

# US CONSTITUTIONAL HISTORY II

FALL 2025 HI 219-01

MW 2 - 3:15pm S-326

INSTRUCTOR: DR. TONA HANGEN

WORCESTER STATE UNIVERSITY



## COURSE OVERVIEW

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### Description

This course is designed to introduce students to the development of the rights and protections offered by the United States Constitution. Learners will study landmark Supreme Court Cases to understand the changes in the federal government's interpretation of the Constitution. Focusing mainly on recent(-ish) Constitutional History, learners will focus on cases in which the concepts of civil liberties and civil rights developed over time, such as freedom of speech, religious freedom, and individuals' rights when interacting with the police. The course concludes with analysis of legal concepts connected to race, gender, and identity. The "II" in the course title means that we deal with cases later

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in time than “I,” mostly after 1900. You don’t have to have taken American Constitutional History I for this course to make sense.

**Be aware:** This class involves the analysis of contentious political issues and questions. For example: Should someone have the right to terminate their pregnancy? Should states or the federal government have the right to regulate abortion? Should employers be able to require employees to submit to mandatory drug testing? What does “freedom of expression” or “religious freedom” mean in practice? Does our Constitution allow institutions in the United States to implement systems of reverse discrimination to correct past injustices? Does the state have the right to execute an individual who commits a crime? Does everyone have due process in America, or only citizens? These don’t have easy or straightforward answers. Probing these questions requires diving into several layers of analysis. Above all, students should remember that the questions we seek to answer in this course are not about morality – *they are about legality in our current Constitutional system.*

For example, one might not agree with an individual’s religious beliefs, right to own a gun, or decision of whom to marry, but the question we consider in this course is (simply) *whether such rights are protected by the Constitution.* And if they are protected rights, then a law cannot be passed that hinders that right, even if it is popular. Along the same lines, one might think that a person should have the “right” to have an abortion or use a mind-altering substance in the privacy of their own home, but in the context of this course, *the right has to be protected in the Constitution for it to be a right.*

**This course has two main goals:** first, to help clarify which rights and liberties the American Constitution protects and which ones it does not. And second, to provide students with a framework to understand how such decisions about legality and rights are made.

Along the way, this course helps learners develop their critical thinking skills. When analyzing these legal questions, seek to always relate them back to our central question: *how has the court defined the relationship between the government and the people?* Legal historians often treat “the court” as something of a unitary voice (which, as we’ll often see, is a convenient fiction). Yet it is court decisions and what “the court” says about the relationship between the government and the people that, ultimately, define our collective and evolving concepts of civil liberties and civil rights.

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## Student Learning Outcomes

Students will be able to...

Identify evolving changes in the federal government's interpretation of the Constitution.

Think critically by incorporating key concepts, terminology, and methods of legal studies (i.e. critique Supreme Court and other legal decisions).

Define civil liberties and civil rights in light of relevant and significant Supreme Court cases in modern American history.

Explain key tests used by the Supreme Court to apply Constitutional rights.

Explain the basic workings of the Supreme Court of the United States and its dynamic evolution over time.

Conduct college-level legal research in written and oral formats with academic integrity, including correct citation.

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## Grading

Prepared Attendance and Oral Participation	25
Case Briefs (submit 3 before end of October)	15 @ 5 each
<a href="#">Final Paper</a> (1500-2000 words)	15
Exam 1	10
Exam 2	10
Cumulative Final Exam Dec 17 <b>IN PERSON</b>	25
<b>Total</b>	<b>100</b>

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## Briefing Cases

You will not have access to your electronic devices or the internet during class. The bulk of our class sessions will be discussion (rather than lecture) based on a list of cases provided for each day. I assign cases, not specific readings on them. It is YOUR responsibility to learn the cases in advance of each class using reliable resources — including our textbooks — and to **brief them for yourself** well enough that you can explain them to others in your own words, out loud. Some cases are quite long and complex, and I understand we all won't necessarily read every word of the full text of every case listed in the syllabus. However, you should be well-versed in every case's basics and their relevance to the syllabus topic of the day. I will call on everyone throughout the semester for the substance of your case briefs, so expect to be called upon for any and every case.

