HIST 401,601: U.S. CONSTITUTIONAL HISTORY

Fall 2016

TTh – 11 – 12:15 AM
MSS 216

Note: Supplemental information regarding course requirements is posted on the course WebCampus site. Students should read the material on WebCampus as well as this syllabus in the first week of class and check the site at least once a week for new information and announcements that will be added during the semester.

Instructor Information

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U.S. CONSTITUTIONAL HISTORY

COURSE DESCRIPTION

Welcome to a compressed one semester U.S. Constitutional history course. The word “compressed” appears because one semester is probably far too short to consider this subject over the entire spectrum of U.S. history, but that is the task before us. The course will explore the political and cultural events of 18th Century, i.e., the coming of the American Revolution and subsequent movement for creation of a new instrument of government under the U.S. Constitution. After the restructuring of the republic under the Constitution, follows a complicated course of implementations and interpretations in the various eras or contexts of American history. Seven distinct periods emerge in the constitutional republic: 1) the imperial crisis that brought the American Revolution in the late eighteenth-century; 2) the maintenance of the Federal Union in the face of repeated challenges in the early Republic in the nineteenth century; 3) the Civil War and the efforts at Reconstruction; 4) the rise of the corporation and challenges it presented to governing; 5) the rise of the regulatory state in the Progressive Era; 6) the expansion of Federal powers during the WWI, Great Depression, and WWII; 7) the increased demands for equal protection of the rights of individuals and groups in an increasingly diverse society under the Constitution in the latter half of the 20th Century and into the 21st century.
**BOOKS**
The assigned texts, except *Major Problems*, are available in the university bookstore. I shall provide electronic or otherwise access to any additional readings.

Kermit L. Hall and Timothy S. Hueber, *Major Problems in American Constitutional History*, 2nd Edition (Boston: Wadsworth, Cengage Learning, 2010) [Do Not Purchase: four copies are on reserve in the library under this course’s number]


**WRITING ASSIGNMENTS**
There will be three “think piece response essays” due throughout the semester. The instructor will craft the questions and students will be given an appropriate amount of time (probably two weeks) to construct thoughtful response essays of four to five pages.

All papers are due at beginning of classes. Note the instructor does not look kindly upon papers handed in by students who show up frantically at the end of the class saying they took class time to complete the paper. If you have a legitimate excuse for not making a deadline, your instructor will listen but with the understanding that a lower grade must be assigned in that instance and with the understanding that you will not miss class in order to complete the assignment. All writing will be read critically with the purpose of improving your formal writing skills and critical thinking. Read the posting “Technical Problems in Writing” on webcampus for this class that will help you avoid some basic errors. Please note that your writing must be your writing and follow standard methods of attribution when you use a quote or an idea from a particular source. Consult the Library website for helpful advice to history students for citing sources. All papers will be double spaced with 12 point type and standard margins

**EXAMINATIONS**: Look for in-semester exams on the assigned dates (projected) and a final exam according to the published final exam schedule, plus any other assigned work or quizzes. Exams may consist of essay, multiple choice, short answer, and identification questions. The exams will be over assigned readings, lectures, discussions, videos. There may be an occasional quiz, but not without warning (at least within the preceding period). It is essential that you keep up with the reading. Avoid cramming all the reading into the night before exams. This gives you little time to review your class notes and organize your thoughts. The same must be said for the outside writing assignments. Your instructor will make a practice of asking you individually about reading-related questions in class discussions. Do not feel embarrassed if some of your answers seem to miss the mark. This is part of being in an inter-active classroom. Information
conveyed and discussed in class is essential to good performance on exams. Good note taking, which begins with good listening and good reading, is a practice you should develop in history courses. The skill will help you assemble information in many different situations other than the history classroom and contribute to the development of your critical thinking skills.

**GRADUATE CREDIT**
Graduate students will not do the group project, but rather each will develop a 15 to 20 page paper on a topic in consultation with the instructor. One such topic could be: How did the nomination of Robert Bork Fail? What is Borkism, and what does it mean to be “borked?”

