Elizabeth Dale
Office Location:
   Main Campus: Keene Flint 224
   Law School: Holland Hall 365 (Wednesdays only)
Email: edale@ufl.edu or dale@law.ufl.edu
Office Hours:
   Wed (at law school): 1:00-2:15 and by appointment (I will be at the law school most of the day on Wednesdays)
   Thursday (at Keene Flint): 9:45-11:45
   And by appointment

Required books and other course materials:
   Fritz, *American Sovereigns* (Cambridge)

Also readings in cases and articles that are listed on the syllabus (those that are freely available online will be linked to a url, the others are available through the UF library).

*There will be additional readings for the graduate students enrolled in the course for 3 credit hours. These readings are listed throughout the syllabus under a separate heading.*

Course Objectives

This is a lecture and discussion course that looks at the ways in which law and the constitutional order in the United States have changed over the course of that nation's history. This semester (Spring 2012) the course will focus on shifting theories of popular sovereignty, exploring how the changing role of the sovereign people reflected deeper shifts in the American legal system and recalibrations of the balance of power within the constitutional order. The readings for the course will come from a combination of books, articles, cases and other legal materials. We will read Edmund Morgan's classic study, Imagining the People: The Rise of Popular Sovereignty in England and America, and Larry Kramer's more recent study, The People Themselves, to get an overview of the concept. In addition, we will look more precisely at expressions of sovereign power, and legal reactions to them, between the American Revolution and present.

Evaluation

Since this is a lecture/discussion course, regular attendance is expected and class participation will represent 10% of the final grade.

For law students there will be a short (5-7 page paper) (40% of final grade) and a take home final (60% of final grade).
Other graduate students will be graded for their participation in discussions (10%) and on the basis of a seminar paper (90%) related to the topics discussed in the course.

**Statement related to accommodations for students with disabilities**
Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

**Other policies**
Except when the syllabus indicates differently, assignments are due on the day set out in the syllabus, at the start of class. Late work will not be accepted without penalty. Papers turned in late will be graded down, as follows: *Papers turned in after class on the day due will be graded down one half grade. Papers turned in a day late will be lowered one full grade (from a B to a C). Papers turned in two days late will be lowered two full grades (from a B to a D) and so on.*

Sometimes events intervene that make it impossible to turn material in on time. If this occurs, you must notify me *before* class (email is fine) and we can work out some arrangement. I will require official documentation to schedule any make-up assignments.

In writing papers, be certain to give proper credit whenever you use words, phrases, ideas, arguments, and conclusions drawn from someone else’s work. The law school Honor Code is available here: [http://www.law.ufl.edu/students/honorcommittee/honor_system.shtml](http://www.law.ufl.edu/students/honorcommittee/honor_system.shtml)

**Grade scale:**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Points</th>
<th>Grade</th>
<th>Point</th>
<th>Grade</th>
<th>Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (Excellent)</td>
<td>4.0</td>
<td>C+</td>
<td>2.33</td>
<td>D-</td>
<td>0.67</td>
</tr>
<tr>
<td>A-</td>
<td>3.67</td>
<td>C (Satisfactory)</td>
<td>2.00</td>
<td>E (Failure)</td>
<td>0.0</td>
</tr>
<tr>
<td>B+</td>
<td>3.33</td>
<td>C-</td>
<td>1.67</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B (Good)</td>
<td>3.00</td>
<td>D+</td>
<td>1.33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-</td>
<td>2.67</td>
<td>D (Poor)</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Per faculty policy, the mean grade for all course sections is 3.15-3.25, inclusive. For courses in which there are 25 or fewer students, there is no minimum and the maximum is 3.60. The law school grading policy is available at: [http://www.law.ufl.edu/students/policies.shtml#9](http://www.law.ufl.edu/students/policies.shtml#9)

**Schedule of assignments:**

**Week 1:**

Wed, Jan 11: Intro to course, please read the entries at the following links
Week 2: Popular Sovereignty in Theory  
Wed, Jan. 18: Morgan, Inventing the People

Week 3:  
Wed, Jan. 25: A sovereign people? The English heritage  

Week 4: Evolution of an idea during the Revolution and Founding Era  
Wed, Feb. 1:  

Week 5: Popular Sovereignty in Practice during the Revolution and Founding Era  
Wed, Feb. 8:  

Additional graduate student readings:  
David Gellman, “Race, the Public Sphere, and Abolition in Late Eighteenth-Century New York,” Journal of the Early Republic 20 (2000): 607

Week 6: Popular Sovereignty in Theory in the Antebellum Era  
Wed, Feb. 15: Fritz, American Sovereigns

Week 7: Theory as Practice  
Wed, Feb. 22: From Interposition to Nullification  
Virginia & Kentucky Resolutions (1789-1799) (available at http://avalon.law.yale.edu/subject_menus/constpap.asp -- scroll to the bottom of the page)  
South Carolina Ordinance of Nullification (at http://avalon.law.yale.edu/19th_century/ordnull.asp)  

***short assignment for law students handed out***

Additional reading for graduate students:
Week 8: Not citizens, but sovereigns?
Wed, Feb. 29:
Luther v. Borden, 48 US 1 (1849) (skim majority, read the dissenting opinion of Justice Woodbury carefully)

***short assignment for law students due***

Week 9: NO CLASSES, SPRING BREAK

Week 10: San Francisco Vigilantes
Wed, Mar 14:

Week 11: Sovereign People and the Civil War
Wed, Mar. 21:

Additional reading for graduate students:
Mary P. Ryan, Civic Wars: Democracy and Public Life in the American City During the Nineteenth Century (1998).

Week 12: Vigilante Justice, Part I
Wed, Mar. 28:
United States v. Cruikshank, 92 US 542 (1875) (skim all opinions).

Additional readings for graduate students:
**Week 13:** Vigilante Justice, Part II  
Wed, Apr. 4:  

**Additional reading for graduate students:**  

**Week 14:** Reining in the Sovereign People  
Wed, Apr. 11:  

**Additional reading for graduate students:**  

**Week 15:** Return of the Sovereign People?  
Wed, Apr. 18:  

**Week 16:**  
Wed, Apr. 25: Larry Kramer, *The People Themselves*

**Finals week:**  
***Take home exam and seminar papers due***