Writing your own case briefs is an important skill in its own right and a study technique essential to your success in this course, since you only have your notes to work from in class. Briefing is a responsibility you should not outsource to generative AI or to pre-made case briefs available online. Do your own thinking and writing; that process is essential to your own learning and to the quality of our class discussion. I've provided [a template](#) which you are welcome to use or adapt, to aid in the process of briefing cases for yourself.

By the course halfway point, you will turn in three of your briefs as a portfolio of your best work in the course. These become part of your final grade and allow me to check how your preparations for class discussion are going.

### Elements of a Strong Brief may include:

Parties, Name, Date, Citation

Dissents and Concurrences

Procedural Posture

Relevant Historical Context

Issue, Facts, and Reasoning

Commentary, Evaluation

Holding, Judgment

Key Quotations

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# SYLLABUS

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## Course Calendar

Day#	Date	Agenda and Deadlines
1	Wed Sept 3	<b>Course Intro and Getting Started</b> Reading: "The Constitution is Sacred. Is it Also Dangerous?" (PDF on Bbd); Sample Case Brief. Viewing: <a href="#">Briefing a Case</a> In-Class Viewing: <a href="#">Overview of the American Legal System</a>
2	Mon Sept 8	<b>SCOTUS and Constitutional Basics</b> Reading: Constitution and Bill of Rights + Info Brief on Supreme Court; see Bbd if you missed getting the handouts in class. <b>Prepare Assigned Online Resource for Monday's class</b>
3	Wed Sept 10	<b>Selective Incorporation</b> Reading: Handout on SI + Cases: <i>Barron v. Baltimore</i> (1833), <i>Slaughterhouse Cases</i> (1873), <i>Civil Rights Cases</i> (1883), <i>Palko v. CT</i> (1937)
4 - 5	Mon Sept 15 Wed Sept 17	<b>First Amendment: Establishment Clause</b> Cases: <i>Everson v. Board of Education Ewing Township</i> (1947), <i>Engel v. Vitale</i> (1962), <i>Lemon v. Kurtzman</i> (1971), <i>Allegheny County v. Greater Pittsburgh ACLU</i> (1989), <i>Santa Fe Independent School District v. Doe</i> (2000), <i>McCreary County v. ACLU</i> (2005), <i>Van Orden v. Perry</i> (2005)
	Fri Sept 19	<b>Case Brief #1 Due</b>
6 - 7	Mon Sept 22 Wed Sept 24	<b>First Amendment: Free Exercise</b> Cases: <i>Reynolds v. US</i> (1879), <i>Sherbert v. Verner</i> (1963), <i>Employment Division of Oregon v. Smith</i> (1990), <i>Church of Lukumi Babalu Aye v. City of Hialeah</i> (1993), <i>Burwell v. Hobby Lobby Stores Inc</i> (2014), <i>Kennedy v. Bremerton School District</i> (2022); <i>Mahmoud v. Taylor</i> (2025)
8 - 9	Mon Sept 29 Wed Oct 1	<b>First Amendment: Free Speech and Expression</b> –Speech: <i>Schenck v. US</i> (1919), <i>Gitlow v. New York</i> (1925), <i>Dennis v. US</i> (1951), <i>Brandenburg v. Ohio</i> (1969), <i>Holder v. Humanitarian Law Project</i> (2010) –Expression: <i>Tinker v. Des Moines</i> (1969), <i>Texas v. Johnson</i> (1989), <i>Morse v. Frederick</i> (2007)
10	Mon Oct 6	<b>Exam #1</b>
11	Wed Oct 8	<b>First Amendment: Freedom of Press</b> Cases: <i>Near v. Minnesota</i> (1931), <i>New York Times v. US</i> (1971), <i>Branzburg v. Hayes</i> (1972), <i>Cox Broadcasting Corp v. Cohn</i> (1975), <i>Florida Star v. B.J.F.</i> (1989)

