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COURSE SYLLABUS - Key Issues in State and Federal Constitutional Government

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Recommended Citation

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https://tigerprints.clemson.edu/teacher_scholars/27

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COURSE SYLLABUS

Key Issues in State and Federal Constitutional Government

Course Number: HIST 3101/POLS 4090

Credit Hours: 3

Catalog Description

Delves into the history of the United States' constitutional government, examines the relationship between the US Constitution and state constitutions, and scrutinizes several pivotal constitutional crises that have molded the history of the United States from the late eighteenth century to today.

Prerequisites

None

Restrictions

None

Rationale

This course explores the history of the United States Constitution; the evolving relationship between the US Constitution and state constitutions, with an emphasis on Illinois; and the effects of constitutional law on US citizens. Beginning from the premise that active participation in civic life in Illinois and the United States requires a working knowledge of the Illinois Constitution and the US Constitution, this course emphasizes critical engagement with the history of constitutional government in the United States. Students will examine both the democratic and antidemocratic strains of legal thought that influenced the structure of government in the United States; the social dynamics that resulted in constitutional amendments; the role of the media and citizen activism in government; and the importance of political parties, special interest groups, and voting blocks. By approaching the study of constitutional government from a historical perspective, students will gain the analytical skills necessary for engaged citizenship.

Intended Audience

Undergraduate students majoring in History, Political Science, Social Sciences Teacher Education; students minoring in Black Studies or American Studies; and other interested students. This course fulfills selective requirements for the United States track in the History major, the American Studies minor, and the Social Sciences Teacher Education BA and Post-BA Certificate.

Instructional Modality

Lecture/Discussion

Expected Student Learning Outcomes

Upon successful completion of this course, students should be able to:

1. Explain the basic contents of the United States Constitution and the Constitution of the State of Illinois, including the historical forces shaping these documents.
2. Explain the separation of powers between different branches of government and between the federal and state governments.
3. Explain how multiple factors, including race, gender, class, ethnicity, migration, sexuality, belief systems, technology, and/or the environment, have shaped major changes in the United States Constitution and/or state constitutions.
4. Explain, from multiple perspectives, the causes and consequences of key historical events on constitutional government in the United States.
5. Analyze the contexts, perspectives, and credibility of primary and secondary sources and assess their usefulness for historical interpretation.
6. Construct persuasive arguments supported by pertinent primary- and secondary-source evidence.

Text/Learning Materials

REQUIRED COURSE TEXTS

(Please purchase or check out from I-Share)

- Cicero Jr., Frank. 2018. *Creating the Land of Lincoln: The History and Constitutions of Illinois, 1778-1870*. Urbana: University of Illinois Press. ISBN: 978-0252041679
- Keyssar, Alexander. 2009. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books,. ISBN: 978-0465005024
- Richardson, Heather Cox. 2023. *Democracy Awakening: Notes on the State of America*. First edition. New York: Viking. ISBN: 978-0593652961

PROVIDED COURSE TEXTS

(Excerpts on Blackboard)

- Hall, Kermit L. and Timothy S. Huebner, eds. 2009. *Major Problems in American Constitutional History: Documents and Essays*, 2nd ed. New York: Cengage Learning.
- Banner, Stuart. 2005. *How the Indians Lost Their Land: Law and Power on the Frontier*. Cambridge, MA: Harvard University Press. [Excerpts.]
- Waldstreicher, David. 2009. *Slavery's Constitution*. New York: Hill and Wang. [Excerpts]
- Blackhawk, Ned. 2023. *The Rediscovery of America: Native Peoples and the Unmaking of US History*. [Excerpts.]
- "Constitution of the State of Illinois." Illinois General Assembly, 15 Dec. 1970. Web. 25 Nov. 2012. <http://www.ilga.gov/commission/lrb/conent.htm>.
- "Illinois Handbook of Government, 2021-2022." IL Secretary of State, 2022. <https://www.ilsos.gov/publications/handbook/2122handbook.pdf>.
- Select court cases and other historical documents will be provided by the instructor through links and PDFs on Blackboard (Bb).

Activities/ Assignments/ Requirements

Grades will be based on the following criteria and Detailed descriptions of assignments and grading rubrics will be posted on Blackboard:

DISCUSSION LEADER ASSIGNMENT

The purpose of this assignment is to develop leadership and facilitation skills while fostering a deeper understanding of the weekly secondary source material. Students will take on the role of discussion leaders, guiding their peers through thoughtful and engaging discussions. Each student will sign up for Discussion Leader once throughout the semester.

US AND ILLINOIS CONSTITUTION QUIZ

These quizzes are designed to assess the students' understanding of both the Illinois and US Constitutions, emphasizing key issues in state and federal governance. It requires students to recall and apply knowledge related to the structure, powers, and processes outlined in each constitution. By comparing the two, students will gain a nuanced understanding of how state and federal governments operate, fostering critical thinking and analytical skills.

