL 169 (Chaffee on Speech) |  |
| 2-1 | (BB) *Gitlow v. NY* (1925) DACL 163 (Weeks)DACL 183 (Olmstead) | **Quiz #2** |
| **Week Five** | **New Deal Constitutionalism** |  |
| 2-6 |  DACL 189 (Schechter)DACL 190 (Butler) | **Exam Review Handed Out in Class**  |
| 2-8 | DACL 196 (West Coast Hotel)DACL 200 (Carolene Products)DACL199 (Palko) | **Midterm Review** |
| **Week Six** | **Civil Liberties During Wartime** |  |
| 2-13 | DACL 200 (Barnette)(BB) *Minersville v. Gobitis* (1940)(BB) *Ex Parte Quirin* (1942) |  |
| 2-15 | **Midterm Exam #1** | **Exam #1** |
| **Week Seven** |  |  |
| 2-20 | DACL 204 (Korematsu)210 (Youngstown)DACL 208 (Shelley) |  |
|  | **Incorporation and Civil Equality During the Warren Court** |  |
| 2-22 |  (BB) *Sweatt v. Painter* (1940) DACL 211 & 212 (Brown I & II) DACL 213 (Southern Manifesto) |  |
| **Week Eight** |  |  |
| 2-27 | 215 (Cooper); DACL 205 (Adamson); (BB) *Wolf v. Colorado* (1949 ); (BB) *Rochin v California*(1952) |  |
| 3-1 | DACL 216 (Mapp); 206 (Everson); 218 (Engel) | **Quiz #3** |
| **Week Nine** |  |  |
| 3-6 | (BB) *Sherbert v. Vernier* (1963)DACL 232 (Lemon) |  |
| 3-8 | (BB) *Skinner v Oklahoma* (1942)DACL 225 (Griswold);  | **Midterm Exam Review Handed Out** |
| **Week Ten** |  |  |
| 3-13 | **Spring Break** | **No Class** |
| 3-15 | **Spring Break** | No Class |
| **Week Eleven** | **Gender and Racial Equality in a Modern Society?** |  |
| 3-20 |  (BB) *Reed v. Reed*DACL 238 (Roe) | **Exam Review** |
| 3-22 | **Exam #2** | **Exam #2** |
| **Week Twelve** |  |  |
| 3-27 | (BB) *Craig v. Boren* DACL 230 (Brandenburg);  |  |
| 3-29 | (BB) *Cohen v. California* (1972) DACL 246 (Bakke)DACL 281 (Grutter) |  |
| **Week Thirteen** |  |  |
| 4-4 | DACL 259 (Casey)269 (VMI) |  |
| 4-6 |  DACL 252 (Bowers) 268 (Romer) | **Quiz #4** |
| **Week Fourteen** |  |  |
| 4-11 | DACL 282 (Lawrence)(BB) *Obergefell v. Hodges*DACL 253 (Aguillard) |  |
| 4-13 | 258 (Smith) |  |
| **Week Fifteen** | **Religion and War: The Perennial Issues** |  |
| 4-18 |  (BB) *Santa Fe v. Doe* (2000) |  |
| 4-20 |  DACL 278 (Patriot Act)(BB) Authorization for Use of Military Force Against Terrorists Act (2001) |  |
| **Week Sixteen** |  |  |
| 4-25 | DACL 293 (Hamdan)(BB) *Boumediene v. Bush* (2008) |  |
| 4-27 | Wrap Up – Final Exam Review |  |

Final Exam Date and Time TBA by Registrar.



**EMERGENCY PREPAREDNESS SYLLABUS ATTACHMENT**

**EMERGENCY NOTIFICATION PROCEDURES are based on a simple concept – if you hear a fire alarm inside, proceed outside.  If you hear a siren outside, proceed inside.**

* **Indoor Fire Alarms** mean to stop class or research and immediately **evacuate** the building.

o   Proceed to your Emergency Assembly Area away from building doors.  **Remain outside** until police, fire, or other emergency response personnel provide additional guidance or tell you it is safe to leave.

* **All Hazards Outdoor Emergency Warning Sirens** mean to immediately seek shelter (**Shelter in Place**) in a safe location within the closest building.
	+ “Shelter in place” means seeking immediate shelter inside a building or University residence.  This course of action may need to be taken during a tornado, a civil disturbance including a shooting or release of hazardous materials in the outside air.  Once safely inside, find out more details about the emergency\*.  **Remain in place** until police, fire, or other emergency response personnel provide additional guidance or tell you it is safe to leave.

*\*In both cases, you should seek additional clarifying information by all means possible…Purdue Emergency Status page, text message, Twitter, Desktop Alert, Albertus Beacon, digital signs, email alert, TV, radio, etc.…review the Purdue Emergency Warning Notification System multi-communication layers at* [*http://www.purdue.edu/ehps/emergency\_preparedness/warning-system.html*](http://www.purdue.edu/ehps/emergency_preparedness/warning-system.html)

**EMERGENCY RESPONSE PROCEDURES:**

* Review the **Emergency Procedures Guidelines** <https://www.purdue.edu/emergency_preparedness/flipchart/index.html>
* Review the **Building Emergency Plan**  (available on the Emergency Preparedness website or from the building deputy) for:
	+ evacuation routes, exit points, and emergency assembly area
	+ when and how to evacuate the building.
	+ shelter in place procedures and locations

o   additional building specific procedures and requirements.

**EMERGENCY PREPAREDNESS AWARENESS VIDEOS**

         "Shots Fired on Campus: When Lightning Strikes," is a 20-minute active shooter awareness video that illustrates what to look for and how to prepare and react to this type of incident.  See:  <http://www.purdue.edu/securePurdue/news/2010/emergency-preparedness-shots-fired-on-campus-video.cfm>  (Link is also located on the EP website)

**MORE INFORMATION**

Reference the Emergency Preparedness web site for additional information: <https://www.purdue.edu/ehps/emergency_preparedness/>