Day#	Date	Agenda and Deadlines
	<b>Mon Oct 13</b>	<b>University Holiday, No Class</b>
12	Wed Oct 15	<b>First Amendment: Freedom of Association</b> Cases: <i>NAACP v. Alabama</i> (1958), <i>Coates v. Cincinnati</i> (1971); <i>Roberts v. United States Jaycees</i> (1984), <i>Boy Scouts of America v. Dale</i> (2000); <i>Americans for Prosperity v. Bonta</i> (2021)
13 - 14	Mon Oct 20 Wed Oct 22	<b>Fourth and Fifth Amendments: Search and Seizure, Self-Incrimination</b> Cases: <i>Olmstead v. US</i> (1928), <i>Mapp v. Ohio</i> (1960), <i>Miranda v. Arizona</i> (1966), <i>In re: Gault</i> (1967), <i>Terry v. Ohio</i> (1968), <i>Rhode Island v. Innis</i> (1980), <i>US v. Leon</i> (1984), <i>Massachusetts v. Sheppard</i> (1984), <i>Arizona v. Hicks</i> (1987), <i>Herring v. US</i> (2009)
	<b>Fri Oct 24</b>	<b>Case Briefs #2 and #3 Due</b>
15 - 16	Mon Oct 27 Wed Oct 29	<b>Sixth Amendment: Rights to Counsel and Trial [aka Due Process Rights in Criminal Prosecutions]</b> Cases: <i>Powell v. Alabama</i> (1932), <i>Gideon v. Wainwright</i> (1963), <i>Argersinger v. Hamlin</i> (1972), <i>Batson v. Kentucky</i> (1986), <i>A.L. Lockhart v. McCree</i> (1986), <i>Williams v. Florida</i> (1970), <i>Burch v. Louisiana</i> (1979)
17 - 18	Mon Nov 3 Wed Nov 5	<b>Fourteenth Amendment: Race and Equal Protection, Part I</b> Cases: <i>Yick Wo v. Hopkins</i> (1886), <i>Plessy v. Ferguson</i> (1896), <i>State of Missouri ex. rel. Gaines v. Canada</i> (1938), <i>Hirabayashi v. US</i> (1943), <i>Korematsu v. US</i> (1944), <i>Sweatt v. Painter</i> (1950), <i>Brown v. Board of Education of Topeka</i> (1954), <i>Bolling v. Sharpe</i> (1954), <i>Brown v. Board of Education II</i> (1955), <i>Cooper v. Aaron</i> (1958), <i>Loving v. Virginia</i> (1967), <i>Washington v. Davis</i> (1976), <i>Arlington Heights v. Metropolitan Housing Devt Corp</i> (1977)
19	Mon Nov 10	<b>Presidential Power</b> Reading: As assigned, see Blackboard + Cases: <i>Myers v. United States</i> (1926), <i>Schechter Poultry v. United States</i> (1935), <i>United States v. Nixon</i> (1974), <i>Buckley v. Valeo</i> (1976), <i>Clinton v. City of New York</i> (1998), <i>NLRB v. Noel Canning Company</i> (2014), <i>Collins v. Yellen</i> (2021), <i>Trump v. United States</i> (2024)
20	<b>Wed Nov 12</b>	<b>Exam #2</b>
21 - 22	Mon Nov 17 Wed Nov 19	<b>Fourteenth Amendment: Race and Equal Protection, Part II</b> Cases: <i>Regents of University of California v. Bakke</i> (1978), <i>City of Richmond v. J.A. Croson Co.</i> (1989), <i>Adarand Constructors, Inc. v. Peña</i> (1995), <i>Grutter v. Bollinger</i> (2003), <i>Parents Involved in Community Schools v. Seattle School District No. 1</i> (2007), <i>Fisher v. Univ Texas at Austin</i> (Fisher I, 2013), <i>Fisher v. Univ Texas at Austin</i> (Fisher II, 2016), <i>Schuetz v. Coalition to Defend Affirmative Action by Any Means Necessary (BAMN)</i> (2014), <i>Cooper v. Harris</i> (2017), <i>Students for Fair Admissions v. Harvard / UNC</i> (2023)
	Fri Nov 21	<b>Final Paper Proposal Due by 11:59 pm (<a href="#">Google Form</a>)</b>

