**Course Description and Objectives**

This course introduces students to the history of law in the area that became the United States from the foundations of the English common law to the legal shifts of the period after the American Civil War. Course meetings will be dedicated to discussing major topics in American law and how law reflected and influenced American culture before 1900.

*Law in U.S. History* is focused on two significant themes in American history, as well as a methodological approach. First, we will discuss the ways in which law shaped and responded to the cultures of colonial America. How did individual colonists interact with the law courts? What could they expect when they sought justice or were accused of crimes? What do law cases and legal documents tell us about the society they were living in?

Second, we will investigate shifting American laws through the periods of the American Revolution and the Civil War and seek to understand how Americans, both lawyers and laymen, used the legal system to define the rights of citizens. We will consider not only major cases, but the social history of the law, broadly defined.

Throughout the semester, students will build their strengths in the methodologies of conducting research with American legal sources. This will include several small projects and papers written throughout the semester. A midterm and final exam will measure students’ understanding of class materials including readings, lectures, and discussions.

CLASS MEETINGS

Tuesdays and Thursdays

12:30-1:50pm

AL 344

AMH 4522

Law In U.S. History

# Dr. Adrian Finucane

# Department of History, Florida Atlantic UNIVERSITY

# 

Fall 2018

3 Credit Hours

Contact Information:

[afinucane@fau.edu](mailto:afinucane@fau.edu) 561-297-3951

Office Hours Tuesdays 2-5pm AL 160

Academic misconduct, including plagiarism, will be penalized. Class discussion and debate is highly encouraged, but interactions with others must remain respectful.

**Academic Integrity:** Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty is considered a serious breach of these ethical standards, because it interferes with the University mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the University community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. For more information, see University Regulation 4.001.

Students are expected to produce original and individual work on all assignments. Students are expected to understand that the definition of plagiarism includes:

1. Copying large or smalls sections of a written text without appropriate quotations and citation
2. Paraphrasing written material without citing the source
3. Citing a source other than that from which you obtained your evidence
4. Altering or contriving evidence

Plagiarizing, intentionally or unintentionally, may result in the failure of individual assignments and/or the course as a whole.

Students must complete exams on their own, without referring to any notes or other students during the exam.

The **FAU Center for Excellence in Writing** has a number of resources designed to help you with your writing. Students are encouraged to take advantage of the writing center, which can be accessed at [www.fau.edu/ucew](http://www.fau.edu/ucew).

Students are encouraged to **take advantage of office hours** in order to ask questions about assignments, seek clarifications, and discuss further any class material they do not fully understand. Email will be answered on weekdays. With the exception of the draft due 11/8, papers turned in **late** without prior extension will result in the loss of 10% of the paper grade per day late, including weekend days. The draft will not receive credit if late.

Students are required to turn off cell phones and other devices that vibrate or make noise during class meetings. The use of laptops during meetings is permitted but restricted to class-related activity.

Students are required to attend all class meetings, participate in discussion, and do all of the assigned readings for the week before the Tuesday class meeting. Students may miss up to 2 class meetings during the semester without penalty. Further absences will negatively affect the student’s participation grade.

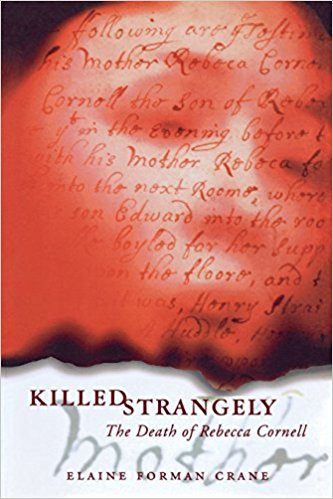
# Course Policies:

# Academic misconduct

Required Readings

Students are required to purchase one book for this course:

Elaine Forman Crane, *Killed Strangely: The Death of Rebecca Cornell*. Ithaca: Cornell University Press, 2009. ISBN: 978-0801475276



Additional reading will be available on the course Canvas website. These readings are marked on the course calendar with an asterisk.\*

Students are required to bring the week’s readings to each class meeting. Complete course readings well ahead of time, and keep notes on everything you read. These will be important when writing papers or studying for exams.

At the discretion of the instructor, there may be changes to this syllabus over the course of the semester. Students are expected to regularly check their FAU email addresses and the class Canvas website for any announcements.

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**Grading System**

A (1000-940 points) A- (939-900 points)

B+ (899-870) B (869-830) B- (829-800)

C+ (799-770) C (769-730) C- (729-700)

D+ (699-670) D (669-630) D- (629-600)

F (599 and below)

Participation

Class Participation will be graded as follows:

**A-level Participation**

Attends class consistently and always contributes actively and insightfully to the discussion. Comments are judicious and succinct. Student demonstrates engagement with the reading and the class discussion, and asks questions that advance the conversation.

