

Prof. Michal Belknap  
Spring 2006

Tuesday & Thursday 5:00-6:20  
Center Hall 212

### HIUS 151: AMERICAN LEGAL HISTORY SINCE THE CIVIL WAR

The reading assignments for the course are from one textbook and a series of monographs that deal with incidents that highlight particular issues covered by the course. The textbook is Melvin I. Urofsky and Paul Finkelman, *A March of Liberty: A Constitutional History of the United States*, vol. II. *From 1877 to the Present*. (identified in the syllabus as *March*). Since this class covers from 1865 to the present, there is also an assignment from volume I of the Urofsky and Finkelman book. It will be distributed in class as a handout.

Also assigned in the class are five monographs and one collection of essays. They are the following:

Michal R. Belknap, *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley* [Vietnam War]

Robert J. Cottrol, Raymond T. Diamond, and Leland B. Ware, *Brown v. Board of Education: Caste, Culture and the Constitution* [Brown v. Board]

N.E.H. Hull and Peter Charles Hoffer, *Roe v. Wade: The Abortion Rights Controversy in American History* [Roe v. Wade]

Paul Kens, *Judicial Power and Reform Politics: The Anatomy of Lochner v. New York* [Lochner]

Ronald M. Labbe and Jonathan Lurie, *The Slaughterhouse Cases: Regulation, Reconstruction and the Fourteenth Amendment* [Slaughterhouse Cases]

William E. Leuchtenburg, *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt* [Supreme Court]

| <u>Date</u>                 | <u>Topic</u>                             | <u>Reading Assignment</u>                                |
|-----------------------------|--|--|
| January 9                   | Civil War                                | None   |
| January 11                  | Reconstruction                           | <i>March</i> , chapter 21 (handout)                      |
| January 16                  | Retreat from Reconstruction              | <i>March</i> , 479-82; <i>Slaughterhouse Cases</i> (all) |
| January 18                  | Minorities and the Law                   | <i>March</i> , 482-99                                    |
| January 24                  | Law and the Economy                      | <i>Lochner</i> , 1-43                                    |
| January 26                  | Regulation & Reaction                    | <i>March</i> , 521-44; <i>Lochner</i> , 44-78            |
| January 31                  | Triumph of Substantive Due Process       | <i>March</i> , 500-15; <i>Lochner</i> , 79-127           |
| February 2                  | The <i>Lochner</i> Era?                  | <i>March</i> , 545-97; <i>Lochner</i> , 128-65           |
| February 7                  | Emergence of the Modern Legal Profession | <i>March</i> , 413-20                                    |
| February 9                  | World War I                              | <i>March</i> , 598-623                                   |
| <b>February 13 (Monday)</b> |  | <b>Midterm Examination Due</b>                           |

| <u>Date</u> | <u>Topic</u>                            | <u>Reading Assignment</u>                                     |
|-------------|---|---|
| February 14 | Law and Reaction in 1920s               | <i>March</i> , 624-662; <i>Supreme Court</i> , 1-25           |
| February 16 | Origins of the "Court Fight"            | <i>March</i> , 663-86; <i>Supreme Court</i> , 26-162          |
| February 21 | A New Deal in American Law?             | <i>March</i> , 687-730; <i>New Deal</i> , 213-58              |
| February 23 | Hot and Cold Wars                       | <i>March</i> , 731-72   |
| February 28 | Civil Rights                            | <i>March</i> , 774-92; <i>Brown v. Board</i> , 1-207          |
| March 2     | <i>Brown's</i> Legacy: The Warren Court | <i>March</i> , 793-816; <i>Brown v. Board</i> , 208-43        |
| March 7     | <i>Roe v. Wade</i>                      | <i>Roe v. Wade</i> , (all)                                    |
| March 9     | Constitutional Counterrevolution?       | <i>March</i> , 858-63, 901-12, 930-43, 947-72, 975-86, 994-97 |
| March 14    | The Vietnam War                         | <i>March</i> , 852-57; <i>Vietnam War</i> (all)               |
| March 16    | Vietnam, Iraq, and Afghanistan          | Review March 16 assignment                                    |

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**(UCSD) Tuesday 2:00-4:00 and immediately after class & Thursday 3:00-4:00**