Day#	Date	Agenda and Deadlines
23	Mon Nov 24	<b>Equal Protection for Nonracial Categories</b> Cases: <i>Railway Express Agency Inc v. New York</i> (1949), <i>Dandridge v. Williams</i> (1970), <i>United States Dept of Agriculture v. Moreno</i> (1973), <i>Craig v. Boren</i> (1976), <i>City of Cleburne v. Cleburne Living Center</i> (1985), <i>Hernandez v. New York</i> (1991), <i>Romer v. Evans</i> (1996), <i>Washington v. Glucksberg</i> (1997)
	<b>Nov 26-30</b>	<b>Thanksgiving Break, No Classes</b>
24	Mon Dec 1	<b>Gender and Equal Protection</b> Cases: <i>Goesaert v. Cleary</i> (1948), <i>Phillips v. Martin Marietta</i> (1971), <i>Reed v. Reed</i> (1971), <i>Frontiero v. Richardson</i> (1973), <i>United States v. Virginia (VMI)</i> (1996), <i>Ferguson v. Charleston</i> (2001), <i>Nguyen v. INS</i> (2001), <i>Ledbetter v. Goodyear Tire</i> (2007)
25	Wed Dec 3	<b>Fundamental but Unenumerated Rights</b> Cases: <i>Lochner v. New York</i> (1905), <i>Muller v. Oregon</i> (1908), <i>Pierce v. Society of Sisters</i> (1925), <i>West Coast Hotel v. Parrish</i> (1937), <i>Reynolds v. Sims</i> (1964), <i>Harper v. Virginia Board of Elections</i> (1966), <i>San Antonio Independent School District v. Rodriguez</i> (1973), <i>Plyler v. Doe</i> (1982), <i>Janus v. AFSCME</i> (2018)
26	Mon Dec 8	<b>Self, Sex, Marriage and Privacy</b> Cases: <i>Griswold v. CT</i> (1965), <i>Roe v. Wade</i> (1973), <i>Lawrence v. Texas</i> (2003), <i>Obergefell v. Hodges</i> (2015), <i>Whole Woman's Health v. Hellerstedt</i> (2016), <i>Dobbs v. Jackson Women's Health Organization</i> (2022), <i>Skrmetti v. US</i> (2025)
	<b>Wed Dec 17</b>	<b>Final Paper Due ~ and ~ Cumulative 3-Hour Final Exam 12:30 - 3:30 pm, in person @ Sullivan 326</b>

## COURSE MATERIALS

### Course Reader

All required readings will be provided to you as Open Educational Resources (OER), either on Blackboard or as printed handouts. When researching cases for briefs and class discussion, use the recommended textbooks and reliable open internet resources (see suggested guides on p. 10 of this syllabus).



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## Free OER Reference Texts

I recommend two free digital Open Educational Resource (OER) textbooks authored by Ruthann Robson of the CUNY School of Law. Most, but not all, of our cases are mentioned in one or the other. I do not assign specific pages or chapters – you can figure out on your own what will be helpful for each class. Bookmark and/or download them at the links below.

Ruthann Robson, [\*Liberty, Equality, and Due Process: Cases, Contexts, and Controversies in Constitutional Law\*](#) (3rd ed, 2021)

Ruthann Robson, [\*First Amendment Cases: Controversies and Contexts\*](#) (2nd ed, Dec 2019)

## COURSE POLICIES

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### Electronics-Free Zone

Our classroom is an electronics-free zone. No laptops, phones, iPads, e-Readers, recorders, internet access, or electronic device use during class (unless absolutely required by an SAS academic accommodation). You should prepare all coursework as PAPER materials available to you in class. I expect and welcome note-taking during class. On days when slides are shown, they will be posted to Blackboard after class.

### Technology Skills and Access

To succeed in this course, you need to be comfortable using Blackboard and WSU email, including uploading documents and making email attachments. You need reliable internet and Blackboard access outside of class. Adobe Reader and a full installation of Microsoft Office (available as free download from WSU Information Technologies) are helpful in any course, including this one. You should know how to insert academic references in Google



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Docs or Word and how to save and send documents in multiple formats (such as .docx and .pdf). You need to be comfortable communicating and writing in standard business English.

## Academic Integrity

All assignments created for this course should be original to this course, must be your own work, and must be your own writing. Whenever and wherever you employ the words or work of others, do so responsibly and cite your sources using standard academic citation format and/or correct legal citation.

**Please note:** It is a violation of the student code of conduct and academic integrity to plagiarize text or generate your course notes and assignments (including case briefs) with AI (such as ChatGPT). Using online text-prediction tools irresponsibly short-circuits your course learning, often bypassing necessary critical thinking.

Plagiarized work or exam cheating is an automatic zero on the assignment and may cause you to fail the course. Academic integrity violations are a serious breach of the student Code of Conduct. Please familiarize yourself with and follow the University Policy on Academic Honesty in the Student Handbook.

