

University of Detroit Mercy

466: American Constitutional and Legal History (1865 to Present)

3.0 Credits, Section R1

Fall 2003

Instructor: D. Muhammad
Office: 323 Briggs Hall
Office Hours: M., W., F., 9:00-10:00; 11:00-12:00; 1:00-2:00: by Appt.
Office Phone: (313) 993-1024
Course Meeting Times: Thursdays: 06:40 to 09:10; 25 Briggs Hall
E-Mail: muhammde@udmercy.edu

Course Description: The purpose of this course is to provide students with a broad understanding of the American legal tradition from the Civil War to present. We will focus primarily United States Supreme Court cases in context, while considering their impact on American life and history. We will consider justice as fairness with respect to the following issues throughout the semester: **1) Race and Ethnicity 2) Industrialization and Economic Expansion 3) Socio-Economic Class and Privilege 4) Freedom and Democracy 5) Culture and Inequality.** We will also explore the backgrounds of the justices in terms of their education, political ideology, personal proclivities, and the area of the United States from which they came; the foregoing are important because scholars have noted that such are inherent in the decisions of the justices. Lastly, we will examine the Supreme Court's relationship to the United States Congress and the presidency.

Course Structure: This course will function in a lecture/seminar format; that is, the instructor will lecture during the first half of each class, and discussion, as well as student presentations, will proceed. Student presentations will be based on a particular court case, justice, or prominent societal issue.

Course Objectives: **1)** Students will know the facts of leading United States Supreme Court cases and their consequent watersheds in American history, as well as many past and present personalities that served on the Court (ie., Waite, Field, Taft, Holmes, Douglas, Frankfurter, Warren, Marshall, Powell, Rehnquist, and O'Connor) **2)** Students will be able to discuss "justice" as "fairness" from a historical standpoint and its relevance to contemporary issues. **3)** Students will be able to write a persuasive historical research paper and defend his or her position based on primary and secondary sources.

Required Books: Kelly, Alfred et al. The American Constitution: Its Origin and Development. 7th ed., Vol. II (New York: W. W. Norton, 1991)

Urofsky, Melvin, and Paul Finkelman. Documents of American Constitutional and Legal History Vol. 2: From the Age of Industrialization to the Present (New York: Oxford University Press, 2002)

Supplementary Books on Library Reserve (from which students will read selections and make presentations):

Benedict, Michael Les. The Blessings of Liberty: A Concise History of the Constitution of the United States (Lexington, MA: D. C. Heath, 1996)

Hall, Kermit et al. American Legal History: Cases and Materials (New York: Oxford University, Press, 1996)

Leeson, Susan M. and James C. Foster. Constitutional Laws: Cases in Context (New York: St. Martins Press, 1992)

Leutcheburg, William E. The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt (New York: Oxford University Press, 1995)

Lofgren, Charles. The Plessy Case: A Legal Historical Interpretation (New York: Oxford University Press, 1987)

Rehnquist, William. The Supreme Court (New York: Vintage, 2001)

Simon, James F. The Antagonists: Hugo Black, Felix Frankfurter and Civil Liberties in Modern America (New York: Touchstone, 1989)

Stevens, Robert. Law School: Legal Education in America from the 1850s to the 1980s (Chapel Hill, University of North Carolina Press, 1983)

Tushnet, Mark. The NAACP's Legal Strategy against Segregated Education 1925-1950 (Chapel Hill, University of North Carolina Press, 1987)

Van Burkleo, Sandra. Constitutionalism and American Culture: Writing the New Constitutional History (Lawrence: University of Kansas Press, 2002)

White, G. Edward Earl Warren: A Public Life (New York: Oxford University Press, 1992)

Wolfe, Christopher. The Rise of Modern Judicial Review: From Constitutional Interpretation to Judge-Made Law (New York: Rowan Littlefield, 1994)

Exceptional Rule: If a student earns "95" or higher on the midterm exam, he or she will be exempted from the final exam.

Course Calendar and Reading Assignments

Week 1

Sept. 04

Introduction, Review Course Syllabus and Scope of the Course; Define American Legal History

Week 2

Sept. 11

Reconstruction and the Supreme Court, Kelly Chp. 17 and Begin 18 Urofsky, Cases 127-130

Week 3

Sept. 18

Corporate Dominance and the Supreme Court, Kelly 18-19 Urofsky, Cases 131-135

Week 4

Sept. 25

The Regulatory State and the Supreme Court, Kelly Chps. 20-21 Urofsky, Cases 136-143; Film on President Theodore Roosevelt

Week 5

Oct. 02

Civil Liberties and the Supreme Court, Kelly Chps. 22-23 Urofsky, Cases 144-159

Week 6

Oct. 09

The New Deal and Supreme Court, Kelly 24-25 Urofsky, Cases 160-184

Week 7

Oct. 16

Mid Term Exam

World War II and the Supreme Court; Kelly 26-27 Urofsky, Cases 185-201; Film: Hirabayashi v. U. S.

Week 8

Oct. 23

The Cold War and Supreme Court: Kelly, 28 Urofsky, Cases 185-201

Week 9

Oct. 30

Civil Rights and the Supreme Court; Kelly Chp. 29-30 Urofsky, Cases 202-217; Film: Separate but Equal

Week 10

Nov. 06

Liberal Constitutionalism and the Supreme Court, Kelly Chp. 31-32 Urofsky, Cases 218-230

Week 11

Nov. 13

Watergate Scandal and the Crisis of the Modern Presidency/The Berger Court 33-36; Urofsky, Cases 231-240

Week 12

Nov. 20 The Rehnquist Court; Begin Student Presentations of Research Papers

Week 13

Nov. 27 No Class/Thanksgiving Holiday

Week 14

Dec. 04 Student Presentations Continued; Review for Final Exam

Week 15

Dec. 11 Final Exam

Grades will be calculated in the following manner on a 500 Point Scale:

Presentations.....	50 Points
Discussion Participation.....	100 Points
Test 1.....	100 Points
Research Paper.....	100 Points
Final Exam (Cumulative).....	150 Points