

HIS 383: Modern U.S. Constitutional History

When: M/W/F: 9:30 – 10:20AM

Where: GRIS 102

Who: Dr. Yvonne Pitts, ypitts@purdue.edu

Office: 6128 BRNG

Office Hours: Mon: 10:30 – 11:30 (in person) or by
appointment (Zoom)



Course Description:

The United States is a constitutional republic founded on a single document written over 225 years ago. How we have interpreted the Constitution determines not only our 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. Past constitutional conflicts illuminate some of the deepest social divisions and the highest aspirational values in the United States.

This course explores the major themes in the constitutional history of the United States from the Gilded Age to the present. We will trace the development and debates and ideas central to the American constitutional tradition. 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 locate constitutional texts in terms of the historical context and events that shaped modern America, attending to changing historical social, political, and cultural context.

Learning Outcomes:

Students who successfully complete the course will be able to:

1. Identify the major cases, constitutional principles, and events in modern U.S. constitutional, political, social, and economic contexts.
2. Analyze how law affected major historical social and cultural developments.
3. Develop legal arguments using historical case law, doctrine, and primary sources.
4. Devise an analytical thesis about change over time, supported by case law and historical evidence.

Course Texts:

The text is available through the university [Amazon service](#) and through other booksellers. It has excerpted and contextualized primary documents essential to this course.

The assigned text is the 5th edition (2017).

Title - *American Legal History: Cases and Materials*

Author - Kermit L. Hall, Paul Finkelman, and James W. Ely, Jr.

Edition & Year - **Fifth Edition, 2017**

Publisher - Oxford University Press

ISBN – 9780190253264

Publisher link - <https://global.oup.com/academic/product/american-legal-history-9780190253264?cc=us&lang=en&#>

Syllabus, assigned documents, and course materials posted on class Brightspace site.

Class Policies:

- **Missed Course Materials:** The instructor will not provide notes, slides, or individual review meetings for missed material that was covered in class except in exceptional circumstances.
- **Academic Conduct:** Please engage in respectful, honest dialogue and inquiry in class related activities.
- **Administrative Questions:** Consult the syllabus, your notes, and Brightspace before contacting the instructor.
- **Missed Classes:** Students are responsible for any missed content. Do the assigned readings and check Brightspace regularly for class updates or changes.
 - *If you have a religious or cultural observance that conflicts with class and is not accommodated by Purdue's calendar, please see Dr. Pitts.*
 - *If you have a university/service-related conflict, job interviews, professional development events, see Dr. Pitts. I'll do what I can.*
- **Content:** In-class lecture content is delivered in class. Overview slides from each week's material are posted on Fridays as a study aid.
- **Course-related Communication:** Please use Purdue email or Brightspace for class related questions and communication. Notify the instructor promptly via email if you fall behind or encounter unforeseen absences. The faster you contact me, the more options we will have.

Grade Breakdown:

- Midterm Exam..... 25%
- Final Exam..... 30%
- 4 Quizzes (drop one)..... 45%
 - (Drop low score. 15% each quiz)

Quizzes/exams are limited to assigned course materials, including:

1. Readings from the assigned textbook. Do not use other versions or copies of these sources.
2. Lecture content from class
3. Powerpoint slide content discussed in class. Links in the PP slides are informational only. Do not use them as additional evidence on assessments.
4. **Do not use unassigned sources, outside sources or other historical references.**

Quizzes: Online, reserved right to move to in-class quizzes, adjusted appropriately. The due dates may be adjusted should intervening events require. Check for announcements in class, on Brightspace, and via your Purdue email. Quizzes test content knowledge and using that knowledge to draw evidence-based historical conclusions.

- MC/TF questions
- Short answer prompts requiring written responses limited to course content.
- 60 mins timed, available for 48 hrs on assigned date unless adjusted by Accommodations letters.
- One "Attempt" during its availability. No restarts, retakes, or reversals.
- Responses cannot be changed once submitted. No "backing up" in the quiz.
- Quiz questions are selected randomly from a test bank.
- No make-up or retake quiz option without prior approval of instructor.
- Missing a quiz without prior arrangements will result in a "0" or dropped as the lowest quiz grade.