COURT CASE HISTORICAL ANALYSIS

This assignment engages students in a comprehensive analysis of a Supreme Court case with a focus on its impact on issues related to federalism. By examining the historical context, legal arguments, and the Court's decision, students will gain a deeper understanding of how constitutional principles shape the distribution of powers between the federal and state governments.

FEDERALISM ANNOTATED BIBLIOGRAPHY

Prior to the final historiographical essay on Federalism, you will complete an annotated bibliography. The purpose of this assignment is to develop research and analytical skills by compiling and annotating a set of scholarly sources that we have read throughout the semester. Students will use the Chicago Manual of Style to create an annotated bibliography, summarizing the basic argumentation of each source, and assessing its relevance to the chosen subject.

FEDERALISM HISTORIOGRAPHICAL ESSAY (FINAL PROJECT CHOICE #1)

Federalism has been a cornerstone of the American political system since the founding of the nation. This assignment aims to explore the historiography of federalism in the United States, tracing its evolution through various historical perspectives. By critically examining key readings from the course, students will construct a comprehensive historiographical essay that delves into the debates, interpretations, and shifts in the understanding of federalism over time. How have authors (journalists, legal scholars, and historians) argued about federalism?

INFORMED ACTION PROJECT (FINAL PROJECT CHOICE #2)

Utilizing your annotated bibliography and in light of your understanding of the scope of federalism in American history, assess the current state of federalism in Illinois. Create an action plan for a project that would address a "federalism flare" in Illinois. You will identify the issue, write a stakeholder analysis, develop an action plan, and then reflect on the ways in which history can inform present policy.

Evaluation

Assignment	% of Final Grade	Measures this Outcome
Attendance	10	
Participation during class + Discussion Leader Assignment	15	2, 3, 4
US & Illinois Constitution Quiz	05	1
Court Case Historical Analysis #1	15	3, 4, 5
Court Case Historical Analysis #2	15	3, 4, 5
Court Case Historical Analysis #3	15	3, 4, 5
Federalism Annotated Bibliography	10	5
Federalism Historiographical Essay/ Informed Action Project	15	2, 3, 4, 6

Grading Scale

A	100-93	B	<88-83	C	<78-73	D	<68-63
A-	<93-90	B-	<83-80	C-	<73-70	D-	<63-60
B+	<90-88	C+	<80-78	D+	<70-68	F	<60

Topical Outline

Note: The schedule of topics, readings, and assignments may be modified to accommodate course needs.

UNIT 1: INTRODUCTION: HISTORY, THE CONSTITUTION, AND FEDERALISM

Week 1 Understanding Constitutional Government, Federalism, and the Law	
<p>READINGS</p> <ul style="list-style-type: none"> • Keyssar, <i>The Right to Vote</i>, Ch. 1 	
Week 2 Origins of the Constitution	
<p>READINGS</p> <p>Secondary Sources:</p> <ul style="list-style-type: none"> • Keyssar, <i>The Right to Vote</i>, Ch. 2 <p>Primary Sources:</p> <ul style="list-style-type: none"> • Locke, “The Ends of Political Society and Government” (1690) in <i>Major Problems</i> • Declaration of Rights of the Stamp Act Congress (1765) • US Constitution (Articles I, III, and IV, Bill of Rights) 	
Week 3 The Idea of Federalism	
<p>READINGS</p> <p>Secondary Sources:</p> <ul style="list-style-type: none"> • Cicero, <i>Creating the Land of Lincoln</i>, Ch. 1 • Calebresi, “In Defense of Federalism” in <i>Major Problems</i> • MacKinnon, “Federalism and the Protection of Male Sovereignty” in <i>Major Problems</i> <p>Primary Sources:</p> <ul style="list-style-type: none"> • Summary View of the Rights of British America (1774) • Federalist no. 44-46 	<p>ASSIGNMENT DUE</p> <p>U.S. Constitution Quiz</p>

UNIT 2: EMPIRE OF LIBERTY?: U.S. LAW AND THE DISPOSSESSION OF AMERICAN INDIANS

Week 4 The Technologies of Settler Colonialism	
<p>READINGS</p> <ul style="list-style-type: none"> Ostler, Jeffrey. 2019. "Locating Settler Colonialism in Early American History." <i>The William and Mary Quarterly</i> 76, no. 3 Blackhawk, <i>The Rediscovery of America</i> (2023), Ch. 7 Stuart Banner, <i>How the Indians Lost Their Land</i> (2005), Ch. 5 	
Week 5 The Doctrine of Discovery: <i>Johnson v. M'Intosh</i>	
<p>READINGS</p> <p>Secondary Sources:</p> <ul style="list-style-type: none"> Cicero, <i>Creating the Land of Lincoln</i>, Ch. 2 Miller, Robert. 2010. "The Legal Adoption of Discovering in the United States" in <i>Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies</i>. Oxford: Oxford University Press. <p>Primary Sources:</p> <ul style="list-style-type: none"> Oyez. Case Brief: <i>Johnson v. M'Intosh</i> (1823) Britannica summary: <i>Cherokee Nation v. Georgia</i> (1831) Oyez. Case Brief: <i>Worcester v. Georgia</i> (1832) 	

