

University of Alabama at Birmingham (UAB) 2002
HY 290B-8N / HY 499-8N
American Legal History
Robert Maddox
Office Hours: By appointment or after class

Class Meetings: Tuesdays, 7:00-9:30 p.m. Rm 152 Education Building

Final Examination: Tuesday, April 30, 2002 from 6-9 p.m.

Required Texts:

Melvin I. Urofsky and Paul Finkelman, Documents of American Constitutional and Legal History, Vol. I:

From the Founding Through the Age of Industrialization

Melvin I. Urofsky and Paul Finkelman, Documents of American Constitutional and Legal History, Vol. II: From the Age of Industrialization to the Present

Course Objectives:

The focus of this course is to analyze and discuss American Constitutional and Legal History from various historical viewpoints. In addition, we will discuss the various problems that students, historians, attorneys, and legal scholars face in the analysis and interpretation of constitutional and legal history.

Important Dates:

January 9 - Last day to withdraw without payment

March 1 - Last day to withdraw with a "W"

March 24-30 - Spring Break

Grading:

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Midterm Examination - 25%

1 Paper - 25%

Final Examination - 50%

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2 Papers - 50%

Final Examination - 50%

Examinations:

Mid-term:

The Mid-term examination is only for the HY 290B-8N registered students. It will cover the material assigned in the first five lectures only. There will be a review for the mid-term examination after class on Tuesday, February 26, 2002.

Final Examination: The final examination will cover the entire academic term and consist of questions that will mainly come from the class lectures. However, a percentage of the questions will come from parts of the assigned reading that will not likely be specifically covered during the lecture. In order for the student to earn the highest marks, the student will need to attend the class lectures and complete the assigned readings.

Papers:

HY 290B-8N:

The paper should be approximately 6 - 8 pages in length. The purpose is for the student to analyze a speech, Supreme Court case, or piece of legislation in detail. The student is allowed to select the topic of her paper as long as it is listed within our textbooks. The student should have at least five sources cited within the paper. Only one source from the internet, at least two books and at least one article.

HY 499-8N:

One paper should be approximately 6 - 8 pages in length. The purpose is for the student to analyze a speech, Supreme Court case, or piece of legislation in detail. The student is allowed to select the topic of her paper as long as it is listed within our textbooks. The student should have at least five sources cited within the paper. Only one source from the internet, at least two books and at least one article.

The other paper should be approximately 10-12 pages in length. Again, the purpose is for the student to analyze a speech, Supreme Court case, or piece of legislation in detail. The student is allowed to select the topic of her paper as long as it is listed within our textbooks. The student should have at least ten sources cited within the paper. Only two sources from the internet, at least two books and at least one article.

Class Schedule:

Jan. 8 - Intro to course, hand out syllabus, lecture on objectivity in history.

Jan. 15 - Text Reading: Birth of American Colonial law: Criminal, Labor, Class, Slavery

Magna Carta, p.1 (1215)

Zenger's Case, p.21 (1735)

Blacks and Slavery Come to Virginia, p.5

South Carolina Slave Code, Not in book (n/b)

(1619-1640)

White Indentured Servitude (n/b)

Virginia Statutes on Slavery, p.14 (1662-1669)

The Salem Witchcraft Trials (n/b)

William Penn, Frame of Government, p.16 (1682)

Jan. 22 - Text Reading: The Political, Philosophical and Legal Revolution

James Otis, Against the Writs of Assistance,

The Declaration of Independence, p.54 (1776)

p.30 (1761)

The Pennsylvania Bill of Rights, p.59 (1776)

Standing-Army Controversy (n/b)

The Articles of Confederation, p.61 (1781)

Mob Violence and Popular Sovereignty (n/b)

Virginia Stamp Act Resolution, p.35 (1765)

The Boston Massacre (n/b)

Resolutions of the Stamp Act Congress, p.36 (1765)

Thomas Paine, Common Sense, p.50 (1776)

Jan.29 - Text Reading: Post-Revolutionary America: Politics and Law

The Northwest Ordinance, p.75 (1787)

