

History A325: U.S. Constitutional History Section 26172
Friday 9:00-11:40 am, Fall, 2006
Classroom: CA 215
Office hours 8:00-8:45 and 11:40- noon
and by appointment

Professor E.B. Monroe
Office: Cavanaugh 529
Phone: 278-2255
Email: emonroe@iupui.edu

GOALS: This course will acquaint students with the historical development of United States constitutional history before the Civil War and will explore the issues and concepts of American legal history. Students will gain a substantive understanding of the broad developmental themes in the history of American constitutional government and law and the impact of different methodologies on historical and legal inquiry.

METHOD: Discussion and intellectual exchange are important components of this course. Emphasis will be placed on thoroughly understanding a series of important monographs about American legal and constitutional history. Students are expected to be familiar with readings in the standard text, legal documents, and selected monographs. Most of the class periods will be devoted to lectures; however, there will be discussions of the legal documents and monographs, and questions will be encouraged. All students are expected to engage in class discussions and in dialogues with guest speakers. On at least two occasions class will meet off campus.

PRINCIPLES OF UNDERGRADUATE LEARNING: Students will be expected to read, write about, and discuss the materials presented in this course. In written assignments particularly, students will be expected to analyze evidence, argument, and conclusions of the authors of assigned texts (and lectures) to reach reasoned conclusions. Students will synthesize the materials of American history to better understand how our institutions were formed and how interpretations about that formation have influenced our cultural traditions.

EVALUATION: Students will have the choice of two forms of evaluation. In the first option, students will write five-page papers on five of the seven supplemental books selected for the course and complete a take-home essay exam (about 10 pages) due December 1. For the second option students will write five-page essays on all seven books. Essay questions will be provided one to two weeks before the due date of each essay. Each assignment will be discussed in class in advance of the due date, and the general format for all assignments is described below. In addition, all students are expected to participate in class.

COURSE GRADE: Grades for this course will be: A = 90-100; B = 80-89; C= 70-79; D = 60-69; F = 59 and below.

Attendance: All students are expected to attend every class and attendance will be taken every day. While one absence will be considered “free,” each additional absence without the advance

consent of the instructor (barring unforeseen disasters) will result in the loss of two (2) points on the final course grade. Note that because this class only meets once per week, each class is twice as important as a regular twice-per-week meeting.

GRADUATE STUDENTS: Each graduate student will write five of the essays identified above and a 30-page research paper on a constitutional topic chosen with the advice and consent of the instructor. Graduate students will also meet monthly with the instructor to discuss the progress of their papers in terms of thesis, bibliography, and research design and amendment. The first meeting date will be chosen on the first day of class.

POLICIES:

All assignments are due on the specified dates and will be penalized if submitted after the date they are due.

A grade of zero (0) will be assigned to any work produced by academic misconduct, including cheating, fabrication, plagiarism, interference, or violation of course rules. A student also must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct. The definitions for these forms of misconduct are found on the Office of the Registrar's website at: <http://registrar.iupui.edu/misconduct.html>. As part of the first assignment, each student will be expected to have read these conditions, and sign a statement to the effect that he/she has read and understands them. I will, of course, be happy to answer any questions.

A grade of "incomplete" will not be assigned except in the event of a catastrophe such as serious personal illness or death of a family member. All incompletes must be arranged in advance of the final day of class. Arrangement for an incomplete will require the instructor's approval of a signed statement from the student about the reason for requesting the incomplete and a date when all remaining work will be submitted.

CLASS CANCELLATIONS: If class is cancelled by the university or the instructor or you have an acceptable excuse for absence, written assignments are due to the History Department Office on the day the university reopens or within two days of your absence. Be sure to ask the department secretary to initial and time/date your paper.

TEXTS:

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

Donald S. Lutz (ed.). Colonial Origins of the American Constitution: A Documentary History.
(Indianapolis: Liberty Fund, 1998).