UNIT 3: AMERICAN FREEDOM?: SLAVERY, STATES' RIGHTS, AND DISUNION

Week 6 Slavery and the Constitution	
<p>READINGS</p> <p>Secondary Sources:</p> <ul style="list-style-type: none"> Waldstreicher, <i>Slavery's Constitution</i>, Prologue, Ch. 2, and Epilogue Cicero, <i>Creating the Land of Lincoln</i>, Ch. 3 Keyssar, <i>The Right to Vote</i>, Ch. 3 <p>Primary Sources:</p> <ul style="list-style-type: none"> Frederick Douglass, Fifth of July Speech, 1852 	<p>ASSIGNMENT DUE</p> <p>Court Case Historical Analysis #1</p>

Week 7 | Slavery and Freedom by Degrees: *Dred Scott v. Sanford*

READINGS

Secondary Sources:

- Keyssar, *The Right to Vote*, Ch. 4
- Urofsky, M. 2012. "[The Case of the Slave Who Would Be Free Dred Scott v. Sandford \(1857\)](#)." In *Supreme Decisions: Great Constitutional Cases and Their Impact*.

Primary Sources:

- [Dred Scott Decision](#) (1857)
- [Justice Taney Opinion excerpt](#)
- [Justice Curtis Opinion excerpt](#)

UNIT 4: THE FEDERAL GOVERNMENT AND THE STATES

Week 8 | The Constitution of the State of Illinois

READINGS

- Cicero, *Creating the Land of Lincoln*, Ch. 4 and 5
- Illinois Government Handbook
- The Constitution of the State of Illinois

ASSIGNMENT DUE

Court Case Historical Analysis #2

Week 9 | Contesting Federal Power: *Munn v. Illinois*

READINGS

- Cicero, *Creating the Land of Lincoln*, Ch. 6 and 7
- Bourne, "[The Midwest Farmers Movement That Challenged Gilded Age Capitalism](#)"
- Kens, Paul. "Property, Liberty, and the Rights of the Community: Lessons from *Munn v. Illinois*." *Buffalo Public Interest Law Journal* 30 (2011)

ASSIGNMENT DUE

Illinois Constitution Quiz

Week 10 Key Constitutional Law Cases in Illinois History	
<p>READINGS</p> <ul style="list-style-type: none"> • Women’s rights: <i>Bradwell v. Illinois</i> (1873) • Gun rights: <i>Presser v. Illinois</i> (1886) <ul style="list-style-type: none"> • Vernick J. S., L. Rutkow, D. W. Webster, and S. P. Teret. 2011. <u>Changing the constitutional landscape for firearms: the US Supreme Court’s recent Second Amendment decisions</u>. <i>Am J Public Health</i> 101, no. 11 (November). • Due Process: <i>Escobedo v. Illinois</i> (1964) <ul style="list-style-type: none"> • Anna Amsbaugh, “<u>The Return to and Expansion of Escobedo</u>,” 44 <i>Campbell L. Rev.</i> 137 (2021) 	<p>ASSIGNMENT DUE</p> <p>Court Case Historical Analysis #3</p>

UNIT 6: EXPANDING DEMOCRACY: VOTING RIGHTS IN ILLINOIS AND THE UNITED STATES

Week 11 Women’s Suffrage and Civil Rights Laws	
<p>READINGS</p> <ul style="list-style-type: none"> • Keyssar, <i>The Right to Vote</i>, Ch. 6 • Kerber, Linda K. “Gender and American Citizenship” in <i>Major Problems</i> • Hoff, Joan. “The Supreme Court’s Denial of the Rights of Women” in <i>Major Problems</i> 	
Week 12 The Idea of Federalism	
<p>READINGS</p> <ul style="list-style-type: none"> • Keyssar, <i>The Right to Vote</i>, Ch. 7-9 	<p>ASSIGNMENT DUE</p> <p>Annotated Bibliography and Final Project Choice due</p>

UNIT 7: DEMOCRACY AWAKENING? MODERN INTERPRETATIONS ON THE IDEAS OF AMERICA

Week 13 Modern Efforts to Undermine Democracy
READINGS <ul style="list-style-type: none">Richardson, <i>Democracy Awakening</i>, Parts 1 and 2
Week 14 Reclaiming America: Informed Action
READINGS <ul style="list-style-type: none">Richardson, <i>Democracy Awakening</i>, Part 3Keyssar, <i>The Right to Vote</i>, Ch. 10

UNIT 8: SYNTHESIS: THE LAW AND POWER

Week 15 The Local Idea of America	
READINGS <ul style="list-style-type: none">Bromley-Trujillo and Nolette. 2023. "The State of American Federalism in 2022-2023: Escalating Culture Wars." <i>Publius: The Journal of Federalism</i>	ASSIGNMENT DUE Historiographical Essay or Informed Action Project due