

AMH 5667, American Legal History  
Spring 2017: Wednesday 8-10 period  
Keene Flint 13

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**Office hours:** Wed 10-noon and by appointment

### Overview

This course will look at the modern legal history of the United States, defined as the period from 1865 through the end of the twentieth century. We will read a mix of recent books, articles, and cases that cover a range of legal history topics, trying to get an overview of major issues in the field and an introduction to significant moments in legal history. Topics we will cover will be the legal history of crime and punishment, the transformation of the American state, and the revolutions (and counterrevolutions) in rights across that period. The course requires no special legal knowledge.

### Readings:

#### 1. Required Books

Karen Tani, *States of Dependency: Welfare, Rights, and American Governance* (Cambridge, 2016).

Elizabeth Hinton, *From the War on Poverty to the War on Crime* (Harvard, 2016)

Jeffrey Kirchmeier, *Imprisoned by the Past* (Oxford, 2015)

Risa Goluboff, *Vagrant Nation* (Oxford, 2016)

Tomiko Brown-Nagin, *Courage to Dissent* (Oxford 2011)

Sophia Z. Lee, *The Workplace Constitution* (Cambridge, 2014)

Lisa McGirr, *The War on Alcohol* (Norton, 2015)

Laura Weinrib, *The Taming of Free Speech* (Harvard, 2016)

Laura Edwards, *A Legal History of the Civil War and Reconstruction* (Cambridge, 2015)

Christopher Capozzola, *Uncle Sam Wants You* (Oxford, 2010)

#### 2. Cases (we will be reading *Slaughterhouse* and *Plessy* together, you will need to pick 2-3 cases, either from this list or from other Supreme Court opinions for your seminar paper, which will explore the legal history of a legal problem):

*Slaughterhouse Cases* (1873)

*Plessy v. Ferguson* (1896)

*Brown v. Board of Education* (1954)

*Parents Involved in Community Schools v. Seattle* (2007)

*United States v. Miller* (1934)  
*District of Columbia v. Heller* (2008)  
*McDonald v. Chicago* (2010)

*Bell v. Wolfish* (1979)  
*Brown v. Plata* (2011)

**3. Articles** (these are examples of the types of articles you will do your legal history article analysis using):

Claudio Katz, "Protective Labor Legislation in the Courts," *Law and History Review* 31 (2013): 275

Mark Golub, "Remembering Massive Resistance to School Desegregation," *Law and History Review* 31 (2013): 491.

H. Timothy Lovelace, "Making the World in Atlanta's Image," *Law and History Review* 32 (2014): 385.

Christopher Schmidt, "Divided by Law," *Law and History Review* 33 (2015): 93.

#### **Assignments:**

60 % of grade: 20-25 page seminar paper putting 2-3 Supreme Court cases in context to trace the legal history of a problem

5% identification of cases and problem

10% of grade: legal history article analysis

15% draft and presentation

30% final paper

40% of grade: class participation

20% weekly participation

20% presentation on reading (every student will lead discussion on one book)

#### **CLASSROOM POLICIES**

**Attendance Policy:** Effective work in this graduate seminar depends on the regular and active attendance of all participants at all the weekly sessions, and to that end engaged attendance must be more than an aspiration. Requirements for class attendance are consistent with university policies (see <http://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.)

Note, however, that students with more than two unexcused absences from weekly sessions may be asked to withdraw from the course or suffer significant grading penalties.

**Make-up Policy:** Assignments and other required work are due on the dates agreed upon by the participants at the beginning of the semester. Work that is missed because of excused absences may be made up as the course schedule permits. Students who are chronically unable to meet deadlines may be asked to withdraw from the course or suffer significant grading penalties.

**Grading Scale:** Students will be graded using the University of Florida’s standard letter grade system, [as follows](#):

Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E, I, NG, S-U, WF
Grade Points	4.0	3.67	3.33	3.00	2.67	2.33	2.00	1.67	1.33	1.00	.67	0.00

**Academic Honesty:** UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The Honor Code (<http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor.

**Accommodations for Students with Disabilities:** Students requesting classroom accommodation must first register with the Dean of Students Office. The Dean of Students Office will provide documentation to the student who must then provide this documentation to the Instructor when requesting accommodation. Contact the Disability Resources Center (<http://www.dso.ufl.edu/drc/>) for information about available resources for students with disabilities.

**Counseling and Mental Health Resources:** Students facing difficulties completing the course or who are in need of counseling or urgent help should call the on-campus Counseling and Wellness Center (352-392-1575; <http://www.counseling.ufl.edu/cwc/>).

**Online Course Evaluation Process:** Students are expected to provide feedback on the quality of instruction in this course based on 10 criteria. These evaluations are conducted online at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results>

**Class calendar:**

January 4: Edwards, *Legal History of Civil War and Reconstruction*

January 11: No class (Dale at conference at University of South Carolina)

January 18: *Slaughterhouse and Plessy*  
Identify legal history article by this class  
Class presentation assignments

January 25: Capozzola, *Uncle Sam Wants You*  
Turn in legal history article paper

February 1: McGirr, *War on Alcohol*

February 8: Weinrib, *Taming of Free Speech*  
Identify cases for seminar paper

February 15: Lee, *Workplace Constitution*

February 22: Brown-Nagin, *Courage to Dissent*

March 1: Tani, *States of Dependency*

March 8: NO CLASS, Spring Break

March 15: Goluboff, *Vagrant Nation*

March 22: Kirchmeier, *Imprisoned by the Past*

March 29: Hinton, *From the War on Poverty to the War on Crime*

April 5: presentations

April 12: presentations

April 19: NO CLASS, individual meetings on papers

April 26: Final paper due by 5pm