John Ruston Pagan. Anne Orthwood's Bastard: Sex and Law in Early Virginia. (Oxford:

Oxford University Press, 2003).

Paul Finkelman. A Brief Narrative of the Case and Tryal of John Peter Zenger, Printer of the New York Weekly Journal. (St. James, NY: Brandywine Press, 1997).

Bernard Bailyn. Ideological Origins of the American Revolution. (Cambridge, MA: Harvard University Press, enl. ed., 1992).

Stanley I. Kutler. Privilege and Creative Destruction: The Charles River Bridge Case. (Baltimore: Johns Hopkins, 1971).

Don H. Fehrenbacher. Slavery, Law, and Politics: The Dred Scott Case in Historical Perspective. Oxford: Oxford University Press, 1981).

Occasional handouts.

WRITTEN ASSIGNMENTS:

General format: All assignments for this course must be typewritten, one-inch margins, double-spaced, and composed in good grammar and style with no spelling errors. All projects should be proofed. Asking someone to proof your papers does not constitute cheating. Significant numbers of errors that should have been caught in proofing will cause a paper to be returned to that proofing can be conducted and a competent paper submitted. Your name should be typed in the upper right corner of the first page (no need for a title page) and may also be shown on subsequent pages. Please use a 12 font in the typeface of your choice, but keep in mind the instructor's aging eyes. All pages should be numbered. Projects should be stapled together (no folders). **BE SURE TO KEEP A COPY OF YOUR PAPERS.**

Essay on Lutz book, due September 8. In this five-page essay you will pick one document from either New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Maryland or Virginia and compare it to the Articles of Confederation. Be sure to read the Preface and Introductory Essay to the book as they will offer clues about how to prepare your comparison. You should also choose your document carefully, as some offer more opportunity to see differences than others. Depending on which documents you pick, you may find that the Articles offer elements missing in your chosen text, or the reverse. Most importantly, organize your paper by theme or constitutional provision. A well organized paper will present your interpretation better and result in a higher grade. Good organization is a key to constitutionalism.

Type at the end of your paper "I have read and understand the Office of the Registrar's statement on academic misconduct." Then sign your name indicating that you have read and understand the statement. I will not accept a paper unless it contains that pledge. If you don't understand the statement, I will be happy to explain it, and I encourage questions.

BOLD indicates required essay

Aug	25	Introduction to course and <u>The Blessings of Liberty</u> Chapter 1	
Sep	1	<u>Blessings</u> Chapter 2 to page 20 and Lutz, especially introduction	
	8	<u>Blessings</u> Chapter 2 to end	PAPER OF LUTZ DUE
	15	NO CLASS	
	22	<u>Anne Orthwood's Bastard</u>	PAPER ON ANNE ORTHWOOD DUE
	29	<u>Trial of John Peter Zenger</u>	PAPER ON JOHN PETER ZENGER DUE
Oct	6	<u>Blessings</u> Chapter 3	
Oct	13	<u>Ideological Origins of the American Revolution</u> Guest speaker: Doria Lynch from U.S. District Court for the Southern District of Indiana	PAPER ON IDEOL. OR. DUE
	20	<u>Blessings</u> Chapter 4, Declaration of Independence, Articles of Confederation	
	27	<u>Blessings</u> , Chapter 5, U.S. Constitution	
Nov	3	<u>Blessings</u> , Chapter 6, <u>Marbury v. Madison</u>	PAPER ON MARBURY DUE
	10	<u>Blessings</u> , Chapter 7	LAST DAY TO DROP COURSE
	17	<u>Privilege and Creative Destruction</u>	PAPER ON PRIVILEGE DUE
	24	Thanksgiving break	
Dec	1	<u>Slavery, Law, and Politics</u> This class meets at the Indiana Supreme Court Attendance required	PAPER ON SLAVERY, LAW DUE TAKE HOME EXAM DUE
	8	<u>Blessings</u> Chapter 8 and constitutionalism and the Civil War Attendance required	TAKE HOME EXAM DUE