The Constitutional Convention: Proposals for

Government, p.79 (1787)
Constitution of the United States, p.85 (1787)

The Federalist, p.106 (1787-1788)

Judiciary Act of 1789, p.112 (1789)

Chisholm v. Georgia, p.130 (1793)

The Alien and Sedition Acts of 1798, p.137
(1798)

The Kentucky and Virginia Resolutions, p.142
(1798)

First Inaugural Address of *Thomas Jefferson*,
p.152 (1801)

Marbury v. Madison, p.156 (1803)

Charge to Grand Jury, *Samuel Chase*, p.165
(1803)

Fletcher v. Peck, p.178 (1810)

Feb.5 - NO CLASS

Feb.12 - Text Reading: Law and the Economy: The Cases

Palmer v. Mulligan, p.168 (1805)

Commonwealth v. Pullis, p.170 (1806)

McCulloch v. Maryland, p. 201 (1819)

Barron v. Baltimore, p. 263 (1833)

Swift v. Tyson, p. 301 (1842)

Dartmouth College v. Woodward, p. 191 (1819)

Farwell v. Boston & Worcester Railroad,

p. 309 (1842)

Commonwealth v. Hunt, p. 313 (1842)

Feb. 19 and 26 - Text Reading: Race, Slavery and American Law

Somerset v. Stewart, p.42 (1772)	Lincoln-Douglas Debates, p.378 (1858)
<i>State v. Mann</i> , p.242 (1829)	The Constitution of the Confederate States
<i>Souther v. Commonwealth</i> (n/b)	of America, p.406 (1861)
<i>Ford v. Ford</i> (n/b)	<i>Abraham Lincoln</i> , First Inaugural Address,
Cherokee Nation v. Georgia (n/b)	p.414 (1861)
Prigg v. Pennsylvania, p.303 (1842)	The Emancipation Proclamation, p.428 (1863)
Commonwealth v. Aves, p.279 (1836)	<i>Abraham Lincoln</i> , Gettysburg Address, p.439
Dred Scott v. Sandford, p.366 (1857)	(1863)
Roberts v. City of Boston, p.339 (1849)	<i>Abraham Lincoln</i> , Second Inaugural Address,
Black Codes, p.456 (1865)	p. 454 (1865)
Civil Rights Cases, p.515 (1883)	Civil Rights Act, p.463 (1866)
Fugitive Slave Act, p.343 (1850)	Yick Wo. v. Hopkins, p.519 (1886)
	Plessy v. Ferguson, p.539 (1896)

Mar. 5 - HY290-8N MID TERM EXAMINATION

Mar.12 -Text Reading: Domestic Relations in Nineteenth Century America

No Assigned Reading

HY 290B-8N paper due

HY 499-8N shorter paper due

Marriage: Promise or Contract

Married Women's Property Acts

Abortion, Birth Control and Adoption

Divorce and Child Custody

Mar. 19 - Text Reading: The Industrial Revolution and American Law

Slaughterhouse Cases, p. 499 (1871)	<i>v. Minnesota</i> (n/b)
Munn v. Illinois, p. 511 (1877)	Allgeyer v. Louisiana, p. 547 (1897)
Santa Clara County v. Pacific R.R. Co. (n/b)	<i>Welton v. Missouri</i> (n/b)
Wabash, St. Louis and Pacific Railway Co. v. Illinois,	United States v. E.C. Knight Co., p. 528 (1895)
p. 522 (1886)	Pollock v. Farmers' Loan & Trust Co., p. 533
Chicago, Milwaukee and St. Paul Railway Co.	(1895)

In re Jacobs (n/b)
Marino v. Lehmaier (n/b)
Hammer v. Dagenhart, p. 586 (1918)

Bailey v. Drexel Furniture Company (n/b)

Ritchie v. People, p. 536 (1895)

Muller v. Oregon, p. 561 (1908)

Mar. 26 Spring Break

Apr. 2 - Text Reading: The Great Depression, The New Deal, and Legal Liberalism

FDIC (n/b)
CCC (n/b)
NIRA (n/b)
NRA (n/b)
National Labor Relations Act/Wagner Act (n/b)

Norris-LaGuardia Act of 1932 (n/b)

NLRB (n/b)
Social Security Act (n/b)
Fair Labor Standards Act (n/b)

Food, Drug and Cosmetic Act of 1938 (n/b)

New State Ice Co. v. Liebmann, p. 640 (1932)

Home Building and Loan Association v.

