**HISTORY 3317—U.S. Legal and Constitutional History (Colonial Era to 1870)**

**Dr. David Narrett Summer 1 CLASS: UH 01 MTWTH 10:30 am-12:30 pm**

**Office: 345 UH Office Hours: MTWTH 1:30-3:00 p.m. and by appointment**

This course examines the origins and development of American legal and constitutional thought, values, institutions, and practices from the colonial era through the period of Reconstruction following the Civil War. Major topics include the transmission of English law to the American colonies, the American Revolution as a constitutional crisis, and the enactment of the Constitution and the Bill of Rights. The course considers crucial Supreme Court decisions from the presidency of George Washington through the Civil War and Reconstruction. Special attention is given to issues of liberty and authority, freedom and slavery, and the balance between national power and states’ rights.

**Reading:**

Melvin I. Urofsky and Paul Finkelman, ***Documents of American Constitutional and Legal History*, Volume I (Third Edition)**

**Web Documents** (Insert Web Addresses into Browser Window to open if necessary.)

**Grading:**

Three Exams (Each exam counts 30 percent of Grade.)

Class participation counts 10 percent of grade. This grade depends on active participation by asking questions and/or engaging in discussion. Students obtain at least an 80 in this category for good attendance with some participation. Participation is graded at the professor’s discretion. Students are *not* graded down for either asking or attempting to answer questions.

**Rules**: Cell phones are to be turned off in class or to be kept on vibrate-mode for emergencies.

**Last Drop (Withdrawal) Day: June 25 (Submit requests by 4 p.m. to advisor.)**

**CALENDAR**

**June 4** **Introduction**

**Magna Carta and English Precedents**

*Documents*, pp. 1-2

<https://www.bl.uk/magna-carta/articles/the-origins-of-magna-carta>

Insert address into search window in order to open.)

Petition of Right (1628 <https://www.bl.uk/collection-items/the-petition-of-right>

<http://www.let.rug.nl/usa/documents/1600-1650/petition-of-right-1628.php>

English Bill of Rights (1689)

<http://libguides.law.uga.edu/c.php?g=177206&p=1164805>.*Documents*, 22-26

**June 5** **Origins of Common Law**

<https://faculty.history.wisc.edu/sommerville/367/367-044.htm>

<https://www.law.berkeley.edu/library/robbins/CommonLawCivilLawTraditions.html>**Royal Charters as Founding Documents**

Letters Patent to Sir Humphrey Gilbert, *Documents*, 3-5

The Virginia Company of London

<https://www.nps.gov/jame/learn/historyculture/the-virginia-company-of-london.htm>

Charter of Carolina (1663) <http://northcarolinahistory.org/encyclopedia/carolina-charter-of-1663/>

**June 6** **Seventeenth-Century Colonies--Varied Legal Orders**

**Virginia**—Dale’s Laws (1610)

<http://teachingamericanhistory.org/library/document/articles-laws-and-orders-divine-politic-and-martial-for-the-colony-in-virginia/>

Virginia—House of Burgesses (1619)

<https://www.nps.gov/parkhistory/online_books/source/is2/is2d.htm>

(Above is a quite detailed view of early years of House of Burgesses.)

<https://historicjamestowne.org/history/the-first-general-assembly/>

Virginia—Rules of Conduct on Religion (1619), *Documents,* 5-7

Virginia Statute on Slavery (1662), *Documents,*14-15**Maryland,** Act on Religion (1649)

<http://www.let.rug.nl/usa/documents/1600-1650/the-maryland-toleration-act-1649.php>

**New England,** *Documents*. 8-14

Mayflower Compact <https://www.plimoth.org/learn/just-kids/homework-help/mayflower-and-mayflower-compact>

Fundamental Orders of Connecticut

Roger Williams—*The Bloody Tenent [Tenet]of Persecution*

**Pennsylvania**—William Penn—Frame of Government (1682), *Documents*, 16-20

<http://oll.libertyfund.org/pages/1682-charter-of-the-liberties-and-frame-of-government-of-pennsylvania>

**June 7** **Transitions**

Glorious Revolution—1688;The English Bill of Rights, *Documents*. 22-26

John Locke—Second Treatise on Government/*Documents*, 26-29

Zenger Case—Issue of Seditious Libel/*Documents*, 29-35

Indian and English Views of Property, *Documents*, 35-38

**June 11 Pre-Revolutionary Crisis**

James Otis; William Blackstone; Virginia Stamp Act Resolutions; Resolutions of the Stamp Act Congress (NYC), Declaratory Act (1766), and John Dickinson, *Letters from a Farmer in Pennsylvania, Documents,* 38-53

The Stamp Act (1765)

<https://www.masshist.org/revolution/stamp.php>

Boston Non-Importation Agreement (1768)

<http://avalon.law.yale.edu/18th_century/boston_non_importation_1768.asp>

Charleston Non-Importation Agreement (1769)<http://avalon.law.yale.edu/18th_century/charleston_non_impotation_1769.asp>

**June 12-13 From Resistance to Revolution**

Sons of Liberty, New York (1773)

<http://avalon.law.yale.edu/18th_century/assoc_sons_ny_1773.asp>

Farmington, Conn. (1774)

<http://avalon.law.yale.edu/18th_century/proc_farm_ct_1774.asp>

First Continental Congress: Resolves and Articles of Association (1774)

<http://avalon.law.yale.edu/18th_century/resolves.asp>

<http://avalon.law.yale.edu/18th_century/contcong_10-20-74.asp>

Charlotte Town Resolves (1775)

<http://avalon.law.yale.edu/18th_century/charlott.asp>

Thomas Paine, *Common Sense—*(Excerpt in *Documents*, 53-58).

