Information Sheet and Syllabus for LS 177:
Survey of American Legal and Constitutional History

Professor Ben Brown

Office hours: Tuesdays, 10:30-11:30
Office: JSP building, 2240 Piedmont, Room 114
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Grades will be based on four factors:

Mid-term exam - 25%
Paper – 15% to be assigned on Thursday, October 11 and due on Thursday, October 25.
Participation in discussion section - 10%
Final exam - 50%
The discussion section grade will include required written assignments per your GSI’s instructions. The final will be given on Wednesday, Dec. 12, 3:00 – 6:00 p.m.

Required Materials: Melvin Urofsky, Supreme Decisions. All other materials are on my website:

http://legalconstitutionalhistory.sharepoint.com/

Materials for this course before the 20th Century are under the LS 177 Survey tab; edited Supreme Court Cases are bold and underlined on the syllabus and can be found under the Supreme Court Cases tab; materials for the 20th Century are under the 20th Century Legal History tab.

Supplemental Materials:

For an overall narrative of United States legal history, see: Kermit Hall, A Magic Mirror. For an encyclopedic overview of law in America, see: Lawrence Friedman, A History of American Law. For an overview of constitutional history see: Melvin Urofsky and Paul Finkelman, A March of Liberty: A Constitutional History of the United States. For a leftist perspective on constitutional history, and good mini-biographies of the justices, see: Peter Irons, A People’s History of the Constitution. To see transcripts of U.S. Supreme Court oral arguments and to hear tapes of some of these oral arguments, go to: http://www.oyez.org/. Note that I have heavily edited the Supreme Court cases on my website. To find full versions of Supreme Court decisions go to: http://www.findlaw.com.
Syllabus for LS 177 – Fall 2012

Professor R. Ben Brown
Survey of American Legal and Constitutional History
Legal Studies 177 - University of California, Berkeley

Materials for this course except for the Urofsky readings are on my website: http://legalconstitutionalhistory.sharepoint.com/
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Week 1 - Colonial Law
The Plurality of Colonial Legal Discourse.

Readings: John Winthrop, “Little Speech on Liberty”; Case of Thomas Granger; Pynchon Court Records; Maryland Servants and Pigs; Pope Aluey Trials; Virginia Statute on Slavery; General Laws of Massachusetts.

Week 2 - Revolution and Republicanism
The conflict between the English Empire and the Colonies after the French and Indian war. Classical Republicanism and Creation of the States. The Problem of a weak central government.

Readings: Declaration of Independence; Pennsylvania Constitution of 1776; Articles of Confederation.

Week 3 - Establishing the Republic
Drafting and Ratifying the Constitution, Adding the Bill of Rights and Creating Judicial Review.


Week 4 - Private Law in the Early Republic

**Week 5 – Creating Rights; Creating Oppression**

White Male Civil Rights and the Exploitation of African-American Labor, the Control of Women and the Displacing of Native Americans.

Readings: Georgia Slave Code; Somerset v. Stewart; State v. Mann; State v. Bovee; Worley v. State; Askew v. Dupre; Married Women’s Property Act. Tecumseh Speech to Governor Harrison; **Johnson v. McIntosh;** Public Land Statutes.  
**Urofsky: Chapter 4.**

**Week 6 - The Second Party System and the Coming of the Civil War**

Slave expansion in the Territories. The Supreme Court steps in - **Dred Scott** and the Election of Lincoln.

Readings: Fugitive Slave Act of 1850; **Dred Scott v. Sandford; Ableman v. Booth;** South Carolina Secession Resolution; Abraham Lincoln’s First Inaugural Address.  
**Urofsky: Chapters 5 & 6.**

**Week 7 - Reconstructing the Nation**

Expanding Federal Power: Expanding the Empire and Expanding Civil Rights to Freedmen.

Readings: Abraham Lincoln, “Gettysburg Address”; Abraham Lincoln, Second Inaugural Address; Freedman’s Bureau Act; Mississippi Black Codes; 1866 Civil Rights Act; 1875 Civil Rights Act.

**Week 8 - Abandoning the Freedpeople.**

*Mid-Term Examination on Tuesday, October 9.*

Restricting the Civil War Amendments.
Week 9 - Establishing Southern Apartheid and Market Hegemony

Recapturing Black Labor in the South. Organizing Capital; Disorganizing Labor in the North.

Readings: **Plessy v. Ferguson; Bailey v. Alabama; Federal Court Injunction; In re Debs**.
Urofsky: Chapters 11 & 12.

Week 10 – The Freedom of Contract Liberal Zenith

**Lochner** and the Triumph of Economic Rights. Rejecting other Rights.

Urofsky: Chapters 13 & 14.

Week 11 – The New Deal

The Great Depression, the New Deal and the dismantling of Freedom of Contract Liberalism.

Readings: Roosevelt’s First Inaugural Address; **Schechter v. U.S.; Carter v. Carter Coal; West Coast Hotel v. Parrish; Preamble to National Labor Relations Act; N.L.R.B. v. Jones & Laughlin Steel Corp.; U.S. v. Carolene Products**.
Urofsky: Chapter 16.

Week 12 – Search for Values and the Adoption of Equality Liberalism

Jehovah’s Witnesses, Japanese Internment and the NAACP’s Attack on Jim Crow.

**Urofsky:** Chapters 17 & 18.

**Week 13 - Adopting Equality Liberalism**


**Urofsky:** Chapters 20 & 21.

**Week 14 - Limiting Equality Liberalism to Equality before the Law**

The Limits of Equal Rights; Protecting the Family.


**Week 15 – Battle of Two Liberalisms in the 21st Century**

Gay Rights; Affirmative Action and the Roberts Court.

**Urofsky:** Chapter 22.