

## **U.S. Constitutional History after 1865**

### **HIUS 152B**

Professor Ken Vandevelde

Fall 2013

### **Required Text**

Melvin Urofsky & Paul Finkelman, *A March of Liberty, Volume II, From 1898 to the Present* (Third Edition, Oxford University Press).

Please note that additional required readings will be published on the Ted site for this course.

### **Assignments**

9/27 Introduction

9/30 The Constitution

The U.S. Constitution, U&F A5-A13

The Bill of Rights, U&F A13-A15

10/2 The Civil War Amendments

13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments, U&F A15-A17

The Civil Rights Cases\*

10/4 Race, Gender and Religion in the Gilded Age

U&F 591-595, 662-666

Plessy v. Ferguson\*

Bradwell v. Illinois\*

Reynolds v. United States\*

10/7 Populism, Progressivism and the Supreme Court

U&F 595-612, 615-632, 635-639, 643-648

Lochner v. New York\*

10/9 The Constitution and World War I

U&F 669-694, 723-727

Abrams v. United States\*

Whitney v. California\*

10/11 The New Deal and Economic Regulation

U&F 737-738, 740-759, 761-769, 778-779

- 10/14 The New Deal and Preferred Rights  
U&F 787-803, 833-842  
U.S. v. Carolene Products\*  
West Virginia State Board of Education v. Barnette\*
- 10/16 The Warren Court and Racial Segregation  
U&F 816-823, 851-870  
Korematsu v. United States\*  
Brown v. Board of Education\*
- 10/18 The Civil Rights Movement  
U&F 873-895, 937-938
- 10/21 The Warren Court and Free Speech  
U&F 897-906, 923-926  
New York Times v. Sullivan\*
- 10/23 The Warren Court and Freedom of Religion  
U&F 906-912  
Everson v. Board of Education\*
- 10/25 The Warren Court and Criminal Defendants  
U&F 912-917, 938-940  
Miranda v. Arizona\*
- 10/28 Midterm Exam
- 10/30 The Right of Privacy in the Warren and the Burger Courts  
U&F 917-919, 996-999  
Griswold v. Connecticut\*  
Roe v. Wade\*
- 11/1 The Burger Court and the Presidency  
U&F 947-973
- 11/4 The Burger Court and Equal Protection  
U&F 977-994
- 11/6 The Burger Court and the Bill of Rights  
U&F 1003-1027  
Miller v. California\*  
Cohen v. California\*
- 11/8 The Rehnquist Court and Federalism  
U&F 1069-1076

- 11/13 The Rehnquist Court and Equal Protection  
U&F 1032-1049
- 11/15 The Rehnquist Court and Religion  
U&F 1086-1098
- 11/18 The Rehnquist Court and the War on Terror  
U&F 1111-1133
- 11/20 The Rehnquist Court and Privacy  
U&F 1029-1032, 1049-1056, 1057-1060  
Planned Parenthood v. Casey\*  
Lawrence v. Texas\*
- 11/22 The Rehnquist Court and Free Speech  
U&F 1076-1084  
Ashcroft v. Free Speech Coalition\*
- 11/25 The Rehnquist Court and the Presidency  
U&F 1060-1064  
Bush v. Gore\*
- 11/27 The Roberts Court and Federalism  
U&F 1135-1138
- 12/2 The Roberts Court and the Bill of Rights  
U&F 1084-1086, 1148-1150, 1160-1162  
Citizens United v. Federal Election Commission\*  
District of Columbia v. Heller\*
- 12/4 The Roberts Court and Equal Protection  
U&F 1139-1143
- 12/6 Conclusion

\* Indicates a reading that will be posted on Ted.

## **Grading Policy**

The grade in this course will be based on the midterm and final exams. The midterm will count for 20 percent of your grade and the final exam will count for 80 percent of your grade.

The exams will cover the assigned readings, including any documents distributed in class or to which you are directed online, and material covered in lecture.

The exams will be closed book and therefore you will not be permitted to consult any resource during the exams.

## **Office Hours and Contact Information**

My office is H&SS 3045. My office hours are on Mondays from 5 to 7. I am also happy to meet with you at other times by prior arrangement.

Please feel free to contact me by e-mail or by telephone to discuss whatever you wish or to arrange a meeting.

My e-mail address is kennethv@tjssl.edu.  
My cell phone number is 858 414 1602.

If you are interested in pursuing a legal career, I would be pleased to discuss law school or legal careers with you.

## **Supplemental Readings**

If you would like to read more about constitutional history, here are some suggested readings:

Bernard Bailyn, *The Ideological Origins of the American Revolution* (Belknap Press Enlarged Edition 1992).

Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (The Free Press 1913). This is a classic and controversial work that has been reissued several times.

Richard Beeman, *Plain, Honest Men: The Making of the American Constitution* (Random House 2009).

Catherine Drinker Bowen, *Miracle at Philadelphia: The Story of the Constitutional Convention May to September 1787* (Little Brown 1966).

Barry Cushman, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution* (Oxford University Press 1998).

Alexander Hamilton, James Madison and John Jay, *The Federalist* (This is a collection of articles written by the three authors in support of the ratification of the Constitution Numerous editions are available.)

Ralph Ketcham, ed., *The Anti-Federalist Papers and the Constitutional Convention Debates* (Mentor Books 1986).

Pauline Maier, *Ratification: The People Debate the Constitution 1787-1788* (Simon and Schuster 2010).

Robert G. McCloskey, *The American Supreme Court* (University of Chicago Press, 5<sup>th</sup> ed. 2010).

Richard B. Morris, *The Forging of the Union, 1781-1789* (Harper 1987).

Richard B. Morris, *Witnesses at the Creation: Hamilton, Madison, Jay and the Constitution* (New American Library 1985).

Lucas A. Powe, Jr., *The Warren Court and American Politics* (Harvard University Press 2001).

Lucas A. Powe, Jr., *The Supreme Court and the American Elite, 1789-2008* (Harvard University Press 2009).

Bernard Schwartz, *The Great Rights of Mankind: A History of the American Bill of Rights* (University of Wisconsin, rev. ed. 1992).

David O. Stewart, *The Summer of 1787: The Men who Invented the Constitution* (Simon and Schuster 2007).

Melvin Urofsky and Paul Finkelman, *A March of Liberty: A Constitutional History of the United States Vol. I*, (Oxford University Press 3<sup>rd</sup> ed. 2011).