

History 3041/5041
Fall 2007
Day: TR 11-12:15 p.m. (311 CH)
Eve: TR 8:20-9:35 p.m. (415 CH)

Prof. Gerda W. Ray
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TOPICS IN US CONSTITUTIONAL HISTORY

Description

This course is divided into two parts. In the first part, weeks one through eleven, we will conduct a rapidly-moving historical survey of almost the entirety of US constitutional and legal history. There is relatively little assigned reading during this section, just two books of historical synthesis and short handouts of primary sources. The reason for the relatively light reading assignments is that each student needs to research and write a paper which is due at the beginning of week ten, October 23.

The purpose of the research paper is to deepen our understanding of the concepts of freedom and liberty in US constitutional history by subjecting them to the systematic scrutiny and analysis of appropriate primary sources. The specific content of each week's assigned reading may not relate to your research project. The on-going discussion of the changing meanings of freedom and liberty, however, should provide ample tools for dissecting the specific questions being researched.

The assigned reading in the first section follows a pattern. For Tuesday, you will read a section from Michael Les Benedict, *The Blessings of Liberty: A Concise History of the Constitution*, and for Thursday, a section from Eric Foner, *The Story of American Freedom*. They both cover approximately the same time period, but they are altogether distinct. In working to understand why they emphasize different facts and, in many places, draw different conclusions or, perhaps more accurately, conclusions about different matters, we should be able to examine the significance of concepts such as ideology, perspective, argument, and research, in historical analysis.

The second part of the course, weeks twelve through sixteen, we will take on one topic each week in greater depth. In addition to reading and preparing for discussion, you will need to write two short essays.

Readings

These books are available at the University Bookstore and through other booksellers.

Eric Foner, *The Story of American Freedom*. New York: W.W. Norton, 1998. (ISBN 0-393-31962-8)

Michael Les Benedict, *The Blessings of Liberty: A Concise History of the Constitution*, 2nd Edition. (ISBN 0-669-39471-8)

Nancy K. Kubasek and Gary S. Silverman, *Environmental Law*. Fifth edition. Upper Saddle River, NJ: Pearson Prentice Hall. 2005. (Short selection; will be made available to you.)

Stanley I. Kutler, *Privilege and Creative Destruction: The Charles River Bridge Case* (ISBN: many different editions; all ok)

Bartholomew H. Sparrow, *The Insular Cases and the Emergence of American Empire*. Lawrence, KS: University Press of Kansas. 2006.

Alexander Meiklejohn, *Political Freedom : The Constitutional Powers of the People*. (Out of print; will be made available to you)

Louis Fisher, *Nazi Saboteurs on Trial: A Military Tribunal & American Law*. Second Edition. Lawrence, KS: University Press of Kansas. (ISBN 0-7006-1387-0)

Felix Frankfurter, *The Case of Sacco and Vanzetti* (New York: Little Brown, 1927. (Required for graduate students; otherwise, recommended. Out of print; will be made available to you.)

Requirements

Coursework: You will need to read an average of 150 pages per week, participate in the class, research and write a research paper, write two short essays, and take a final exam.

Attendance & Note-taking: Please come to class on time and plan to stay until the end of class. Bring pen or pencil, paper, and all readings assigned for that day. Please take notes during class. If you want to text message, IM, or telephone, you must go to the corridor.

Research Proposal: 750 - 1000 words (3 – 4 pages). Due 18 Sept.

Research Paper: 3750 – 5000 words (15 – 20 pages). Due 23 October.

Two Short Essays: 1250 – 1500 words each (5 – 6 pages each, based on assigned readings). Due Weeks 13 and 16.

Final Exam: Short Answers. Comprehensive.

Policies

Alert: The professor reserves the right to revise the syllabus. Class notes will not be posted on MyGateway.

Student Email: You must check and use your student email account. You are responsible for information sent to your student account. If you write from a personal account you risk having your message filtered out before receipt.

Disability Access: If anyone has a health condition or disability, which may require accommodations in order to effectively participate in this class, please contact the Disability Access Services Office in 144 Millennium Student Center at 516-6554. Information about your disability will be regarded as confidential.

Grading Class Participation: If you attend almost all the classes, come prepared, and do not participate, you can expect a “C” for class participation. If you wish to earn an “A” or a “B,” plan to attend almost all the classes, come prepared, and demonstrate your preparation with appropriate class participation during most of the class discussions.

