

LSC Use Only Proposal No:
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UWUCC Use Only Proposal No: 12-85
UWUCC Action-Date: AP-3/12/13 Senate Action Date: App-3/26/13

Curriculum Proposal Cover Sheet - University-Wide Undergraduate Curriculum Committee

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Proposing Department/Unit History	Phone 7-2237

Check all appropriate lines and complete all information. Use a separate cover sheet for each course proposal and/or program proposal.

1. Course Proposals (check all that apply)

- New Course
 Course Prefix Change
 Course Deletion
 Course Revision
 Course Number and/or Title Change
 Catalog Description Change

Current course prefix, number and full title: _____

Proposed course prefix, number and full title, if changing: HIST 475 History of American Constitutionalism

2. Liberal Studies Course Designations, as appropriate

This course is also proposed as a Liberal Studies Course (please mark the appropriate categories below)

- Learning Skills
 Knowledge Area
 Global and Multicultural Awareness
 Writing Across the Curriculum (W Course)
 Liberal Studies Elective (please mark the designation(s) that applies - must meet at least one)
 Global Citizenship
 Information Literacy
 Oral Communication
 Quantitative Reasoning
 Scientific Literacy
 Technological Literacy

3. Other Designations, as appropriate

- Honors College Course
 Other: (e.g. Women's Studies, Pan African) Pre-Law

4. Program Proposals

- Catalog Description Change
 Program Revision
 Program Title Change
 New Track
 New Degree Program
 New Minor Program
 Liberal Studies Requirement Changes
 Other

Current program name: _____

Proposed program name, if changing: _____

5. Approvals	Signature	Date
Department Curriculum Committee Chair(s)	<i>[Signature]</i>	10/20/12
Department Chairperson(s)	<i>[Signature]</i>	11/1/12
College Curriculum Committee Chair	<i>[Signature]</i>	11-15-12
College Dean	<i>[Signature]</i>	12/5/12
Director of Liberal Studies (as needed)		
Director of Honors College (as needed)		
Provost (as needed)		
Additional signature (with title) as appropriate		
UWUCC Co-Chairs	<i>Gail Schust</i>	3/13/13

Received

MAR 13 2013

Liberal Studies

Received

FEB 12 2013

Liberal Studies

I. Catalog Description

HIST 475 History of American Constitutionalism

3 class hours

0 lab hours

Prerequisites: Sophomore standing and 3cr college history

3 credits

3c-0l-3cr

Examines the major themes and problems concerning the constitutional history of the United States from the American Revolution to the end of the Cold War. Among other subjects the course explores: why and how the United States Constitution was written, how the nature and scope of the powers of Congress, presidency and judiciary were transformed, how the relationship between the federal government and the states evolved, and how such constitutional amendments as the First and Fourteenth redefined the power of governments, as well as the rights of citizens.

II. Course Objectives

At the end of the class, students will have demonstrated their ability to:

- 1. Identify the main contours of American constitutionalism, as well as the vital ideas, mechanisms and personalities that have decisively shaped its evolution.**
- 2. Explain and analyze how and why the Constitution and/or constitutional principles were interpreted variously at different times and by different groups.**
- 3. Develop an understanding and appreciation of the complexity of the constitutional order in the United States, as well as the social, economic, political and cultural dynamics pushing for its transformations.**
- 4. Critically argue, with correct evidence, how the Constitution and United States history have mutually shaped each other's course and how the structure and content of "power" at various levels and "rights" for various groups of citizens have been changed over the course of the constitutional development.**

III. Course Outline

A. Introduction (3 hours)

- 1. Introduction: Why constitutional history?**
- 2. The Ideas of "constitution," "constitutionalism," and "constitutional order"**
- 3. Brief review of British constitutionalism**

B. Colonial Origins (3 hours)

- 1. The "constitutional" origins of the British colonies in North America**
- 2. Liberties, Un-freedoms and rights in the Colonies**