**A NOTE ON GROUP PRESENTATIONS**
Undergraduate students will choose a landmark Supreme Court case to present to the class during the semester. Each group of approximately three students will prepare a PowerPoint presentation explaining the origins of the court case, the course of the trial, the Supreme Court ruling and the long-term constitutional significance of the case.

This course satisfies Core Objective 8 of the Silver Core Curriculum:

**CO8. Constitution:** Students will demonstrate familiarity with the origins, history, and essential elements of the Constitutions of Nevada and the United States, as well as the evolution of American institutions and ideals.

In addition, HIST 401 helps students to develop the skills described in Core Objectives 1 and 3. These objectives are reinforced throughout the curriculum in other courses students take to fulfill core and major requirements:

**CO1. Effective Composition and Communication:** Students will be able to effectively compose written, oral, and multimedia texts for a variety of scholarly, professional, and creative purposes.

**CO3. Critical Analysis and Use of Information:** Students will be critical consumers of information, able to engage in systematic research processes, frame questions, read critically, and apply observational and experimental approaches to obtain information.

**Skills-Based Curriculum**
The history program at UNR helps students to develop proficiency in broadly applicable skills while mastering specific subject areas. The development these skill sets is often more important than mastery of various historical narratives. Historical scholarship involves systematic enquiry into the lives of individuals, communities, regions, and cultures through finding, interpreting, and analyzing written and cultural sources. Researching past events and the lives of people who lived through them generates important insights that can help us to understand the world we live in today. Students taking this course will develop valuable investigative and interpretive skills including:
• critical thinking (through reading and analyzing written documents and cultural sources, formulating arguments supported by historical evidence, and organizing information in a clear and logical manner)
• historical research (through finding information about historical topics in short assignments and a research project)
• written communication (through writing short assignments, and a research essay)
• primary source analysis (through reading and identifying the key points, meaning, and significance of arguments and ideas presented in historical documents and cultural artifacts created during the time periods we are studying)
• secondary source analysis (through reading and identifying the key points, meaning, and significance of arguments and ideas presented in books and articles written by scholars about the time period we are studying)
• cultural text analysis (through thinking about the significance of cultural texts and placing them in historical context)
• oral expression (through small group and whole class discussions and student presentations)
• using the internet (through research assignments and guidance on how to evaluate internet sources)

Student Learning Outcome (SLOs) and Correlation to Core Objectives (COs)

Students successfully completing this course will be able to:
1. explain fundamentals of the U.S. Constitution related to the divisions of power within the Federal Government, i.e., executive, legislative, judicial (CO8)
2. explain fundamentals of the U.S. Constitution and meaning of federalism and the place of the state of Nevada within that structure (CO8)
3. interpret, analyze and synthesize primary, secondary, and cultural sources (CO1, CO3)
4. articulate the factual outline and thematic narratives of U.S. constitutional history and its interaction with national history of the United States (CO3, CO8)
5. explain the expanding meaning of citizenship overtime and the greater inclusiveness of the rights that citizenship confers, especially to groups historically excluded by race, ethnicity, and sex (CO8)

It may be noted that the abbreviation SLO followed by a series of numbers appears on weekly course materials and events. This indicates that the lecture, discussion, assignment, or other activity offers opportunities for students to practice skills related to the learning outcomes listed above (e.g., an activity labeled “SLO 1,” might build knowledge of why the Commerce Clause of the U.S. Constitution enables greater regulatory powers to be exerted by the Federal Government over the business community and requires the student to present analyses either orally or in writing of this aspect of the Constitution. Note its coordination with CO8).

