

American Republic

State and Federal Constitutions in U.S. History

Spring 2022

21:512:343
Rutgers University-Newark
Mondays & Wednesdays
10:00 – 11:20 AM
Hahne 322

Prof. Brian Murphy
bm628@rutgers.edu
Virtual Office Hours via Zoom by Appointment

Course Description:

The objective of this course is to explore the origins and outcomes of American federal constitutionalism. The course will begin with the imperial controversy of the 1760s, then examine the framing of the first state constitutions in 1776-1780 and the subsequent negotiation and ratification of the Federal Constitution in 1787. The course will examine the Civil War amendments to the U.S. Constitution and ask whether the U.S. federal framework is capable of adequately addressing the already-unfolding effects of climate change.

A second objective of the course is to introduce to and train students to contribute to an ongoing research project documenting the 1947 New Jersey state constitutional convention. *The Quill Project*, a digital humanities project created and maintained at Pembroke College, University of Oxford, is currently documenting state constitutional conventions, federal amendments, and treaty negotiations. Students will learn how to use the software, read and interpret primary source documents, and work in teams via this faculty-mentored undergraduate research project.

Embedded Study Abroad:

During Spring Break 2022 (March 13-19), students enrolled in the course will travel to the University of Oxford for a series of seminars with the Quill team and to visit important sites in and around the town of Oxford, U.K. Students will stay and dine at Pembroke College during the trip.

Learning Goals:

Students who complete this course will be able to

1. Read a variety of texts using critical reading and informed analysis. Students will read and analyze various forms of primary sources and documents and be able to answer questions about who wrote the document, who its intended audience was, and identify its purpose(s) and uses.
2. Learn to interrogate state constitutions and governing documents as historical artifacts.
3. Think historically and critically about issues of empire, colonization, regime change, and state formation in the 18th and 19th century United States.

4. Learn to use digital tools for producing knowledge (Quill Project)
5. Learn about the procedures and practices for conducting research alongside graduate students and faculty in a university setting.

Assignments:

Assignments will include two papers (the first will be ungraded), Quill Project work, and a final project or paper based on that work.

This is a reading-intensive course that will involve primary source documents and secondary readings. I have tried to spread out readings to allow you time to finish reading the books, and I expect each student to be prepared to thoughtfully discuss the material in class.

Grading:

Grades will be calculated on the following basis:

Preparation for class (will include Response Paper #1): 25%

Quill-related work: 35%

Response Paper #2: 15%

Final Project: 25%

TOTAL: 100%

Required Texts:

The following books are required and should be purchased or borrowed from the Library:

Richard Beeman, *Plain, Honest Men: The Making of the American Constitution*

Mary Bilder, *Madison's Hand: Revising the Constitutional Convention*

Robin Einhorn, *American Taxation, American Slavery*

Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution*

Jonathan Hennessey, *The United States Constitution: A Graphic Adaptation*

Alison LaCroix, *The Ideological Origins of American Federalism*

Jedediah Purdy, *After Nature*

Robert F. Williams, *The New Jersey State Constitution*

Quill Work:

As part of the course students will have an opportunity to contribute to an ongoing research collaboration with our partners at the Quill Project. We will be documenting the New Jersey state constitutional convention of 1947. Students will be trained on how to do this work and work on this throughout the semester in assigned groups.

Schedule:**January 19 Introduction****Week 1 (Jan. 24 & 26) What is a written constitution?**

John Adams, *Thoughts on Government* (1776)
 Carter Braxton, *An Address to the Convention of the Colony and Ancient Dominion of Virginia . . .* (1776)
Four Letters on Interesting Subjects, Letter IV (1776)

Week 2 (Jan. 31 & Feb. 2) Ideological Origins

Alison LaCroix, *The Ideological Origins of American Federalism*
 Thomas Paine, *Common Sense*
 Bailyn, ed., "A Dialogue Between an American and a European Englishman by Thomas Hutchinson [1768]," *Perspectives in American History*, 9 (1975), 341-410
 Declaration of Independence

Week 3 (Feb. 7 & 9) Quill Project introduction

Training sessions
 NJ Constitution of 1947

Week 4 (Feb. 14 & 16) State Constitutions

NJ Constitution of 1777
 New York Constitution of 1777
 Massachusetts Constitution
 Robert F. Williams, *The New Jersey State Constitution*

Week 5 (Feb. 21 & 23) Quill work**Week 6 (Feb. 28 & Mar. 1) Quill work (RESPONSE PAPER 1 DUE)****Week 7 (Mar. 7 & 9) The US Constitution**

The US Constitution
 Richard Beeman, *Plain, Honest Men: The Making of the American Constitution*
 Jonathan Hennessey, *The United States Constitution*

Week 8 (Mar. 21 & 23) Sovereign Authority

Concord Town resolutions, Oct. 1776
 Thomas Jefferson, *Notes on the State of Virginia*, Query XIII

Week 9 (Mar. 28 & 30) What did the convention do?

Mary Bilder, *Madison's Hand: Revising the Constitutional Convention*

James Wilson, Speech of October 6, 1787

Madison-Jefferson, Correspondence on Rights, 1787-1789

Week 10 (Apr. 4 & 6) Quill Work

Week 11 (Apr. 11 & 13) What does the Constitution really say? (RESPONSE PAPER 2 DUE)

Robin Einhorn, *American Taxation, American Slavery*

Alexander Hamilton, "Report on Manufactures"

Week 12 (Apr. 18 & 20) How does a constitution change?

Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution*

Week 13 (Apr. 25 & 27) Quill Work and Climate

Orin Kerr, "How to read a legal opinion"

Sierra Club v. Morton

Exxon Shipping Co. v. Baker

Michigan v. EPA

Week 14 (May 2) Is this framework sustainable?

Jedidiah Purdy, *After Nature*

##-##-##