## Attendance and Participation (A&P)

Consistent attendance and active, prepared verbal participation are essential to your course grade. I take attendance daily and will call on any student, any day. Multiple unexplained, unexcused absences or being unprepared in class will negatively affect your A&P grade. That said, don't endanger your own health or that of our class if you are unwell or might be contagious to others. If you miss a class, connect with a classmate for notes and check Blackboard for any posted slides. Exam makeups are rare, only granted by pre-arrangement and for special circumstances.

## Student Accessibility

I am committed to providing a learning environment in which all students can succeed. Accommodations requested through Student Accessibility Services (SAS) will be honored. If applicable to you, please present SAS documentation as soon as possible so we can design

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a plan to help you be successful. If you see ways the course can be more inclusive, please let me know.

## HELPFUL ONLINE RESOURCES

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**Congressional Research Service Constitution Annotated** <https://constitution.congress.gov/>

**Cornell Law Institute Annotated Constitution** <https://www.law.cornell.edu/constitution>

**Ballotpedia Landmark Cases (they also sort by Decade, Topic, and Chief Justice Term)**  
[https://ballotpedia.org/Landmark cases decided by the Supreme Court of the United States](https://ballotpedia.org/Landmark_cases_decided_by_the_Supreme_Court_of_the_United_States)

**First Amendment Museum** <https://firstamendmentmuseum.org/>

**Free Speech Center, Middle Tennessee State** <https://firstamendment.mtsu.edu/>

**George Washington Law Library, Supreme Court Resources** (be aware we might not have access to all the links in their library) <https://law.gwu.libguides.com/scotus/tips>

**Justia.com** <https://www.justia.com/>

**National Constitution Center Supreme Court Case Library**  
<https://constitutioncenter.org/the-constitution/supreme-court-case-library>

**Oyez.org** <https://www.oyez.org/>

**Supreme Court Cases at Findlaw.com** <https://caselaw.findlaw.com/court/us-supreme-court>

**SCOTUS Blog** <https://www.scotusblog.com/> (note: current justices biographies at <https://www.scotusblog.com/biographies-of-the-justices/>)

**Supreme Court Historical Society** <https://supremecourthistory.org/>

**Streetlaw Inc Resource Library** <https://store.streetlaw.org/resources/>

**Timeline of Supreme Court Justices**  
<https://blogs.sas.com/content/sastraining/2018/10/11/timeline-of-us-supreme-court-justices/>

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# GRADUATE APPENDIX

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## Graduate Credit

Graduate students may take a Directed Study version of this course as HI 992, Seminar in American Constitutional History. The syllabus will be adapted for graduate credit as follows:

## Graduate Student Learning Outcomes

Masters-level students will be able to...

Think critically by incorporating key concepts, terminology, and methods of graduate-level legal studies.

Define civil liberties and civil rights in light of relevant and significant Supreme Court cases in modern American history.

Identify mechanisms of evolution in Constitutional interpretation in the 20th and 21st centuries.

Conduct graduate-level legal research in written and oral formats with academic integrity (including correct citation).

## Grading

Consistent & Prepared Participation	20
Case Briefs (submit 3 before Spring Break)	15 @ 5 each
<a href="#">Final Paper</a> (3000-4000 words)	20
Exam 1	10
Exam 2	10
Final Exam	25
<b>Total</b>	<b>100</b>

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# HONORS APPENDIX

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## **Commonwealth Honors Program Credit**

Students in the Honors Program may take this course for Honors credit, by prior approval from the Honors Director. The goal of Honors credit isn't "more work," but rather a more complex approach to the subject (for example, making your own professional, creative, or interdisciplinary connections), and taking a deeper approach to one's own learning.

The syllabus will be adapted for Honors credit as follows:

- Work with the professor to develop an individualized plan for the Honors component of the course, designing specific alternate or enhanced requirements.
- Extra reading as assigned by instructor, on enrichment topics relevant to the course.
- 2-4 mandated office hours visits outside of class to discuss enrichment topics.
- Each honors student will present an approved enrichment topic to the class utilizing an active learning mode (examples: drafting an op-ed, teaching a mini-lecture, moderating an interactive discussion or debate, conducting a mock trial). The presentation becomes part of the Prepared Attendance and Oral Participation grade.
- The final paper word count is raised to 2000-2500 words and must include a higher number of cases or sources.