Assessment for HIST 401, 601

Students will receive grades according to their performance on the following tasks:

Two in-semester exams plus the final 400 pts (200 pts for the final)
Two small writing assignments 100 pts (50 pts each)
One report with oral and written portions 200 pts
Effective class participation 50 pts

Students should assume they begin the course with 750 points, and however many points they retain by the end of the course will determine their grade based upon that number’s percentage of the base number 750. That percentage will translate into the lettered grades as noted below:

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<thead>
<tr>
<th>Percentage</th>
<th>Grade</th>
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<tbody>
<tr>
<td>92-100%</td>
<td>A</td>
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<tr>
<td>78-79%</td>
<td>C+</td>
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<tr>
<td>90-91%</td>
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<td>73-77%</td>
<td>C</td>
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<td>88-89%</td>
<td>B+</td>
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<tr>
<td>70-72%</td>
<td>C-</td>
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<tr>
<td>83-87%</td>
<td>B</td>
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<td>68-69%</td>
<td>D+</td>
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<tr>
<td>80-82%</td>
<td>B-</td>
</tr>
<tr>
<td>63-67%</td>
<td>D</td>
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Class participation (SLOs 1, 2, 3, 4, 5)
This course will be taught in a lecture/discussion format. Lectures will provide historical background and context explaining key concepts while the instructor will often pause to ask for participation with defining and provocative questions to the class. Students will be expected to respond in class. Of course, not all students will have the opportunity to respond in a purely voluntary situation. Therefore, the instructor will make an effort to call upon students for their input. The instructor assumes general attentive involvement in such situations, but can note that some students are opting out creating a non-presence and non-participation through their attention to online devices that are placing them essentially outside the classroom. Regular attendance and participation on some level are important to class success. Excessive absences (more than three) inevitably reduce grades. Also, it is important for the student to do the assigned readings to prepare for participation.

In-semester exams, final exams, quizzes, and assignments (SLOs 1, 2, 3, 4, 5)
Exams measure the student’s mastery and understanding of course content as presented in lecture, discussion, and reading materials. Quizzes prompt students to prepare more diligently for upcoming exams and will always be announced prior to their occurrence. These will be course point add-ons when the instructor deems them necessary. The short writing assignments and research project will provide opportunities to practice skills related to studying both local and national history of the United States.

While quizzes and exams will be over the immediate material, you may sometimes be asked to think back to items and concepts we took up earlier in the semester and draw comparisons or contrasts and other connections. The final is, however, a cumulative exam. This is another reason why regular attendance and paying close attention to lectures and discussions make for success in the course.

Supreme Court Case Investigations and Reports (SLO 3)
This assignment is designed to introduce the student to the investigation of primary and secondary sources in history. It will involve the discovery of sources, closely reading them, and digging out the information necessary for your research question. After this process the students faces the task of composing short papers that will demonstrate expository writing skills.
Instructions on writing skills and often-occurring mechanical mistakes in English grammar and punctuation will be posted on webcampus for this course. Also from these investigations students will present oral reports to the class on their findings and analyses.

**Grading Criteria**

Grading criteria for written work are set out below.

**F (less than 60%)**

F is for work that is not acceptable. It demonstrates that the student has no idea what the course material is about, suggesting a lack of interest or effort and possibly some absences from class. Students who do the reading and come to class regularly rarely receive an F. If you think you have been trying hard and you get an F on an assignment, I encourage you to come to me for help.

**D– (60–62%), D (63–66%), D+ (67–69%)**

D is given for work that is inadequate. It omits important points, contains more than a few inaccuracies, and is badly organized. It suggests that the student has not been paying much attention to the course or is having problems understanding the material. As in the case of an F grade, if you think you have been trying hard and receive a D grade for a writing assignment, come and see me for help. I will do everything I can to assist students who want to work to improve their grades.

**C– (70–72%), C (73–76%), C+ (77–79%)**

C is given for work that is average. The student shows familiarity with the material and is mostly accurate, but the paper lacks detail or effective organization. The C essay might make general points but fail to support them with specific evidence, or it might be merely a collection of facts, with no coherent theme or thesis. You can pass the course with this kind of work, but you should aim higher.

**B– (80–82%), B (83–86%), B+ (87–89%)**

B denotes work that is above average in quality. It demonstrates that the student knows and understands the material covered in class, and that s/he is capable of synthesizing it into a competent essay. It is accurate, detailed, and well organized, with an introduction, a thesis, and a conclusion.

