This is a discussion course. We will explore the origins of the Constitution and analyze the many early 19th-century debates that involved constitutional issues. Several topics will receive special attention: the ideology of the American Revolution; the framing of the Constitution; the Bill of Rights; Madison & and Hamilton as constitutional thinkers; the Marshall and Taney courts; and the coming of the Civil War; the meaning of the 14th Amendment.

The course is divided into three parts. The first third builds toward a class reenactment of the Philadelphia Constitutional Convention of 1787. Groups of students will represent each of the states at the convention. Second, we investigate how the Supreme Court under Chief Justices Marshall and Taney helped shape the American experiment in republican government. The Charles River Bridge case will be argued in a moot court situation. Third, we will reenactment the 1850-1854 debate over the constitutionality of Congressional control of slavery in the federal territories.

As in every 400-level history course, you must write a paper. You will have two general choices -- to work on the state ratification debates over the Constitution; or to explore New Jersey appellate cases from before 1900. In both cases, students will work in pairs and construct their analysis together, but focus on different documents or cases. Grades will be based on the case selection/analysis, short written assignments, three exams, and class discussion. Two of the three exams will involve writing opinions in hypothetical cases set in the past; the other will focus on the Constitutional Convention. All three exams will be open book. Class discussion is not "extra credit"; it will be graded and the grade will count in the final grade. Regular attendance is expected and required. More than three excused absences will lower your grade; six unexcused absences will result in failure. There is no final exam in the course.

Students who want to see a former syllabus (under construction for Spring 2009), should access: http://fas-history.rutgers.edu/clemens/const65.htm

But the correct readings are as follows:

Readings - Required (from Rutgers Bookstore or order on line; those with * seem to be well below publisher's price):


Readings - Recommended
Stanley Kutler, The Supreme Court and the Constitution: Readings in American Constitutional History (Norton, 1984) ISBN: 978-0393954371 Amazon.com price $34.38 (check used copies) - why recommended? -- this is the best edited edition of Supreme Court opinions. I will post most of these on Sakai but you will probably find this easier to use for class discussion and open-book exams than print outs of the court opinions.


We will also be referencing James Madison's "Notes of Debates in the Federal Convention of 1787." There are many used editions of this available on-line, the best the single volume edited by Adrienne Koch. I will be using both Sakai and an independent web site for these notes: http://teachingamericanhistory.org/convention/debates but you might wish to own a copy of this classic debate.