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American Public University System

The Ultimate Advantage is an Educated Mind

Department of History and Military History

HIST 556

U.S. Constitutional History

3 Credit Hours

8-Weeks

Graduate students are encouraged to take required or core courses prior to enrolling in the seminars, concentration courses or electives.

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Instructor Information

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Course Description

This course examines the origins, content, and judicial interpretations of the U.S. Constitution. The course involves study of the historical underpinnings of the Constitution, the process of creating the Constitution, and the Supreme Court's evolving decisions on such issues as states' rights, civil rights, the Commerce Clause, due process in criminal and other proceedings, and protected freedoms (speech, religion, assembly, and more) under the Constitution.

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Course Scope

This course is designed for professionals studying the U.S. Constitution and its history. Students will prepare a persuasive essay as well as investigate the Amendments and how the courts have

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interpreted the Constitution. The objective of the plan is to expand the students' knowledge about the history and current implications of the U.S. Constitution in everyday situations. The emphasis will use open-source research, including the Internet and available proprietary databases.

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Course Objectives

After successfully completing this course, you will be able to:

- CO-1** Analyze the creation of the U.S. Constitution in relation to contemporary social and political values.
- CO-2** Debate what makes the US Constitution different from other countries' constitutions.
- CO-3** Assess the various aspects of the Supreme Court's decisions on state's rights and civil rights.
- CO-4** Debate a theory about the meaning and importance of the Due Process Clause and its requirements.
- CO-5** Analyze Amendments and how they relate to issues particular to American culture.
- CO-6** Apply the constitutional guarantees and limitations to problems involving real-world issues.

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Course Materials

REQUIRED TEXTS

Book Number	Author	Book Title	Publication Info/Year	ISBN
OC553 – 1	<i>Amar, Akhil R.</i>	<u>America's Constitution: A Biography.</u>	New York: Random House (2005)	1400062624
OC553 – 2	<i>Liell, S.</i>	<u>46 Pages: Thomas Paine Common Sense and the Turning Point to Independence</u>	Philadelphia, PA 19103: Running Press (2003)	0762418133
OC553 – 3	<i>Berkin, C.</i>	<u>A Brilliant Solution: Inventing the American Constitution</u>	NY: A Harvest Book, Harcourt Company, Inc. (2002)	0156028727
OC553 – 4	<i>Monk, L.R.</i>	<u>The Words We Live By. Your Annotated Guide to the Constitution.</u>	NY: A Stonesong Press Book, Hyperion. (2003)	0786867205

Additional Required Readings: *In Resources Files or Provided by Instructor*

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Optional Resources (Recommended)

- Marius, Richard. *A Short Guide to Writing about History*. NY: Longmans, 1999.
- *The Chicago Manual of Style*, 16th ed. Chicago: University of Chicago Press, 2010.
- Turabian, Kate L. *Manual for Writers of Term Papers*, 7th Edition. Chicago: University of Chicago Press, 1997. *Purchase is highly recommended.*
- Turabian Citation Guide Online
http://www.press.uchicago.edu/books/turabian/turabian_citationguide.html

IMPORTANT NOTE: The Department of History and Military Studies requires conformity with the traditional University of Chicago Style Manual and its Turabian offshoot. Citations will follow traditional footnote attribution. Do not use endnotes or parenthetical (MLA/APA) variation.

WEB-BASED READINGS

Abraham Lincoln on the Dred Scott Decision,
(http://afroamhistory.about.com/library/bllincoln_dred_scott.htm)

Exploring Constitutional Law, (<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/history.html>)

Constitution Society, (<http://constitution.org/>)

Declaration of the Rights of Man and of the Citizen, (http://www.constitution.org/fr/fr_drm.htm)

T. Hobbs, *Leviathan* (1651), (www.constitution.org/th/leviatha.htm)

US Supreme Court Media, Oyez (<http://www.oyez.org/>)

