

AMH 3550: US Constitutional History

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Constitutional History of the United States:

Spring 2019 (3 Credits)

Professor Stephen Engle

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Tuesday and Thursday-9:30-10:50

AL 345

Office Hours: Tuesday 7:30-9:30; 1:00-2:00 pm; Thursday-7:30-9:30; 1:00-2:00 and by appointment

Office Phone: 297-2444

Course Objectives

Howard Zinn once remarked that you cannot be neutral on a moving train and this course we will examine American Constitutional history from the perspective that the people and their constitution have differing perspectives on the direction of that train known as the United States. As such this course will provide a comprehensive examination of the development of the U. S. constitutional and legal system from the colonial period through the Civil Rights Era. We begin in the Federalist era and focus on the main ideological theories as embodied in the political culture in the age of Thomas Jefferson. We will then explore the role that the Civil War and Reconstruction played in shaping the contours of the constitution. We will conclude by examining how the passage of the Democratic Republic from an agrarian society to an industrial state shaped the constitution.

Whatever faith I have in the perfectibility of man, until human nature is altered and men wholly transformed, I shall refuse to believe in the curation of a government that is called upon to hold together forty different nations spread over a territory equal to one-half of Europe, to avoid all rivalry, ambition, and struggles between them and to direct their independent activity to the accomplishment of the same design.

When Tocqueville made this statement, he was alluding to several underlying forces, which shaped the early American Republic, and ultimately served to drive a wedge between Americans, North and South. He questioned the strength and scope of

America's greatest minds as to whether or not they could avoid the "impending crisis," called the Civil War, and if not, asked what would become of the United States after the war. Nonetheless, the U.S. Constitution endured our greatest crises and has remained intact often to protect and save us from ourselves.

In her recent work, *These Truths: A History of the United States*, Jill Lepore argues that "a nation born in contradiction will fight forever over the meaning of its history, but engaging in that struggle by studying past is part of the work of citizenship."

Student learning Objectives

In this class, I attempt to provide a story of how a living idea has influenced the course of American history, and to explore the relationship people have had to this idea and how they have also given shape to the contours of the constitution. In short, it is a course about the interaction of the constitution and the society that lives under it. It is hoped that students will glean from this class a comprehensive understanding of the foundations, formation, and development of the U. S. constitutional and legal system as the United States passed from an agrarian republic to an industrial democracy. Towards that end, I will define the political, social, and economic forces that have shaped U. S. constitutional and legal history, as well as describe the role and development of the U. S. Supreme Court and the interaction between the federal court system and the state courts. There are several **recurring themes that shape this class including**: Power vs. Liberty; Centralization vs. Decentralization; States' Rights vs. Union; Federalism; Republic vs. Democracy; Activism vs. Restraint; Civic Humanism (Classical Republicanism) vs. Acquisitive Individualism (Liberal Capitalism); Executive vs. Legislative vs. Judicial Power and Authority

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Student Department

Students are expected to come to class, pay attention, take notes, do the assigned readings, and participate in the weekly discussion sessions. If you come to class late please enter as unobtrusively as possible. If you must leave early, please inform me and sit near the exit so you will not disrupt the other students as you exit.

Required Texts

Michael Les Benedict, *The Blessings of Liberty*, Houghton, Mifflin, latest edition

Garrett Ward Sheldon, *The Political Philosophy of Thomas Jefferson*

Harold Hyman, *A More Perfect Union: The Impact of the Civil War on the Constitution*

Attendance

The student must assume the responsibility for reading and understanding the college rules as presented in the FAU College Catalogue. If you drop this class it is your

responsibility to see that your withdrawal is properly processed in the Registrar's Office. Students are expected to attend class regularly and take careful notes on lectures.

Plagiarism and Academic Dishonesty

Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty, including cheating and plagiarism,¹⁴ is considered a serious breach of these ethical standards, because it interferes with the University mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the University community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. For more information, see:

http://www.fau.edu/regulations/chapter4/4.001_Honor_Code.pdf.