**A– (90–91%), A (92–100%)**

A is for work of exceptional quality. This grade is for essays that present a clear thesis supported by persuasive evidence and analysis, logically organized, and free from typing or grammatical errors. The A essay does more than just competently summarize material from the readings or lectures. It shows the student has thought things through on a deeper level and offers his or her own perspective on the topics under consideration.
Deadlines and Policies Regarding Missed Work

Assignments and essays are due in class on the dates indicated in the Weekly Schedule. Late papers will be penalized (points amounting one lettered grade will be deducted from your grade for the late assignment) unless you have contacted me before or on the due date to arrange an extension.

Academic Dishonesty

I expect all students to do their own work in this course unless I have specifically assigned a group activity or project. Copying someone else's work, or allowing your own work to be copied, is dishonest and unfair to other students who are striving to complete assignments and essays on their own.

The university’s Academic Standards policy states:

Academic dishonesty is against university as well as the system community standards. Academic dishonesty includes, but is not limited to, the following:

Plagiarism: defined as submitting the language, ideas, thoughts or work of another as one's own; or assisting in the act of plagiarism by allowing one's work to be used in this fashion.

Cheating: defined as (1) obtaining or providing unauthorized information during an examination through verbal, visual or unauthorized use of books, notes, text and other materials; (2) obtaining or providing information concerning all or part of an examination prior to that examination; (3) taking an examination for another student, or arranging for another person to take an exam in one's place; (4) altering or changing test answers after submittal for grading, grades after grades have been awarded, or other academic records once these are official.

Sanctions for violations of university academic standards may include the following:

(1) filing a final grade of “F”; (2) reducing the student’s final course grade one or two full grade points; (3) awarding a failing mark on the test or paper in question; (4) requiring the student to retake the test or resubmit the paper.

Copying someone else’s entire paper or article is a clear example of academic dishonesty, but note that plagiarism can take other, less obvious forms as well. “Language, ideas, thoughts or work of another” includes any material used in your assignments and essays that was written or produced by others. Using brief phrases or sentences from books, articles, internet sites, documents, or other sources without letting your reader know where they came from is a form of plagiarism. You must properly acknowledge your use of other people’s words by placing them in quotation marks and citing all sources used in your paper. Even if you paraphrase someone else’s ideas and do not quote them directly, you must still indicate where those ideas came from. Citations should also be given for little-known facts and statistics.
In addition, all cases of academic dishonesty are reported to the Office of Student Conduct and become part of the student’s academic record. Potential employers as well as the directors of graduate and professional programs to which students may apply can request copies of these records, in which case the academic dishonesty charge will be disclosed.

**Academic Success Services**

Your student fees cover use of the Tutoring Center, the University Writing Center, and the Math Center. Students are encouraged to take advantage of these services as needed.

- **Tutoring Center:** ph. 784-6801 or visit www.unr.edu/tutoring
- **University Writing Center:** ph. 784-6030 or visit www.unr.edu/writing_center
- **Math Center:** ph. 784-4433 or visit www.unr.edu/mathcenter

**Students with Disabilities**

The History Department is committed to equal opportunity in education for all students, including those with documented physical disabilities or documented learning disabilities. If you have a documented disability and will be requiring assistance, please contact me or the Disability Resource Center (Thompson Building Suite 101) as soon as possible to arrange for appropriate accommodations.

**Audio and Video Recording**

Surreptitious or covert videotaping of class or unauthorized audio recording of class is prohibited by law and by Board of Regents policy. This class may be videotaped or audio recorded only with the written permission of the instructor. In order to accommodate students with disabilities, some students may be given permission to record class lectures and discussions. Therefore, students should understand that their comments during class may be recorded.

**Submissions to The Montag**

*The Montag* is a student-edited undergraduate research journal that publishes essays, art, creative writing, and other work by students taking courses in the College of Liberal Arts. If you receive a grade of A for an essay written in this class, I encourage you to consider submitting it for publication in *The Montag*. The maximum page limit for submissions is 20 pages, and there is no minimum. To submit a piece of work, e-mail it along with your name and contact information to themontag@unr.edu.