Midterm & Final Exams:

- Format: Multiple Choice, Short Answer, and/or a formal analytical essay
- Exam Review Sheet distributed a week prior to the exam.

- Exam available: 72 hour period
- Online, with reserved right to move to in-class exams (adjusted appropriately)
- Timed 120 minutes from start of exam unless modified by an Accommodation.
- Additional info in “Quizzes” above.

Exams assess:

- Comprehension of multiple historical sources and case law
- Differentiate multiple strands of historical legal reasoning
- Synthesis of multiple forms of law and historical evidence
- Analysis of historical change over time through close readings of historical sources

To perform well on exams, attend class lectures and read the assigned texts. In the event of an emergency, notify me quickly, preferably before the missed exam. Make up exams without prior arrangements are given at instructor’s discretion and according to the situation. Documentation may be requested. Final exam will be scheduled during Finals Week. Details TBA.

Grading Scale:

HIST 382 uses standard grading scale with pluses and minuses. There is no pre-determined curve or 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 | |

Accommodations for Disabilities:

This course is intended for all Purdue students, including those with mental, physical, or cognitive disabilities, illness, injuries, impairments, or any other condition that tends to negatively affect one’s equal access to education. If you find yourself not able to fully access the space, content, and experience of this course, you are welcome (and not required) to contact me to discuss your specific needs. If you have a disability that may require modification of class requirements, please see me as soon as possible. Please note that in some cases I will need appropriate written documentation on file with the Disability Resource Center (<http://www.purdue.edu/odos/drc/>).

Cheating and Plagiarism:

Plagiarism refers to the reproduction of another’s words or ideas without proper attribution. “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.] [Student Regulations](#) contain further information on dishonesty. ANY instances of academic dishonesty will likely result in a course grade of F and notification of the [Dean of Students Office](#). Individuals can alert university officials to potential academic dishonesty by emailing integrity@purdue.edu or by calling 765-494-8778. Information may be submitted anonymously.

Cheating includes but is not limited to:

- Using any A.I. generator, LLM’s and/or any other software to generate content, text, or original analysis in assessment responses/coursework. Submit your own original work clearly citing assigned sources.
 - *Students may use the basic editing functions in Word/word processing programs to check grammar, spelling, and syntax during drafting and revisions. Do not use A.I. features in Grammarly or any other software to generate content and/or original ideas in assessments.*
- substituting in on a course/exam for another student
- paying someone else to write a paper and submitting it as one’s own work
- copying with or without the other person’s knowledge during an exam
- doing class assignments for someone else
- plagiarizing published material, class assignments, or lab reports

- turning in a paper that has been purchased
- obtaining an unauthorized copy of a test in advance
- using unauthorized notes during an exam
- collaborating with other students on exams/assignments when it is prohibited
- altering answers on a scored test and submitting it for a regrade

Policy on Class Notes:

Notes taken in class are generally considered to be "derivative works" of the instructor's presentations and materials, and they are thus subject to the instructor's copyright. No individual is permitted to sell, transfer, or otherwise barter notes, either to other students or to any commercial concern, for a course without the express written permission of the course instructor. See

http://www.purdue.edu/studentregulations/student_conduct/misc.html (Item J).

Non Discrimination Policy

Purdue's [Non-Discrimination Policy](#) and 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. If you have any comments or concerns, please contact Dr. Pitts first, then see Professor Frederick Davis, History Dept Head, frdavis@purdue.edu. I am Purdue [LGBTQ Center's Safe Zone](#) program trained and committed to an inclusive work and learning environment. If you have a name/pronouns that you would like me to use other than what appears in Brightspace please let me know.

EMERGENCY POLICY

Purdue University has an Emergency Preparedness Plan which is posted to Brightspace. You will find further information at: http://www.purdue.edu/ehps/emergency_preparedness/. The above requirements, deadlines, and grading policies are subject to changes that may be required by a revised semester calendar. Consult the [Fall 2020 University Calendar with Add/Withdraw](#) dates and other deadlines if you have questions about university due dates.

MENTAL HEALTH RESOURCES:

Purdue University is committed to advancing the well-being of its students. For help, contact Counseling and [Psychological Services \(CAPS\)](#) at [\(765\)494-6995](tel:7654946995) during and after hours, on weekends and holidays.