2. Liberties, Un-freedoms and rights in the Colonies
 3. The troubled relations between the Great Britain and its American colonies
- C. Constitutional Crises in the Age of Revolution (3 hours)
1. Colonists and the constitutional politics of England
 2. British attempts to control and regulate the empire
 3. The American Revolution as a constitutional event
- D. Making a New Constitutional Order (4 hours)
1. The making of state constitutions
 2. The deficiency of the Articles of Confederation
 3. The making of the federal Constitution
 4. The politics of ratification
- E. Constitutional Issues in the Early Republic (3 hours)
1. The birth of the legitimate opposition party system under the Constitution
 2. John Marshall and the politics of judicial review
 3. The constitutional implications of Jacksonian democracy
- F. Slavery and the Constitution (3 hours)
1. The myth and reality of "state rights"
 2. Anti- and pro-slavery constitutional arguments and actions
 3. Constitutional crises over slavery
- G. Civil War Constitutionalism (3 hours)
1. Nationalist constitutionalism
 2. Wartime civil rights
 3. The constitutionality of the Emancipation Proclamation
 4. Lincoln and presidential power

Midterm Exam (1 hour)

- H. Remaking the Constitutional Order during Reconstruction (3 hours)
1. Theories of Reconstruction
 2. Presidential versus Congressional Reconstruction
 3. The meaning of Civil War amendments
 4. The Supreme Court and the Reconstruction amendments
- I. Laissez faire constitutionalism and its discontents (3 hours)
1. Labor, farmers, and capital and the coming of the industrial state
 2. The Court and the issue of "class legislation"
 3. Regulating the national economy

- J. **New Deal Constitutionalism (3 hours)**
 - 1. **The Constitutional Heritage of the Progressive Reform**
 - 2. **The New Deal, the Growth of Presidential Power and the Coming of the Administrative State**
 - 3. **The Supreme Court and the New Deal Legislation**

- K. **The Fourteenth Amendment and Cold War Civil Rights (4 hours)**
 - 1. **Civil liberties during World War I and II**
 - 2. **Reviving the Fourteenth Amendment, 1930-1950s**
 - 3. **Racial and gender equality and the Civil Rights Movement**

- L. **Power, Rights, and Modern Dilemmas of Constitutionalism (3 hours)**
 - 1. **Watergate and the curbing of presidential power**
 - 2. **Affirmative action and equality of results**
 - 3. **Revival of conservative constitutionalism**

- M. **American Constitutionalism in a Changing World (3 hours)**
 - 1. **The Clinton Impeachment**
 - 2. **Presidential Election of 2000 and the Constitution**
 - 3. **The future of American constitutionalism**

Final Exam (2 hours)– During the Final Exam Week

IV. Evaluation Methods

The Final grade will be determined as follows:

45% — Two exams: one midterm (20%) and a final exam (25%) during final exam week. Each exam will consist of (20%) identifications dealing with events, chronology, people, and concepts, and (30%) short essays requiring students to argue pro or con a particular position using relevant facts, and (50%) longer essays dealing with more comprehensive questions that require students to offer persuasive arguments supported by effective use of constitutional and historical evidence.

40% — Two case studies papers, each counting 20%, dealing with important Supreme Court decisions. Each paper, at least 1,200 words in length, will offer a succinct narrative of the case under consideration and highlight both its historical and constitutional significance. The use of primary sources is required for this assignment.

10% — Informed participation in scheduled class discussions. There will be two scheduled reading discussions throughout the semester. Prior to each discussion, students are required to submit a discussion note (between 1-2 pages), in which they need to summarize the content of the assigned reading, pose at least three questions they think worthy of discussion, and offer a critique of the book's scholarly value, use

of evidence and writing style. Presence at the discussions without submitting discussion notes as required shall earn only one-third of the participation grade. Failure to submit discussion notes as required and to attend scheduled discussion shall earn no grades for this category.

5% — Attendance. The attendance policy of the course shall follow the guidelines of the “Undergraduate Course Attendance Policy” as described in *IUP Undergraduate Catalog, 2012-2013* (p. 26) and shall recognize students’ need to miss class because of illness, personal emergency or active military duty.

V. Grading Scale

A: ≥90%, B: 80-89%, C:70-79%, D: 60-69%, F: ≤59

VI. Attendance Policy

The attendance policy of the course shall follow the guidelines of the “Undergraduate Course Attendance Policy” as described in *IUP Undergraduate Catalog, 2012-2013* (p. 26) and shall recognize students’ need to miss class because of illness, personal emergency or active military duty.

VII. Required textbooks, supplemental books, and readings (selection from the following)

General text (sample selections):

Michael Les Benedict, *The Blessings of Liberty: A Concise History of the Constitution of the United States, Second Edition*. Boston: Houghton Mifflin Company, 2006.