**B-level Participation**

Attends consistently, and often contributes substantively to the discussion. Demonstrates a considerable effort to understand the material and advances the class discussion. Student asks good questions.

**C-level Participation**

Student participates infrequently, in ways that suggest a lack of preparation.

**D-level Participation**

Student is present but unengaged in the discussion. Contributions are very infrequent or unproductive. Does not advance the class discussion.

**F-level Participation**

Student is absent.

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**Additional Policies**

**Accommodations for Students with Disabilities:** In compliance with the Americans with Disabilities Act Amendments Act (ADAAA), students who require reasonable accommodations due to a disability to properly execute coursework must register with Student Accessibility Services (SAS) and follow all SAS procedures. SAS has offices across three of FAU’s campuses – Boca Raton, Davie and Jupiter – however disability services are available for students on all campuses. For more information, please visit the SAS website at www.fau.edu/sas/.

**Attendance Policy**: Students are expected to attend all of their scheduled University classes and to satisfy all academic objectives as outlined by the instructor. The effect of absences upon grades is determined by the instructor, and the University reserves the right to deal at any time with individual cases of non-attendance.  Students are responsible for arranging to make up work missed because of legitimate class absence, such as illness, family emergencies, military obligation, court-imposed legal obligations or participation in University- approved activities. Examples of University-approved reasons for absences include participating on an athletic or scholastic team, musical and theatrical performances and debate activities. It is the student’s responsibility to give the instructor notice prior to any anticipated absences and within a reasonable amount of time after an unanticipated absence, ordinarily by the next scheduled class meeting. Instructors must allow each student who is absent for a University-approved reason the opportunity to make up work missed without any reduction in the student’s final course grade as a direct result of such absence. Should the examination schedule for this course conflict with your **mandated religious observance,** please contact Dr. Finucane *at the beginning of the semester* so we can schedule a make-up exam at a mutually acceptable time.

**Counseling and Psychological Services (CAPS) Center:** Life as a university student can be challenging physically, mentally and emotionally. Students who find stress negatively affecting their ability to achieve academic or personal goals may wish to consider utilizing FAU’s Counseling and Psychological Services (CAPS) Center. CAPS provides FAU students a range of services – individual counseling, support meetings, and psychiatric services, to name a few – offered to help improve and maintain emotional well-being. For more information, go to http://www.fau.edu/counseling/

**Statement Regarding Out-of-Class Work Expectations:** Florida Atlantic University defines a credit hour as requiring one hour of classroom instruction each week, and a minimum of two hours of work outside of class. As this is a three-credit course, students are expected to dedicate a minimum of six hours outside of class to class work each week, in accordance with university policies. This includes completing the reading required for each week, reviewing your notes from previous lectures, working on writing assignments, and studying for exams. If you have any questions about these requirements, contact Dr. Finucane at [afinucane@fau.edu](mailto:afinucane@fau.edu).

AMH 4930, Fall 2018

Assignments

**Reading Responses** (150 points possible): Students will write a one-page (minimum 250 words) response to the assigned readings five times during the semester (30 points each). *Due weeks 2, 3, 8, 10, 11*

***Killed Strangely* Paper** (125 points possible): Students will write a paper of a minimum of 1,000 words about the Crane reading. Full instructions can be found through the “Assignments” tab on the Canvas site. *Due September 25th*

**Midterm Exam** (200 points): This will be an identification-based exam, on which students will be asked to identify terms and explain their significance. *October 4th*

**Historical Trial Paper** (175 points total – see breakdown below): Students will write a paper of a minimum of 1,200 words about a historical trial from before 1900, based on their reading of the trial material. Students should visit <http://www.famous-trials.com/>and choose one of the following trials to write their paper on:

Zenger Trial

New York Plot Trials

Burr Conspiracy Trial

Boston Massacre Trial

Amistad Trials

Joseph Smith Murder Trial

Lincoln Conspiracy Trial

Dakota Conflict Trials   
Susan B. Anthony Trial

Haymarket Trial

If there is another US trial from before 1900 that you would strongly prefer to write on, contact Dr. Finucane to discuss this early in the semester. Students must read and incorporate at least 3 primary source documents relevant to their trial for this paper. Full instructions can be found through the “Assignments” tab on the Canvas site. *Draft and Peer Review Due November 8th, 25 points; Final Paper* *Due November 20th, 125 points; Class Presentations on Trials, November 27th, 25 points*

**Final Exam** (200 points): This exam will include an identification-based section and an essay section. *December 6th, 10:30am*

**Class Participation** (150 points): The participation grade includes both enthusiastic and prepared engagement in class discussion and a variety of in-class writing activities. More than three unexcused absences will negatively impact your participation grade. See more information on participation grades on page 3 of this syllabus.

