

Great Cases – CASE

Course Syllabus

Johns Hopkins University - Center for Talented Youth

Introduction

Recent controversial opinions by the Roberts Court remind us of the unalterable connection between law and politics in the U.S. While John Adams rightly declared that this is “a nation of laws, not of men,” we must look at the politics of men and women, and society, in order to truly understand the law. This class will focus on major Supreme Court decisions as a means to explore broad conflicts and problems in US history spanning the development of law in the early American colonies to modern dilemmas. Students will examine, and at times reenact, historic dramas concerning citizenship and equality, slavery and freedom, labor and free market capitalism, equality before the law, women’s roles in society, and civil rights. Our study of past legal disputes will also introduce students to the work of the historian, which includes discussing issues of objectivity, causation, and epistemology, as well as the use of different types of sources and historiography.

Texts

- *Major Problems in American Constitutional History: Volume I, The Colonial Era Through Reconstruction*. Kermit Hall, ed. (Lexington, MA: D.C. Heath, 1992).
- *Major Problems in American Constitutional History: Volume II, From 1870 to the Present*, Kermit Hall, ed. (Lexington, MA: D.C. Heath, 1992).
- Additional documents, essays, and texts to be made available by instructor throughout the course.

Outline

Please Note – Syllabus may be adjusted at the instructor’s discretion.

Day 1

Focusing on: Introduction, What is History, Origins and Function of the Law, Primary and Secondary Source Documents, Objectivity, Modernity, Bacon’s Rebellion, Slavery and Freedom, Intellectual Origins of American Government

Morning

- Introductions
- Overview of Course (requirements, plagiarism, honor code, class rules, writing, note-taking, etc.)
- Pre-Assessment
- Discussion
 - What is the Law?
 - Handouts
 - What is History?
 - Readings by Marc Bloch, E.H. Carr
 - Reading primary document and secondary documents

-- Read Novick's *Nailing Jelly to the Wall*. Discuss objectivity, subjectivity and perspective in historical studies.

-- Orwell, "Politics and the English Language," Reading and Activity

Afternoon

-- Lecture on Race, Rebellion, and Slavery in Virginia

-- Read and Discuss: Slavery and Colonial Virginia, "Virginia Slave Codes" and Edmund Morgan's *American Slavery, American Freedom*

Evening

Readings: Origins of American Law and Politics - **Major Problems 1**, pp. 64-67, 69-71, 75-78, 91-97, 122-127, and Peter Irons, "Morally Sinful by the Word of God," in *A People's History of the Supreme Court*

Day 2

Focusing on: Republicanism, Liberalism, Natural Law, Constitutional Government, Private Property, Articles of Confederation, the Constitution, Bill of Rights, Enlightenment

Morning

-- Lecture- Republicanism and Liberalism

-- Discussion of previous night's readings

-- Declaration of Independence reading activity

-- Articles of Confederation activity and U.S. Constitution, reading and discussion

Afternoon

-- Finish Articles of Confederation activity

-- Read and discuss the Constitution and Bill of Rights

-- Discuss politics of the Federalists/Anti-federalists

Evening

--Finish discussing Constitution and Bill of Rights

--Introduce Bill of Rights project.

Day 3

Focusing on: *Marbury v. Madison*, Constitutionalism, The Marshall Court, Judicial Review, Federalism, Original Intent, Citizenship

Morning

-- Bill of Rights project

-- Questions and reflections about Bill of Rights project

Afternoon

-- Continued reflections about Bill of Rights project

-- Read and Discuss *Marbury vs. Madison*, *McCulloch vs. Maryland*, **Major Problems 1** pp 278-289, 291-298

Evening

-- Finish reading and discussing *Marbury vs. Madison*, *McCulloch vs. Maryland*, **Major Problems 1** pp 278-289, 291-298 and Raoul Berger, "Original Intent as a Curb on Judicial Power"

-- Begin Position Paper on Judicial Review

Day 4

Focusing on: Political Economy, *Dartmouth College v. Woodward*, *Charles River Bridge*, Geographical Development, Slavery, *State v. Mann*, *Dred Scott v. Sanford*, Fugitive Slave Act, the Taney Court

Morning

-- Read and Discuss *Dartmouth College v. Woodward*, and *Charles River Bridge* in **Major Problems 1** pp 407-414, 417-440

-- Discussion about geographic development, culture

-- Position Paper on the Constitutionality of Judicial Review

Afternoon

--Lecture on slavery and freedom

--Reading and discussion of *State v. Mann* and Genovese, "The Hegemonic Function of the Law"

Evening

-- Read *Dred Scott v. Sanford*, and Lincoln – Douglas Debate over *Dred Scott* in **Major Problems 1**, 463-483

-- Discussion of Slavery and Law in Antebellum US

Day 5

Focusing on: Slavery and Freedom, Citizenship, Civil War and Reconstruction, *Plessy v. Ferguson*, Segregation and Jim Crow; 13th, 14th, 15th Amendments

Morning

-- Discussion of previous night's readings topics

-- The Civil Rights Act of 1866, pgs. 529-535

-- Discussion of 13th, 14th, and 15th

Afternoon

-- Debate central issues in *Dred Scott v. Sandford*

Evening (Sunday)

-- Movie, *Reconstruction: The Second Civil War*

Day 6

Focusing on: Industrialism, Sherman Antitrust Act, Social Darwinism, Immigration, *Slaughterhouse Cases*, *Munn v. Illinois*, *U.S. v. E.C. Knight*, *In Re Debs*, Populism, Strikebreaking, Haymarket, Chinese Exclusion