Primary Documents in American History, The American Revolution and the New Nation, 1763-1815,
(<http://www.loc.gov/rr/program/bib/ourdocs/NewNation.html>)

The Federalist Papers (<http://www.constitution.org/fed/federa00.htm>)

Constitutional Convention Debates (http://www.constitution.org/dfc/dfc_0000.htm)

State Constitutional Debates (<http://www.constitution.org/elliott.htm>)

The Magna Carta (<http://www.constitution.org/eng/magnacar.htm>)

J. Locke, *Second Treatise of Civil Government* (1690) (<http://www.constitution.org/jl/2ndtreat.htm>)

Selected Writings of Thomas Paine, (<http://www.constitution.org/tp/paine.htm>)

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Evaluation Procedures

<u>Graded Instruments:</u>	<u>% Final Grade</u>
Forum Participation	45%
Common Sense Paper	10%
Ratification and Bill of Rights Paper	10%
Mandatory Paper Outline	5%
Amendment Case Review	10%
Constitution Research Paper	25%
TOTAL	100%

Students must submit all papers in MS Word format, with one-inch margins on all sides, and written in Times New Roman 12-point font (footnotes in 10-point font). Use a cover page, and put a page number in the header on each page, not counting the title page. Indent all paragraphs one-half inch (use the format paragraph command, rather than tabbing). List works cited on a separate page at the end of the essay. Use a page break to create a new page. Block quote (indent 0.5" on both sides and justify; do not use quotation marks) any quote over five lines in length

Some conventions used in Constitutional History are to capitalize Founding Fathers or Founders, Constitution, Amendment (with the number spelled out), Justices, and Court (when referring to the Supreme Court). Court cases are cited as Plaintiff v. Defendant (year of decision) for the first time, and *Plaintiff* afterwards (e.g., *Miranda v. Arizona* (1966), *Miranda* thereafter); if not a Supreme Court case, identify the court that decided the case.

Also, assignments provide suggested page lengths; these are guidelines, and not hard rules. Take the space necessary to meet the requirements, but don't be verbose.

Please see the [Student Handbook](#) to reference the University's grading scale

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Course Outline

<u>Week</u>	<u>Topic(s)</u>	<u>Learning Objective(s)</u>	<u>Reading(s) and Web Activities</u>	<u>Assignment(s) and Forums</u>
1	Introduction to US Constitution	Develop an introduction to the US Constitution, its history, and its contents. as well as how it	America's Constitution: A Biography, Ch 1 as well as pages 13-21; 57-120, 151-197	Honor Pledge Virtual Introduction <i>Common Sense</i> Paper, Optional Forum

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		<p>applies to everyday life.</p> <p>Understand the reasons for a call for a new form of government out of the problems arising under the Articles of Confederation</p> <p><i>Common Sense</i> provided for the revolution; analyze its language and arguments for soundness.</p>		
2	Constitutional Convention	Analyze the competing factions at the Convention and the main problems they faced, as well as the solutions offered.	Brilliant Solution, Chs. 1-7.	Forum Participation
3	Ratification	Review, analyze, and evaluate the arguments for and against ratification and the need for a bill of rights.	Federalist Papers and Anti-Federalist Papers; Brilliant Solution, Ch 8; Monk, pp. 121-126.	<p>Forum Participation</p> <p>Ratification and Bill of Rights Paper,</p>

