

Belknap

Winter 2009 (UCSD)  
Spring 2009 (California Western)

**AMERICAN LEGAL HISTORY: FROM COLONIZATION TO THE CIVIL WAR**

<u>Date</u>	<u>Topic</u>	<u>Reading Assignment</u>
January 6	English Heritage	H,F &E, 3-6,32-37; <i>March</i> , 1-7
January 8	Colonial Government	H,F&E, 12-37, 84-86; <i>March</i> ,. 7-16
January 13	Law in the Colonies	H,F&E, 37-77; <i>March</i> , 19-38
January 15	Law and Religion	H,F&E 14-18; <i>March</i> , 26-29; Hoffer (all)
January 20	Towards Revolution	H,W&E,80-91; <i>March</i> , 39-60
January 22	New Governments	H,F&E, 91-107; <i>March</i> , 61-79
January 27	The Constitution	H,F&E, 107-30; <i>March</i> , 80-119
January 29	Origins of Judicial Review	H,F &E, 131-37, 139-44; <i>March</i> , 147-64, 181-206; Nelson (all)
February 3	<b>MIDTERM EXAM</b>	
February 5	Changes in Common Law	H,F&E, 184-208;  <i>March</i> , 165-80,248-70
February 10	Nationalism of Marshall Kellenbeck, 1-122	H,F&E, 155-61; Court
February 12	Property & Marshall Court	H,F&E, 168-72,185- 86, 187-89, <i>March</i> , 229-47
February 17	Impact of Jacksonian	<i>March</i> , 271-88; 296- Democracy 319; Kellenbeck, 123-90
February 19	Conflicting Approaches to Economic Development	H,F&E, 169-76; 173-78; <i>March</i> , 287-95
February 24	Jacksonian Jurisprudence & & Supreme Court	Allen, 1-67
February 26	Gender and Domestic Relations	H,F&E, 314-15, 321- 25 and assignment on

		class website
March 3	Law of Slavery H,F &E, 218-229	<i>March</i> , 337-65;
March 5	Slavery & Taney Court	Allen, 69-132; H,F &E, 229-35
March 10	<i>Dred Scott</i> Case	Allen, 133-220; H,F &E, 229-440 <i>March</i> , 389-99
March 12	A Union Dividing	H,F&E 366-89 240- 42,249-255; <i>March</i> , 366-89
<b>March 19</b> <b>7:00-9:00 p.m.</b>	<b>Final Exam</b>	

There are five textbooks for this course, which you should purchase at the UCSD Bookstore or the California Western Bookmart. They are the following:

Melvin Urofsky and Paul Finkelman, *A March of Liberty: A Constitutional History of the United States*, vol. I (2<sup>nd</sup> ed.)

Kermit L. Hall, Paul Finkelman, and James W. Ely, Jr., *American Legal History: Cases and Materials* (3<sup>rd</sup> ed.)

Austin Allen, *Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837-1857*

Peter Charles Hoffer, *The Salem Witchcraft Trials*

Mark R. Killenbeck, *McCulloch v. Maryland: Securing a Nation*

William E. Nelson, *Marbury v. Madison and the Origins and Legacy of Judicial Review*

On this syllabus the abbreviation H,F&E is used for *American Legal History* and the abbreviation *March* for *The March of Liberty*.

The undergraduates in the class will be taking a midterm on Tuesday, February 3. It covers all lectures and reading assignments through Thursday, January 29... If you are a law student, you are not expected to take the midterm. You do have to take the final exam, which will be graded by me, rather than by the graduate assistant in the class. You may decide for yourself how much weight to give this midterm. It must count at least 10% of your grade, and may count as much as 50%.

For law students, the second part of the course is a tutorial, that lasts from March 16 to April 15. During this period they should plan on meeting with me at least once per week at Cal Western to discuss their research papers. Papers may be on any aspect of American legal history prior to 1860. Papers that address current legal controversies are acceptable, but only if they take an historical approach to their subject that focuses on the pre-Civil War period (e.g. one dealing with the original intent of the Second Amendment would be acceptable, but ones addressing whether the Supreme Court should incorporate the Second Amendment would not be). I would encourage you to pick a topic that really interests you. A research paper can become drudgery if you do not care about the subject you are researching. I want you to tell me your topic by January 20. I would like to see an outline of your paper by March 3. You should submit a first draft to me by Thursday, April 9. All papers are due no later than Friday, April 17 (the day before final exams begin). Your

paper must count at least 50% of your grade, but you may elect at the time you submit it to have it count as much as 90%.

**Offices: 5045 Humanities & Social Sciences Building (UCSD) and 416 (California Western)**  
**Telephone: (619)525-1457 (California Western) and (858)822-4012 (at UCSD)**  
**Office Hours: Tuesday, 2:00-4:00 and Thursday 6:30-7:30 (UCSD) and Friday 9:30-12:00**  
**and 1:30-3:30 (at California Western)**