Morning

-- Discussion of Jim Crow and racial segregation

--Section from W.E.B. Dubois' *The Souls of Black Folk* and Booker T. Washington's *Up From Slavery*

-- Lecture: Labor, Capital and the Gospel of Wealth in Gilded Age America

--Reading and Discussion - **Major Problems 1**, *Slaughterhouse Cases*, 546-565, *Munn v. Illinois*, *U.S. v. E.C. Knight*, *In Re Debs*, People's Party Platform, *Major Problems 2*, 27-41, 44-53

Afternoon

-- Discussion of immigration restriction and Social Darwinism. Use excerpt from Herbert Spencer's *Social Statistics*

Evening

--Jacob Riis, "How the Other Half Lives"

--Populist Party Platform, **Major Problems II**, pp. 27-41, 44-53

--Discussion of Populists, the Grange

Day 7

Focusing on: Contracts, Labor, *Lochner v. New York*, *Holden v. Hardy*, Cities, Progressive Era, Welfare Capitalism Gender, Feminism, *Muller vs. Oregon*, Paternalism, Brandeis Brief, Dependency, Equal Protection

Morning

--Reading and Discussion *Lochner v. New York* in **Major Problems II** pp. 94-100

-- Lecture and Discussion – Progressivism, Labor and Welfare Capitalism

-- Reading *Muller v. Oregon*, \ in **Major Problems II**, 100-106, 118-129.

-- Circulate timeline

Afternoon

- Lecture on Victorian and Modern Gender Spheres
- Discussion of Paternalism, Gender, and Womanhood
- Getting beyond “Republican Motherhood” and Feminism
- Debate Protective Legislation – Paternalistic Sexism

Evening

- View part of Charlie Chaplin’s “Modern Times”
- Read and discuss, The Espionage Act, *Schenk v. U.S.*, etc., **Major Problems II** pp143-148, 166-189, and read Eric Foner’s *The Birth of Civil Liberties*

Day 8

Focusing on: Cold War, Smith Act, Free Speech Cases, Civil Liberties, Free Speech, Police Power, Repression, *Schenk, Abrams, Gitlow, Debs*, National Security, Immigration, Communist Party

Morning

- “Civil Liberties during war time project” (*Schenk, Abrams, Dennis, Yates, Brandenburg, Espionage Acts and Smith Act*) students enact and present prominent free speech cases focusing especially on historical context and political climate

Evening

- Reading about European Union, Asian politics, and the possibility of a union of Asian nations

Day 9:

Focusing on: Asian Confederation, Civil Liberties and Free Speech

Morning

- Finish discussing free speech and civil liberties
- Preparation for debate

Afternoon

- Debate with Asian Pacific Rim class on the efficacy of a European Union-style consortium in Asia

Evening

- Reading section from *Down and Out in the Great Depression: Letters from the Forgotten Man*, Richard Hofstadter’s *The Age of Reform* and Dawley *Struggles for Justice*
- Listen to Audio from Oral Arguments from *Community Schools vs. Seattle School District*
- Writing a Supreme Court decision based on oral arguments from *Seattle*

Day 10

Focusing on: FDR, New Deal Legislation, Court Packing, Separate but Equal, *Brown*, De Jure and De Facto Segregation

Morning

- Discussion and Lecture on New Deal, Court Packing. Circulate handouts
- Written response: compare political economy in Gilded Age America with early 20th century

Afternoon

- Read and discuss: -- *Brown v. Board of Education of Topeka, Kansas*, The Civil Rights Act of 1964 in **Major Problems II** pp. 363-374

Evening (Sunday)

- M.L. King “Letters from a Birmingham Jail,” and Malcolm X’s “The Ballot or the Bullet”
- Listen to various original Civil Rights Era speeches

Day 11

Focusing on: Civil Rights, Brown v. Board, Integration, Equality, MLK, Protest, Southern Manifesto, Affirmative Action

Morning

- Lecture on Brown, white flight, and the failed attempts to integrate
- Introduce and discuss about Final Projects
- Discussion: Civil Rights, race issues in the US, pictures from Watts Riots
- Read *Regents of the University of California v. Bakke* in *Major Problems II*, pp. 374-379

Afternoon

- Debate on Affirmative Action

Evening

- Readings about Feminism, Women's Rights, and Equal Protection

Day 12

Focusing on: Privacy and the Constitution, *Griswold v. Connecticut*, Equal Rights Amendment, Feminism, Gender, Final Projects

Morning

- Declaration of Rights and Sentiments
- Library research for independent projects on contemporary issues

Afternoon

- Lecture on Radical and Liberal Feminism
- Read and discuss Betty Freidan's *The Feminine Mystique*

Evening

- Library Research for Student Projects
- Read **Major Problems II** pgs. on ERA, proponents and opponents, *Frontiero*, *Griswold*

Day 13

Focusing on: Gender, Sex Politics and Marriage, Final Projects, *Roe*

Morning

- Discuss the Equal Rights Amendment, including proponents and opponents
- Reading and discussion of *Roe v. Wade*

Afternoon

- Presentation of Independent Projects on contemporary issues

Evening

- Politics of Sexuality: Read George Chauncey's *Gay New York*, *Bowers v. Hardwick (1986)* and hear audio of oral arguments in *Lawrence v. Texas*

Day 14

- Discussion of Same-Sex Marriage
- Finish presentations and discussion of student projects

Afternoon

- Post Assessment and Evaluations
- Legal History Jeopardy

Day 15

Morning

- Wrap-up and final discussions
- Movie and Party