**Extra Credit Option:** You can contribute to a class glossary of legal terms that show up in the reading for extra credit. To do this, you should identify a term in the reading that needs defining, and find a good definition for it in a reputable source online. You will then send the word, the page number from the reading you found it on, the definition, and a citation for when you found it to afinucane@fau.edu. You can do this for one term per week, a maximum of 5 times, for 4 points extra credit per defined word (total possible 20 points). The terms will all go up on a class list on Canvas for everyone’s use.

**Course Schedule**

*The boxes next to each out-of-class assignment, including reading and writing, can be checked off to keep track of what you have completed.*

**WEEK 1**

T August 21 Introduction: Law as a Historical Source and Method

Th August 23 Reading Court Records as a Process and Defining Legal Terms

**WEEK 2**

Read: 3D box Excerpts, William Blackstone, *Commentaries on the Laws of England*\*

3D box Craig Yirush, “Claiming the New World: Empire, Law, and Indigenous Rights in the Mohegan Case, 1704-1743”\*

Write: 3D box **Reading Response 1**

T August 28 The English Basis of American Law and the Foundations of Empire

Th August 30 Native American Land Claims

**WEEK 3**

Read: 3D box Laws and Liberties of Massachusetts, selections\*

Read the sections on Capital Laws, Children, Courts, Indians, Juries, and Tryals carefully; skim the rest

3D box William E. Nelson, *The Common Law in Colonial America*, Chapters 1 and 2\*

Write: 3D box **Reading Response 2**

T September 4 Laws in the American Colonies

Th September 6 The Social History of Law: Trials and Probate Records

**WEEK 4**

Read: 3D box Crane, *Killed Strangely,* p. 1-58

T September 11 Law and the Family

Th September 13 Legal Investigation and the Issue of Evidence

**WEEK 5**

Read: 3D box Crane, *Killed Strangely*, p. 86-173

T September 18 The Problem of Murder: Capital Crimes

Th September 20 Practicing Colonial Law

**WEEK 6**

Read: 3D box Laws on Indentured Servants in Virginia\*

3D box Kathy Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs,* Chapter 4\*

Write: 3D box ***Killed Strangely* Paper Due**

T September 25 Law and Labor

Th September 27 Slavery and the Law

**WEEK 7**

Read: 3D box Kamensky, Governing the Tongue, Chapter 1\*

3D box Zenger Trial Reading\*

Do: 3D box Study for Midterm Exam

T October 2 Laws Restricting Speech

Th October 4 **MIDTERM EXAM**

**WEEK 8**

Read: 3D box John Adams on the Boston Massacre\*

3D box Boden, “The Colonial Bar and the American Revolution”\*

Write: 3D box **Reading Response 3**

T October 9 John Adams and the Boston Massacre Trial

Th October 11 Alexander Hamilton: An American Lawyer

CLASS MEETS IN WIMBERLY LIBRARY, 5th FLOOR

**WEEK 9**

Read: 3D box The Constitution\*

3D box The Federalist 78\*

3D box Cesare Beccaria, *On Crimes and Punishments\**

3D box Charles Loring Brace, “The Causes of Crime”\*

T October 16 Creating Law for the New Nation

Th October 18 Crime and (Changes in) Punishment

**WEEK 10**

Read: 3D box Cornelia Hughes Dayton, *Women Before the Bar*, Chapter 1\*

3D box Seneca Falls Declaration of Sentiments\*

Write: 3D box **Reading Response 4**

T October 23 Gender and the Law

Th October 25 Women and the Right to Vote

**WEEK 11**

Read: 3D box Dred Scott v. Sanford – read syllabus only\*

3D box Frederick Douglass on the Constitution\*

3D box William Lloyd Garrison on the Constitution\*

Write: 3D box **Reading Response 5**

T October 30 The Supreme Court

Th November 1 Slavery and the Law II

**WEEK 12**

Read: 3D box Neff, *Justice in Blue and Gray*, selections\*

Write: 3D box **Draft of Historical Trial Paper Due**

T November 6 The Legal History of the Civil War

Th November 8 Historical Trial Paper Peer Review

**WEEK 13**

Read: 3D box Mississippi Black Codes\*

3D box Plessy v. Ferguson\*

T November 13 Reconstruction and the Courts

Th November 15 Segregation

**WEEK 14**

Read: 3D box Yick Wo v. Hopkins (1886)\*

Write: 3D box **Historical Trial Final Paper Due**

T November 20 Nineteenth-Century Immigration and the Law

Th November 22 THANKSGIVING BREAK

**WEEK 15**

Do: 3D box Study for Final Exam

T November 27 Historical Trial Project Presentations

Th November 29 Final Exam Review

**FINAL EXAM Thursday, December 6th, 10:30am-1pm**