Reading and Assignment Schedule:

Read thoroughly the assignment before class and be prepared to discuss it. Unless otherwise noted, all readings are in *American Legal History*. Use the "Index" (pg 736) or the "Table of Contents" to find the readings.

- Students are responsible for the readings and content of class lectures.
- Readings designated with (B) are on Brightspace under each WEEK.

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

Unless otherwise noted, all readings are in *American Legal History*, the course textbook. Use the Index (pg 736) or the Table of Contents to locate each reading. You are responsible for the brief introductions to each document.

| Date | Reading | Assignments |
|--|---|-------------|
| Week One: 1/13/2025 – Briefing Supreme Court Case Law | | |
| U.S. Constitution – interactive link with Amendments (BS) Orin S. Kerr, “How to Read a Legal Opinion: A Guide for New Law Students,” 11 Green Bag 2d: 51 (Autumn, 2007). <i>U.S. v. E.C. Knight</i> (1895) <i>Pollack v. Farmers Loan</i> (1895) <i>Allgeyer v. Louisiana</i> (1897) | | |
| Week Two: 1/27/2025 - Gilded Age and Laissez-Faire Constitutionalism | | |
| <i>Plessy v. Ferguson</i> (1896) <i>Berea College v. Kentucky</i> (1908) Quiz #1 – Opens Friday, 1/24 at 12PM - Closes – Monday, 1/27 at 2PM - Review for quiz on 1/24 in-class | | |
| Week Three | | |
| Economic Substantive Due Process and Moral Reform | | |
| 1/27 | <i>Holden v. Hardy</i> (1898) <i>Lochner v. New York</i> (1905) <i>Muller v Oregon</i> (1908) <i>Buck v. Bell</i> (1927) | |
| Week Four | | |
| Liberty and Free Speech | | |
| 2/3 | Brandeis and Warren, “The Right to Privacy” (1890) <i>Schenck v. US</i> (1919) (BS) Zechariah Chaffee on Free Speech <i>Gitlow v. NY</i> (1925) <i>Weeks v. US</i> (1914) <i>Olmstead v. US</i> (1928) <i>Adkins v. Children’s Hospital</i> (1927) Review 18 th and 19 th Amendments of Constitution | |

Briefing a Case

This format is an excellent study and analysis aid. It will distill the most important information in a case. If you cannot identify any of the headings below after reading a case, bring questions to class.

A case brief is a short summary of the important facts and analysis in a court decision. A case brief follows a specific format. It should be short, concise, and specific. Use the headings outlined below.

1. Title of Case and/or Parties Involved.

Include the names of the litigants and the full citation including the year decided. In a civil case, was the plaintiffs and defendants (or appellants and appellees). In a criminal case, this was the government (state or federal, or name of government official bringing the case) and the defendant. List the name of the court hearing the case if it is not clear from the citation.

For example:

Smith v. Smith, 2 U.S. 100 (2007) = Civil case, case citation, year decided.

State of Indiana v. Smith, 2 N.E. 2nd 100 (2007) – Criminal case, case citation, year decided.

2. Facts of the Case.

Include a short – no more than 2-4 sentences – specific description of the situation, crime, or dispute that brought the case to court. This information should be apparent from reading the case. Include the lower court(s) history here. From which court was the case appealed and what was the verdict?

3. Legal Issue or Legal Question.

What is the legal issue or the legal question upon which the court is being asked to rule? Did the case involve a specific constitutional clause, rule, or doctrine?

For example, in Brown v. Bd. Of Education (1954) the issue was: Does the 14th Amendment's Equal Protection clause prohibit segregation on the basis of race in public education?

4. Verdict or Holding.

What did the court decide? Which litigant prevailed? Did the court affirm, modify, or overturn a statute, previous Supreme Court case, or a lower court's decision?

5. Reasoning or Analysis.

How did the court explain their verdict or holding? Did the court create, apply, modify, or overturn a specific legal rule or constitutional doctrine? Did the court use other cases to justify its ruling?

6. Dissenting Opinions.

Did anyone disagree with the main opinion? Why? There may not be a formal dissenting opinion. If there is no opinion, write "No opinion" or just the names of the dissenters if the opinion itself is not included.

For more information, see:

<http://www.lib.ijay.cuny.edu/research/brief.html>