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4	Criminal Protections in the Bill of Rights	Review the protections provided in Amendments 4, 5, 6, and 8 and the historical development of them.	Monk, pp. 157-180; 184-189.	Forum Participation
5	Constitutional Theories	Analyze the various theories for Constitutional interpretation, weigh their benefits, and determine which is optimal.	Linder, D. Theories of Constitutional Interpretation http://law2.umkc.edu/faculty/projects/ftrials/conlaw/interp.html ; Mayer, D. Interpreting the Constitution Contextually, http://www.atlassociety.org/interpreting-constitution-contextually	Forum Participation
6	Balance of Power	Explore the balance of power between the branches of the federal government and between the state and federal governments.	America's Constitution: A Biography, pp. 59-64, 105-106, 110-12; Brilliant Solution, pp. 123-24; Monk, p. 24 Review Powers of Congress, (Art. 1, Sec. 8), the President (Art. 2, Secs. 2, 3) and the Judiciary, (Art. 3, Sec. 2).	Forum Participation
7	Amendments	Review the Amendments after the Bill of Rights and their histories, and select one for close analysis of the history and interpretation of it.	America's Constitution: A Biography, Ch 10-12 Monk, Amendments	Forum Participation Amendment Case Review

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8	Research Paper	Demonstrate a mastery of the course materials through the development of a persuasive essay on a topic of constitutional history and interpretation.	None	Constitutional Research Paper

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Policies

Please see the [Student Handbook](#) to reference all University policies. Quick links to frequently asked question about policies are listed below.

[Drop/Withdrawal Policy](#)

[Plagiarism Policy](#)

[Extension Process and Policy](#)

[Disability Accommodations](#)

Writing Expectations

Assignments completed in a narrative essay or composition format must follow the accepted guidelines of the American historical profession, which is the *Chicago Manual of Style*. This course will require students to use the citation and reference style established by Kate Turabian in *A Manual for Writers of Term Papers, Theses, and Dissertations*, 7th ed. (Chicago, IL: University of Chicago Press, 1996), which is the most readily available distillation of the *Chicago Manual*. See [Chicago Style Manual](#).

The *Chicago Style Manual* for book-length works and its *Turabian* offshoot for research papers have long been the standard across all fields of study, as well as much of the publishing industry. These texts cover the layout and production gamut--including rules for chapter headings and subheadings, abbreviations, alphabetizing non-English names, and table design/designation.

1. Front matter--e.g., [title page](#), copyright statement, dedication, table of contents, lists of

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illustrations or tables, acknowledgements, [abstract](#).

2. Narrative with [scholarly attributions](#).
3. Back matter--[bibliography](#), appendices.

Citation and Reference Style

History papers are distinguished by standardized notational schema. These display the primary and secondary sources being quoted or used in the construction. Your professors will certainly call for footnotes, but also may request a formal bibliography:

[Footnotes](#), the primary focus in Turabian, are used to indicate the source of a quotation, paraphrase, or resources--as well as to add explanations or digressions outside the flow of the main narrative.

[Bibliography](#) is an optional device at the end of the paper, which highlights the materials cited as a separate, alphabetized list in addition to the endnotes or footnotes.

Turabian and the *Chicago Manual* use sequential Arabic numbers. The numbers are normally collective and at the end of quotations, paraphrased sentences, or paragraphs for collected references. Note numbers:

- Must be set in raised [superscript](#).¹
- Should come at the end of the paragraph and collectively account for the resources used. Do not insert for each sentence. The exception is if a short quotation is used within a paragraph. Then cite as appropriate for the information preceding the quotation, the quotation itself (after commas, quotations marks, periods, or other final diacritics), and at the end of the paragraph if needed for subsequent information.
- Must follow one another in numerical order, beginning with 1 and running continuously throughout the paper.

For a full explanation go to: <http://www.apus.edu/Online-Library/tutorials/chicago.htm#notation>

Late Assignments

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals, I understand you must manage competing demands on your time. Should you need additional time to complete an assignment please contact me before the due date so we can discuss the situation and determine an acceptable resolution. Routine submission of late assignments is unacceptable and may result in points deducted from your final course grade. Assignments must be submitted no later than 48 hours after the deadline unless approval from the instructor is obtained **prior** to the deadline.

Netiquette

Online universities promote the advance of knowledge through positive and constructive debate--both inside and outside the classroom. Discussions on the Internet, however, can occasionally degenerate

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into needless insults and “flaming.” Such activity and the loss of good manners are not acceptable in a university setting--basic academic rules of good behavior and proper “Netiquette” must persist. Remember that you are in a place for the fun and excitement of learning that does not include descent to personal attacks, or student attempts to stifle the discussion of others.

