

UNIVERSITY OF CALIFORNIA, SAN DIEGO
Department of History
Winter Quarter, 2006

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LAW AND RELIGION IN AMERICAN HISTORY: THE MODERN ERA

This lecture-discussion course examines selected topics in the history of law and religion in American society from the turn of the twentieth century to the present. It is a continuation of HIUS 155A. Major emphasis will be placed upon the Religion Clauses in the First Amendment to the Constitution of the United States and their interpretation by federal courts.

Topics this quarter will include the adoption of the Constitution and the Bill of Rights, early nineteenth and twentieth century interpretations of the Free Exercise and Establishment Clauses; and the expansion of these clauses by the Supreme Court during the years from 1940 to the present.

The following books and materials are required for the course. With the exception of the Course Reader, they may be purchased in the University Bookstore. Those marked with (**) were used in 155A during the Fall Quarter. A few copies of those marked (**) will be placed on reserve in the Geisel Library.

****John T. Noonan & Edward Gaffney, Jr., *Religious Freedom: History, Cases and Other Materials on the Interaction of Religion and Government.***

****John T. Noonan, *The Lustre of Our Country.***

Course Reader, ***Cases on Religion and Law Before 1941.***

Jeffrey P. Moran, ***The Scopes Trial: A Brief History with Documents.***

David M. O'Brien, ***Animal Sacrifice & Religious Freedom.***

Course Requirements: Students should bring Noonan & Gaffney to class each session and complete the week's assignments prior to Monday. A one-hour in class mid-term on Friday, February 10 will count for 40% of the course grade. A three-hour final examination the week of December 5-10 will count for 50% of the course grade.

Two unannounced quizzes on selected Fridays will each count for 5% of the course grade. **Students taking the course N/NP must complete all of the examinations and quizzes and receive a grade of C or higher.**

Assignments

WEEK I (January 9-13): Foundations

Noonan & Gaffney, chapter 6, pp. 158-200
Noonan, Lustre, chapter 3, “JM’s Original Insight”
Noonan & Gaffney, chapter 8, 280-287
Moran, The Scopes Trial (begin reading)

WEEK II (January 16-20) The First One Hundred-Fifty Years

Noonan & Gaffney, chapter 9, 288-295
Noonan & Gaffney, chapter 10, 308-316, 325-337, 342-347
Moran, The Scopes Trial (complete reading)

WEEK III (January 23-27) The Hughes, Stone, Vinson Years

Noonan & Gaffney, chapter 11, 352-377
Noonan & Gaffney, chapter 11, 378-391

WEEK IV (January 30-February 3) The Hughes, Stone, Vinson Years

Noonan & Gaffney, chapter 12, 558-567.
Noonan, Lustre, chapter 6.
Noonan & Gaffney, chapter 14, 680-686, 749-761
Noonan, Lustre, chapter 7

WEEK V (February 6-February 10) The Warren & Burger Eras

Noonan & Gaffney, chapter 14, 761-779
Noonan & Gaffney, chapter 13, 616-633
Noonan & Gaffney, chapter 13, 650-669
Noonan & Gaffney, chapter 14, 688-708

MID-TERM EXAMINATION IN CLASS, FRIDAY

WEEK VI (February 13-February 17) The Warren & Burger Eras

**Noonan & Gaffney, chapter 12, 570-571
Noonan & Gaffney, chapter 11, 418-425**

WEEK VII (February 20- February 24) The Warren & Burger Eras

**Noonan & Gaffney, chapter 11, 391-417
Noonan & Gaffney, chapter 11, 446-464
Noonan, Lustre, chapter 8**

WEEK VIII (February 27-March 3) The Rehnquist Court

**Noonan & Gaffney, chapter 14, 708-748
Noonan & Gaffney, chapter 14, 782-818
O'Brien, Animal Sacrifice (begin reading)**

WEEK IX (March 6-March 10) The Rehnquist Court

**Noonan & Gaffney, chapter 11, 502-517
Noonan & Gaffney, chapter 11, 480-500
O'Brien, Animal Sacrifice (complete reading)
Noonan & Gaffney, chapter 11, 517-534**

WEEK X (March 13-March 17)

**Noonan & Gaffney, chapter 14, 818-842
Course Reader, "Darwin on Trial"
Course Reader, McCreary v. ACLU; Van Orden v. Perry**

FINAL EXAMINATION: Week of March 20-24, 2006