Contact information: Prof. Ray’s office hours are Tues. 12:15–1:15 p.m. and 9:35-10:35 p.m. (evenings by appointment only). Rob Bogard can be reached in class, by email, or by telephone: 314-378-0840.

Plagiarism: Please see the Student Conduct Code in the Bulletin. Plagiarism will result in a failing grade for the assignment.

Grading

Research Paper Proposal	15 %
Research Paper	35
Class Preparation & Participation	15
Short Essays (15% each)	30
Final Examination	<u>5</u>
Total	100%

Grading is based on C=average, adequate work; B= good work; A= excellent. It is expected that the most common grade will be "C".

Schedule & Assignments

Week 1 (Aug. 21 & 23) Introduction

Overview of Course. Assignments. Student Success. Expectations. How to write a research paper.

Visit key websites:

<http://www.fordham.edu/halsall/sbook-law.html#ENGLISH%20LAW>

<http://www.yale.edu/lawweb/avalon/>

<http://supct.law.cornell.edu/supct/>

Week 2 (Aug. 28 & 30) English & Colonial Origins

Reading: Tues: Benedict, Preface, Introduction, & Chaps. 1-3;

Thurs.: Foner, Chap. 1.

Due: Thursday: Surprise Quiz on Assigned Reading

Week 3 (Sept. 5 – 7) Revolution & Constitution

Reading: Tues.: [The Declaration of Independence](#), [The Constitution of the United States](#); Benedict, Chaps. 4 – 5;

Thurs: Foner, Chap. 2.

Week 4 (Sept. 11 – 13) A New State

Reading: Tues: Benedict, Chaps. 6 – 8;

Thurs: Foner, Chaps. 3 – 4

Thursday: Dennis Northcott, Missouri Historical Society

Week 5 (*Special Schedule*)

Monday, Sept. 17 – Constitution Day

Reading due MONDAY: Kubasek & Silverman, pp. 28-48.

Thurs. Benedict, Chap. 9; Foner, Chap. 5

Due Tuesday: Complete Proposal for Research Paper

Week 6 (Sept. 25 & 27); Reconstruction

Reading: Tues.: Benedict Chap. 10 – 11; Fourteenth Amendment to the U.S. Constitution

Thurs: Foner Chap. 6

Week 7 (Oct. 2 & 4):

Reading: Tues: Benedict, Chaps. 12 – 13;

Thurs: Foner, Chaps. 7 – 8.

Week 8 (Oct. 9 & 11):

Reading: Tues: Benedict, Chap. 14 – 15;

Thurs: Foner, Chaps. 9 – 10

Week 9 (Oct. 16 & 18): Intensive Research and Writing

Week 10 (Oct. 23 & 25):

Due Tuesday: Research Paper

Reading: Tues: Benedict, Chaps. 16 – 17;

Foner, Chaps. 11 – 12

Week 11 (Oct. 30 & Nov. 1): Conservative Freedom

Reading: Tues: Benedict, Chaps. 18 – 22;

Thurs: Foner, Chap. 13

Week 12 (Nov. 6 & 8): Freedom & the Economy

Reading: Tues: Kutler, *Privilege and Creative Destruction*

Week 13 (Nov. 13 & 15): Freedom & Expansion

Reading: Tues: Sparrow, *The Insular Cases and the Emergence of American Empire*

DUE Tuesday: First Short Essay

Week 14: Fall Break. No classes all week

Week 15 (Nov. 27 & 29): Freedom & Democracy

Reading: Micklejohn, *Political Freedom: The Constitutional Powers of the People*

Week 16 (Dec. 4 & 6): Freedom & Wartime

Reading: Fisher, *Nazi Saboteurs on Trial*

DUE: Second Short Essay

Final Exams: Day: Tuesday, 11 Dec. 10 a.m.

Evening: Tuesday, 11 Dec. 7:45 p.m.

About the Professor: Gerda W. Ray received her Ph.D. in History from the University of California, Berkeley. She has published in *Journal of Social History*, *Social Justice*, *Labor History*, and *Reviews in American History*.

About the Teaching Assistant: Robert S. Bogard is a semi-retired lawyer, “of counsel,” but inactive, with Schlichter, Bogard & Denton. At the trial court level, he has handled complex litigation in both state and federal courts across the country, generally involving representing catastrophically injured people against major corporations. He received his J.D. from the University of Missouri, Columbia where he was elected to Law Review.