- **Technology Limitations:** While you should feel free to explore the full-range of creative composition in your formal papers, keep e-mail layouts simple. The Educator classroom may not fully support MIME or HTML encoded messages, which means that bold face, italics, underlining, and a variety of color-coding or other visual effects will not translate in your e-mail messages.
- **Humor Note:** Despite the best of intentions, jokes and--especially--satire can easily get lost or taken seriously. If you feel the need for humor, you may wish to add “emoticons” to help alert your readers: ;-), :), ☺

Disclaimer Statement

Course content may vary from the outline to meet the needs of this particular group.

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Online Library

The Online Library is available to enrolled students and faculty from inside the electronic campus. This is your starting point for access to online books, subscription periodicals, and Web resources that are designed to support your classes and generally not available through search engines on the open Web. In addition, the Online Library provides access to special learning resources, which the University has contracted to assist with your studies. Questions can be directed to librarian@apus.edu.

- **Charles Town Library and Inter Library Loan:** The University maintains a special library with a limited number of supporting volumes, collection of our professors’ publication, and services to search and borrow research books and articles from other libraries.
- **Electronic Books:** You can use the online library to uncover and download over 50,000 titles, which have been scanned and made available in electronic format.
- **Electronic Journals:** The University provides access to over 12,000 journals, which are available in electronic form and only through limited subscription services.
- **Tutor.com:** AMU and APU Civilian & Coast Guard students are eligible for 10 free hours of tutoring provided by APUS. [Tutor.com](http://tutor.com) connects you with a professional tutor online 24/7 to provide help with assignments, studying, test prep, resume writing, and more. Tutor.com is tutoring the way it was meant to be. You get expert tutoring whenever you need help, and you work one-to-one with your tutor in your online classroom on your specific problem until it is done.

Request a Library Guide for your course (<http://apus.libguides.com/index.php>)

The AMU/APU Library Guides provide access to collections of trusted sites on the Open Web and licensed resources on the Deep Web. The following are specially tailored for academic research at APUS:

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- Program Portals contain topical and methodological resources to help launch general research in the degree program. To locate, search by department name, or navigate by school.
- Course Lib-Guides narrow the focus to relevant resources for the corresponding course. To locate, search by class code (e.g., SOCI111), or class name.

If a guide you need is not available yet, please email the APUS Library: librarian@apus.edu.

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Turnitin.com

Faculty may require assignments be submitted to Turnitin.com. Turnitin.com will analyze a paper and report instances of potential plagiarism for the student to edit before submitting it for a grade. In some cases professors may require students to use Turnitin.com. Typically, the course professor will establish a Turnitin.com access code for his/her classes. If the code has not been established, those who wish to use Turnitin.com may ask their professor to establish the code.

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Selected Bibliography

Amar, Akhil Reed. *The Bill of Rights: Creation and Reconstruction*. New Haven, CT: Yale University Press, 1998.

Amar, Akhil Reed. *America's Constitution: A Biography*. New Haven, CT: Yale University Press, 1998.

Amar, Akhil Reed, Paul Brest, Sanford Levinson, and Jack M. Balkin. *Processes of Constitutional Decisionmaking*. Aspen, CO: Aspen Law & Business, 2006.

Ellis, Joseph J. *American Creation: Triumphs and Tragedies at the Founding of the Republic*. New York. Knopf Publishing group, 2007.

Ellis, Joseph J. *American Creation: Founding Brothers*. New York. Knopf Publishing group, 2000.

Ketcham, Ralph. *The Anti-Federalist Papers and the Constitutional Convention Debates*. Penguin Group (USA), 2003.

Meese, Edwin, David Forte, Matthew Spaulding. *Heritage Guide to the Constitution*. Washington. Regnery Publishing, Inc. (2006)

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