John Adams, *Thoughts on Government* in *Documents*, 58-62.

**June 13 Declaring Independence**

Lee’s Resolution (July 7, 1776)

<http://avalon.law.yale.edu/18th_century/lee.asp>

Draft of Declaration of Independence (June 28, 1776)

<http://www.let.rug.nl/usa/documents/1776-1785/jeffersons-draft-of-the-declaration-of-independence.php>

Declaration of Independence (July 4, 1776)

<https://www.archives.gov/founding-docs/declaration-transcript>

(See also *Documents*, pp. 62-66.)

**First State Constitutions**

Virginia Declaration of Rights (June 1776)

<http://avalon.law.yale.edu/18th_century/virginia.asp>

Constitution of Pennsylvania (Sept. 1776)

<http://avalon.law.yale.edu/18th_century/pa08.asp>

Constitution of Maryland

<http://avalon.law.yale.edu/17th_century/ma02.asp>

**June 14 The Law and Social Change**

Pennsylvania Gradual Emancipation Act (1780); Virginia Statute of Religious Freedom (1786); *Documents*, 69-73, 85-87

<http://avalon.law.yale.edu/18th_century/pennst01.asp>

**The First Federal System—The Articles of Confederation**

*Documents*, 73-79 <http://avalon.law.yale.edu/18th_century/artconf.asp>

The Northwest Ordinance, *Documents*, pp. 87-91

[**http://press-pubs.uchicago.edu/founders/documents/v1ch1s8.html**](http://press-pubs.uchicago.edu/founders/documents/v1ch1s8.html)

**JUNE 18 FIRST EXAM**

**June 19-20 The Constitution**

*Documents*, 91-98

Virginia Plan (May 29, 1787)

<http://avalon.law.yale.edu/18th_century/vatextb.asp>

Election of Popular Branch (May 31, 1787)

<http://avalon.law.yale.edu/18th_century/debates_531.asp>

The Constitution of the United States (1787), *Documents*, 97-106

<http://www.archives.gov/exhibits/charters/constitution_transcript.html>

[**https://www.archives.gov/founding-docs/constitution-transcript**](https://www.archives.gov/founding-docs/constitution-transcript)

Debate Over the Importation of Slaves (Aug. 22, 1787)

<http://avalon.law.yale.edu/18th_century/debates_822.asp>

**June 21 Debate Over the Constitution**

Madison: Federalist No. 10

<http://avalon.law.yale.edu/18th_century/fed10.asp>

Hamilton, Federalist, no. 78

*Documents***,** 118-26

“Brutus,” no. 1, Oct. 18, 1787 (See below.)

<http://press-pubs.uchicago.edu/founders/documents/v1ch8s13.html>

Federal Farmer, no. 1

<http://press-pubs.uchicago.edu/founders/documents/v1ch8s12.html>

**The First Ten Amendments The Bill of Rights) (1789; ratified 1791**)

*Documents*, 107-09 <https://www.archives.gov/founding-docs/bill-of-rights-transcript>

**June 25 First National Government—Constitutional Controversies**

Judiciary Act (1789); National Bank—Jefferson and Hamilton; Issue of Neutrality and Separation of Powers; Alien and Sedition Acts (1798); Kentucky and Virginia Resolutions/*Documents*, 127-41; 151-63

**June 25 Last Date to Withdraw from Class (submit requests by 4 p.m.)**

**June 26 SECOND EXAM**

**June 27 The Marshall Court**

**Judicial Review** Marbury v. Madison**,** *Documents***,** 170-76

Dartmouth College v. Woodward (1819); McCullough v. Maryland (1819); Gibbons v. Ogden (1824)/*Documents,* 207-13, 217-25, 245-49

**June 28** **The Era of Andrew Jackson**

Nullification Crisis; Jackson and the “Bank War”; The Cherokees

*Documents*, 262-65. 271-86

CONTINUED BELOW

**July 2-3** **The Issue of Slavery**

The State (of Virginia) v. Mann 1829); Prigg v. Pennsylvania (1842);

Fugitive Slave Act (1850); Massachusetts Personal Liberty Act (1855); Dred Scott v. Sanford (1857); Lincoln-Douglas Debates (1858))/*Documents*, 265-71, 328-33, 395-409, 410-12; Frederick Douglass, “What to the Slave Is the Fourth of July/” (1852), *Documents*, 387-94

**July 3** **Slavery, Secession, and Civil War**

Limits of Federal Power (1860); South Carolina Ordinance of Secession (1860); Constitution of Confederate States (1861); Lincoln’s First Inaugural Address (1861); Ex Parte Merryman/*Documents*, 426-32, 446-58

Texas Ordinance of Secession

<http://avalon.law.yale.edu/19th_century/csa_texsec.asp>

**Lincoln and Emancipation**; Emancipation Proclamation (1863); Gettysburg Address (1863); Constitutionality of Draft (1864); Ex Parte Vallindingham (1864); Second Inaugural Address (1865)/Documents, 446-58

<http://avalon.law.yale.edu/19th_century/emancipa.asp>

<http://avalon.law.yale.edu/19th_century/lincoln2.asp>

**July 5** **Civil Rights Act and Its Veto (Conclusion)**

**Thirteenth, Fourteenth, and Fifteenth Amendments**

*Documents*, 110-111, 495-504
<http://www.lincoln.edu/criminaljustice/hr/ThirteenththroughFifteenth.htm>

**July 9 FINAL EXAM**

**(EXAM IS DURING REGULAR CLASS PERIOD—10:30 a.m.-12:30 p.m.)**