Weeks

**COURSE SCHEDULE**
I. Roots of Revolution and the Road to the Constitution

Week One
January 21 – Introduction to U.S. Constitutional History
January 23 – Interpreting the Constitutional Past (Discussion)
SLOs: 1, 3, 4
Readings
Supreme Court, Zinn’s Forward, Introduction, xv-xx; Chap 1: 3-16
Start reading: John Phillip Reid, Constitutional History of the American Revolution, esp.,
“Historiographical Preface” (meaning how various historians have treated the subject)
Slaveholders’ Union, 17-143

Week Two (Distribution of Essay #1 Question)
January 28 – A Revolution against What?
January 30 – Consolidation of a New Government
SLOs 1, 3, 4
Readings
Supreme Court, 17-47
Constitutional History of the American Revolution, proceed through book according to topical
assignments noted in class

Week Three
February 4 – A Bill of Rights
February 6 – Into the 1790s
SLOs 1, 3, 4, 5
Readings
Supreme Court, 48-107
A Slaveholders’ Union, 144-183

II. Early National and Middle Period: “The Union Above All”

Week Four Essay #1 Due (Feb. 11)
February 11 – Republicanism and the Empire of Liberty States’ Rights and the Crisis of Union
McCulloch v. Maryland (1819)
February 13 – Federalism and Union: Slavery, Western Expansion and the Road to Disunion
Dred Scott v. Sandford (1857)
SLOs 1, 3, 4, 5
Readings
Slaveholders’ Union, 187-266
Supreme Court, 108-189

Week Five
February 18 – Review
February 20 – *Exam*

III. Civil War and Reconstruction

Week Six (Distribution of Essay #2 Question)
February 25 - The Failure of Trans-Sectional Coalition Politics
February 27 - Secession & War as a Constitutional Crisis (Constitutions at War)
SLOs 1, 2, 3, 4, 5
Readings
Supreme Court, 190-205
Slaveholders’ Union, 267-275

Week Seven
March 4 – Founding the Second Republic: Reconstruction (Nevada’s Statehood compared)
March 6 – And Aftermath
SLOs 2, 4, 5
Readings
Supreme Court, 206-217
Major Problems, 229-243 (Note Crandell v Nevada)

IV. Challenges of Corporate Wealth in the Gilded Age

Week Eight (Essay #2 Question Due March 13)
March 11– The National Market
March 13 – The South as Exception Plessy v. Ferguson (1896)
      (Video Birth of a Nation [1915])
SLOs 1, 3, 4, 5
Readings
Supreme Court, 217-232 and 235-258
Major Problems, 248-272

IV. Rise of the Regulatory State (Progressive Era) in Federal Context
Week Nine
March 25 – New Nationalisms
March 27 – New Freedoms
SLOs 1, 4, 5

Readings
Major Problems, 272-292
Supreme Court, 258-293

Week Ten (Assignment of Essay #3 Question)
April 1 – Civil Liberties and World War I (video: Joe Hill)
April 3 – Quiz
SLOs 1, 3, 4, 5

Readings
Major Problems, 297-309; 311-316

V. The Interwar Period: Retreat and Expansion of the Federal Government

Week Eleven
April 8 – Morality: Prohibition and Pornography
April 10 – FDR and the Courts (Oral Reports on Supreme Court Cases)
SLOs 1, 2, 4

Readings
Major Problems, 346-368
Supreme Court, 294-330

Week Twelve (Essay #3 Due)
April 15 – Review
April 17 – *Exam*
SLOs 1, 4, 5

VI. Demands of Equal Protection in the Post War into the 21st Century

Week Thirteen (henceforth much class time consumed by Landmark Decision Presentations)
April 22 – Race Brown v. Board of Education I & II (1954-55) (Oral Reports on Cases)
April 24 – Women
SLOs 2, 3, 4, 5

Readings
Major Problems, 383-414; 417-448
Supreme Court, 333-531

Week Fourteen
April 29 – Sexuality (Oral Reports on Cases)
May 1 – War
SLOs 3, 4, 5

Readings
Major Problems, 518-555

Week Fifteen
May 6 – Final Review
SLOs 1, 2, 4, 5

Week Sixteen
FINAL EXAMINATION – as listed in class schedule for this course.