Melvin I. Urofsky and Paul Finkelman, *A March of Liberty: A Constitutional History of the United States. 3rd ed. 2 vols.* New York: Oxford University Press, 2011.

Michael Les Benedict, *Sources in American Constitutional History*. Lexington, MA: D.C. Heath, 1996.

Kermit L. Hall and Peter Karsten, *Magic Mirror: Law in American History*. New York: Oxford University Press, 2006.

Readings for scheduled discussion: (sample selections):

Bruce A. Ackerman, *Bush V. Gore: The Question of Legitimacy*. New Haven: Yale University Press, 2002.

Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy*. Princeton, N.J.: Princeton University Press, 2000.

Morgan, Edmund S. *Inventing the People: The Rise of Popular Sovereignty in England and America*. New York: Norton, 1988.

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

Additional documents, court opinions, legal briefs, and texts will be assigned accordingly.

VIII. Special resource requirements

None.

IX. Bibliography

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Course Analysis Questionnaire

A. Details of the Course

A1. This course is one of the electives for students in the BA in History and BS in Social Studies Education. This course is not intended to be a Liberal Studies course. This course cannot be incorporated into another existing course because the subject matter – constitutional history – occupies a unique position in the study of United States history, in knowledge areas, disciplinary approach, investigative method, and

analytic skills, all of which are particularly useful to historians, pre-law minors and legal scholars.

A2. This course does not require changes in any other course in the department.

A3. This course has not been offered at IUP.

A4. This course is currently not intended to be dual level.

A5. This course is not be taken for variable credit.

A6. Similar courses are offered at the following institutions, among others:

- Boise State University
[<http://www.claytoncramer.com/boisestate/hist336/syllabus.htm>]
- South Dakota State University [http://www-rohan.sdsu.edu/~jputman/545/syls09.htm]
- City University of New York [http://www1.ccny.cuny.edu/directory/upload/2010-AMERICAN-CONSTITUTIONAL-DEVELOPMENT-SYLLABUS_short.pdf]
- Ohio State University
[<http://history.osu.edu/curriculum/courses/semesters/united-states-constitution-and-american-society-1877>] and
[<http://history.osu.edu/curriculum/courses/semesters/united-states-constitution-and-american-society-1877-0>]
- Pennsylvania State University
[<http://bulletins.psu.edu/undergrad/courses/H/HIST/449/200506SP>] and
[<http://bulletins.psu.edu/undergrad/courses/H/HIST/450/200506SP>]
- North Carolina State University
[http://www2.acs.ncsu.edu/reg_records/crs_cat/HI.html#HI 443]
- Howard University
[http://www.coas.howard.edu/history/courses_undergraduate.html]

A7. No professional society, accrediting authority, law or other external agency recommends or requires the content or skills of this proposed course.

B. Interdisciplinary Implications

B1. This course will be taught by one instructor.

B2. The content of this course does not overlap with any other at the University. While the Political Science Department offers a number of Constitution related courses – such as PLSC 359 Constitution Law and Civil Liberties, PLSC 358 Judicial Process, PLSC 350 The Presidency, and PLSC 351 Legislative Process – this course

primarily deals with the historical context under which American constitutionalism has evolved. In other words, this is a history class that describes and explains the interactions of political, economic, social, and intellectual factors and the constitutional results of those interactions, not a class that focuses on theoretical reasoning and the institutional workings of the constitutional system.

B3. This course is not cross-listed.

C. Implementation

C1. No new faculty member is required to teach this course. Dr. Wang Xi will alternate this course with his other courses on African American history, the Civil War and Reconstruction, and 19th Century United States. This course will be counted as one preparation and three hours of equated workload.

C2. Other requirements:

- a. Current space allocations are adequate to offer this course.
- b. No special equipment is needed for this course.
- c. No laboratory supplies are necessary for this course.
- d. Library holdings are adequate.

C3. None needed.

C4. This course will be offered every other fall semester.

C5. One section will be offered at a time.

C6. Up to 30 students can be accommodated in this class in which students do a considerable amount of writing.

C7. No professional society recommends enrollment limits or parameters for this course.

C8. This course does not involve the use of distance education.

D. Miscellaneous

No additional information is necessary.