

**AMERICAN CONSTITUTIONAL HISTORY**  
**Beginnings through 2000**

**Professor Hogue**

**Preliminary Syllabus**

Room 454

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Spring 2010

**OFFICE HOURS:** Office hours may be arranged by appointment.

**TEXTBOOKS:** Unless otherwise indicated, all pages below refer to Urofsky and Finkelman, A March of Liberty: A Constitutional History of the United States, vols 1 [ISBN 0-19-512634-3 (paperback) and 2 [ISBN 0-19-512637-8 (paperback)] (2002) which are required reading for the course. Additional cases will be assigned as indicated in the syllabus.

**EVALUATION:** Grades in the course are based on a paper briefly described below. Students wishing to use this paper to satisfy the writing requirement must consult with Professor Hogue for any additional requirements which must be met.

**PAPER (Short description):** From a list of federal Supreme Court justices, select a Justice of the federal Supreme Court who was NOT a Chief Justice and sat on or before the year 2000. Choose at least ten to twelve opinions written by your Justice and write a paper (approximately 25-30 pages in length) assessing their importance to the development of American Constitutional History. You may pick a figure because of his or her biography, or any of a number of other factors, e.g., subject matter of the opinions, era in which he or she served, etc. A bibliography of cases and materials will be due on the first class meeting following Spring Break.

There is a list of federal Supreme Court justices in an appendix to vol. 1 (pp. A28 – A36). Note that it contains an error; it omits among the justices appointed by Abraham Lincoln “(1) Salmon P. Chase (1808 – 1873); Republican from Ohio; served 1864 – 1873; died.” You may wish to pencil in the correction. A more complete list is in the “Table of Justices,” Appendix B of Sullivan and Gunther, Constitutional Law (16<sup>th</sup> ed. 2007).

**Readings**

Last Revised December 16, 2009

1. Jan. 12 vol. 1, chs 1 – 5 (pp. 1 – 92).
2. Jan. 19 vol.1, chs 6 – 8 (pp. 93 – 164).
3. Jan. 26 vol. 1, chs 9 – 12 (pp. 165 – 247).

4. Feb. 2 vol. 1, chs 13 – 15 (pp. 248 – 319) and read Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1 (1831) and Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832).

5. Feb. 9 vol. 1, chs 16 – 18 (pp. 320 – 400); and read Prigg v. Pennsylvania, 41 U.S (16 Pet.) 539 (1842) and Dred Scott v. Sanford, 60 U.S. (19 How.) 393 (1856).

6. Feb. 16 vol. 1, chs 19 – 21 (pp. 401 – 478) and read Ableman v. Booth, 62 U.S. (21 How.) 506 (1858); Raines v. Byrd, 521 U.S. 811, esp. 826 - 829 (1997)(Tenure of Office Act controversy) and Texas v. White, 74 U.S. (7 Wall.) 700 (1869).

7. Feb. 23 vol. 2, chs 22 – 24 (pp. 479 – 544) and read Pollock v. Farmer's Loan & Trust Co., 157 U.S. 429 (1895).

8. Mar. 2 vol. 2, chs 25 – 27 (pp. 545– 623).

Mar. 8 - 14 **SPRING BREAK**

9. Mar. 16 vol. 2, chs 28 – 30 (pp. 624 – 686) and read Frank v. Mangum, 237 U.S. 309 (1915). **Preliminary bibliography due.**

10. Mar. 23 vol. 2, chs 31 – 34 (pp. 687 – 772).

11. Mar. 30 vol. 2, chs 35 – 37 (pp. 773 – 842).

12. Apr. 6 vol. 2, chs 38 – 40 (pp. 843 – 918).

13. Apr. 13 vol. 2, chs 41 – 43 (pp. 919 – 997).

14. Apr. 20 (last day of class) vol 2, ch 44 (pp. 997 – 1027).

**PAPER DUE BY END OF EXAM PERIOD.**