Blaisdell (n/b)
Nebbia v. New York, p. 647 (1934)

Morehead v. New York ex. rel Tipaldo (n/b)

Adkins v. Children's Hospital, p. 612 (1923)

Panama Refining Company v. Ryan (n/b)

Schechter Poultry Corp. v. United States, p. 653 (1935)

United States v. E.C. Knight Co., p. 528 (1895)

United States v. Butler, p. 657 (1936)

Roosevelt's Court Packing Plan, p. 669 (1937)

Holden v. Hardy, p. 549 (1898)

Lochner v. New York, p. 558 (1905)

Knoxville Iron Co. v. Harbison (n/b)

Commonwealth v. Hunt (n/b)

Adair v. United States (n/b)

In re Debs, p. 531 (1895)

West Coast Hotel v. Parrish, p. 680 (1937)

National Labor Relations Board v. Jones &
Laughlin Steel Corp., p. 682 (1937)

Stewart Machine Co. v. Davis, p. 685 (1937)

Apr. 9 -Text Reading: The Growth of Civil Liberties in American Law?

Palko v. Connecticut, p. 688 (1937)

Adamson v. California, p. 708 (1947)

United States v. Carolene Products, Co.,
p. 691 (1938)

Dennis v. United States, p. 718 (1951)

Albertson v. SACB (n/b)

New York Times v. Sullivan, p. 757 (1964)

New York Times Co. v. United States, p. 792
(1971)

Roth v. United States (n/b)

Alberts v. California (n/b)

Miller v. California, p. 817 (1973)

Engel v. Vitale, p. 747 (1962)

Griswold v. Connecticut, p. 764 (1964)

Roe v. Wade, p. 821 (1973)

Apr. 16 -Text Reading: Civil Rights, Affirmative Action and Race

Hirabayashi v. United States (n/b)

Korematsu v. United States, p. 705 (1944)

Ex parte Endo (n/b)

Plessy v. Ferguson [again]

Sweatt v. Painter (n/b)

McLaurin v. Oklahoma State Regents (n/b)

Brown v. Board of Education of Topeka,
Kansas,

p. 729 (1954)

Brown v. Board of Education II, p. 733 (1955)

Bolling v. Sharpe (n/b)

United States v. Darby, p. 693 (1941)

Wickard v. Filburn, p. 696 (1942)

Planned Parenthood of Southeastern
Pennsylvania

v. Casey, 934 (1992)

Bowers v. Hardwick, p. 893 (1986)

Romer v. Evans, p. 982 (1996)

Cruzan v. Director, Missouri Department of
Health,

p. 924 (1990)

Washington v. Glucksberg, p. 1023 (1997)

Wolf v. Colorado (n/b)

Mapp v. Ohio, p. 740 (1961)

Malloy v. Hogan (n/b)

Miranda v. Arizona, p. 771 (1966)

Gideon v. Wainwright, p. 751 (1963)

Furman v. Georgia, p. 800 (1972)

Gregg v. Georgia, p. 849 (1976)

Cooper v. Aaron (n/b)

Civil Rights Act of 1964, p. 760

Voting rights Act of 1965 (n/b)

Green v. County School Board (n/b)

Swann v. Charlotte-Mecklenburg Board of Education, p. 785 (1971)

Mississippi Univ. for Women v. Hogan, p. 868 (1982)

Apr. 23 Review for Final Exam
HY 499-8N longer paper due

Apr. 30 - Final Exam

United States v. Virginia, p. 988 (1996)

Regents of University of California v. Bakke,
p. 853 (1978)

United States v. Paradise (n/b)

Johnson v. Santa Clara (n/b)

City of Richmond v. J.A. Croson Co., p. 917 (1989)

*****NOTICE*****

The Professor reserves the right to make changes to the syllabus as deemed necessary throughout the course of the academic term.