Students with Disabilities

In compliance with the Americans with Disabilities Act Amendments Act (ADAAA), students who require reasonable accommodations due to a disability to properly execute coursework must register with Student Accessibility Services (SAS)—in Boca Raton, SU 133 (561-297-3880); in Davie, LA 203 (954-236-1222); or in Jupiter, SR 110 (561-799-8585) —and follow all SAS procedures. For more information, go to <http://fau.edu/sas/>

Counseling and Psychological Services (CAPS) Center

Life as a university student can be challenging physically, mentally and emotionally. Students who find stress negatively affecting their ability to achieve academic or personal goals may wish to consider utilizing FAU's Counseling and Psychological Services (CAPS) Center. CAPS provides FAU students a range of services – individual counseling, support meetings, and psychiatric services, to name a few – offered to help improve and maintain emotional well-being. For more information, go to <http://www.fau.edu/counseling/>

Course Requirements

All students are required to take exams at scheduled times unless they have a valid excuse to be determined by me. There will be two types of exams in this course--in-class exams and take-home exams. There will be three in-class exams. The in-class exams will be based on lectures and additional assigned readings for the weekly discussions and will be essay in format. The take-home exams will be based on the required readings and will constitute formal type-written papers of 4-5 pages for each assigned book. Please consult Strunk and White, Elements of Style for the out of class examinations. Remember to proof read papers so they may be free of misspellings and grammatical errors. Also, these exam questions require focused, well organized and well- conceptualized answers so think before you write. These examinations will constitute 75 percent of your final grade. Each exam counts 25 percent.

Paper Assignment

The Marvin & Sybil Weiner Spirit of America Collection Assignment

In partial fulfillment for the requirements for this course (25 percent), each student will submit a 5 page typed-written formal essay. First, pay a visit to the *Marvin & Sybil Weiner Spirit of America Collection* in the FAU library, and search for a historical artifact that speaks to the U.S. Constitution and its origins. It can be a journal, pamphlet, newspaper, political document, etc. Your assignment is to give context to the item you choose. **You must have the topic approved by the professor, which means coming in to talk with me at some point during the semester.** In formalizing your thoughts, you will need to identify the kind of periodical, newspaper or journal you consulted, discuss the time frame, regional association, historical context, and the overall attitude of the article you read. Once you feel you have a grasp of the main ideas, develop an outline and points of reference to better help you put your thoughts to paper. The object of the paper is to discuss how the periodical handles the issues related to the Constitution. You will not need a bibliography or endnotes. There **must** be a title page, page numbers beginning with page 2 of the text, and it should be clearly and concisely written. If you have any questions please feel free to see me at any time. This assignment is due **Thursday, April 25 2019.**

Grading Scale

A 94-100; A-90-93; B+ 87-89; B 83-86; B-80-82; C+77-79; C 73- 76; C-70-72; D+67-69; D 63-66; D-60-62; F59 and below

Examination Schedule and Reading Assignments

Note: These exam times are subject to change but I will let you know in advance of any changes.

Examination One: In-class--Thursday, February 7

Take-home due--the following Thursday--Sheldon, *The Political Philosophy of*

Thomas Jefferson

Examination Two: In-class--Thursday, March 21

Take-home due--the following Thursday, Hyman, *A More Perfect Union*

Examination Three: In-class--Tuesday, April 25: 7:45

Take-home—no take home. Just complete the library assignment

Course Outline

The Early National Republic: Republicanism and Democracy

Week One: January 8-10: Origins of American Constitutionalism

Week Two: January 15-17: The Age of Federalism and Hamilton/Jefferson

Week Three: January 22-24: Interpreting the Early Republic

Week Four: January 29-31: The World the Constitution Made

Week Five: February 5-7: Nationalism and States' Rights

February 7: Thursday--**First Examination**

The Era of Nationalism, Sectionalism, Reconstruction and the Progressive Era: 1840-1912

Week Six: February 12-14: Jacksonian Democracy and the Politics of Power

Week Seven: February 19-21: Slavery and the Constitution

Week Eight: February 26-28: Nationalism, Capitalism, and Sectionalism

*Week Nine: March 5-7: The World the Civil War Made (**Spring Break**)*

Week Ten: March 12-14: Reconstruction and the Constitution

Week Eleven: March 19-21: Populism, Progressivism and the Courts

March 21 Thursday-- **Second Examination**

**The Age of Liberal and Conservative Constitutionalism: The Modern Republic:
1912-**

Week Twelve: March 26-28: The Liberals and the Conservatives

Week Thirteen: April 2-4: The New Deal and World war II

Week Fourteen: April 9-11: Civil Rights and Liberal Constitutionalism in the Modern Age

Week Fifteen: April 16-18: The Imperial Presidency and Conservative Court

Week Sixteen: April 23: American Constitutionalism in a Changing World

Final Examination: Thursday, April 25: **7:45-10:00**

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