



Law, Politics, and Social Change in 20th Century America

Legal 367 - Fall 2006

Professor Thomas Hilbink

Monday and Wednesday, 3:35 - 4:50

61 Bartlett Hall

www.umass.edu/legal/Hilbink/lpsc

This course looks at the role of law and politics in the massive social changes that occurred in the United States after World War II. Specifically, the course will look at suburbanization and de-urbanization, the use of courts as forums for social policy-making, poverty policy, the Southern Civil Rights Movement, and changes in criminal law and policy in the 1970s. A variety of books, articles, and films will be used to explore matters of race, ethnicity, gender, political thought, economics, jurisprudence, and legal culture.

Contact Information:

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Office Hours:

I cannot stress enough how important I think it is to come to office hours – to clarify questions you may have in class, to check in on progress on projects, etc.

Professor Hilbink

Wednesdays 3pm – 5pm (or by appointment)

Amanda Geno

Thursdays 1pm – 5pm (or by appointment)

Course Requirements:

- Class attendance and participation
- Timely completion of reading assignments
- One three to five page paper
- One five to seven page final paper

Grading (see details below):

- 20% for class participation
- 10% for Feinberg reports
- 30% for first paper
- 40% for final paper

Schedule for major assignments:

First paper: Monday, October 16th

Final paper: Monday, December 18th

Course Readings:

There are three sources for the readings in this course: books, a course reader, and

the course website.

Books

- Morton Horowitz, *The Warren Court and the Pursuit of Justice* (1998);
- Alexander Bloom & Wini Breines, *“Takin’ it to the streets”: A Sixties Reader* (2nd edition, 2003).

These two books have been ordered for you at Food for Thought Books, 106 N. Pleasant Street, in downtown Amherst. You may also wish to search for used copies on the web. I tend to use abebooks.com. Others include alibris.com and bookfinder.com. Copies of all three are also on reserve at the library.

Reader

A reader is also required. Copies of the reader will be available at Collective Copies, 71 S. Pleasant Street, in downtown Amherst. Call first to see if they have copies ready for pickup: 413-256-6425.

Required readings not in one of the above sources will be posted on the course website or distributed in class. Links to these materials are on the readings page of the website and may be downloaded for course use only. It is your responsibility to contact me if a reading is inaccessible. Not being able to download the reading is not an excuse for not having done the reading, unless you contact me prior to class.

Copies of the books and reader will also be placed on reserve at the library (3rd floor) for two-hour borrowing.

Class Participation:

A significant portion of your course grade will come from your participation in class. The first requirement is not that you show up. Attendance is presumed.

Class participation requires careful completion of reading assignments. I often will not discuss the readings in my lectures – seeing class time as supplementary to the readings (and vice versa). Thus class discussion – which includes thoughtful questions from you – presents you with the opportunity to integrate readings into the class session. I see this as your primary responsibility. As a result, I expect your comments to be informed by the readings. In other words, I don’t find valuable comments that involve students blowing smoke when they clearly haven’t done or completed the reading. In order to assess your performance, I will keep notes of class participation.

Occasionally I will give you mini-writing assignments to complete prior to coming to class. You will be expected to complete these and turn them in. You will receive a

zero, check, or double check (i.e., you did a very good job) for each assignment. Thus, if you are someone who does not excel at speaking in class, these assignments are your chance to show me what's on your mind and how you're engaging with the ideas and readings.

Paper Requirements:

Two papers will be required for the course. Both will focus on the themes and events discussed in readings and lectures. Thus, attendance in class and keeping current on readings is essential if you wish to do well in this course.

If there is one skill every college student must master before leaving college it is good writing. I take writing very seriously and you may find that your perception of what constitutes good writing is drastically different than mine. You are thereby forewarned. If your writing skills are shaky, or you need a refresher, I recommend you buy (and closely read) a copy of Strunk and White's *Elements of Style* as a starter.

If you are dissatisfied with your performance on the papers, I am happy to discuss ways to improve your writing for the following paper or for the future. However, re-grading of papers will occur only in extenuating circumstances. Grade grubbing is highly discouraged. Any paper re-graded may be raised or lowered from the original grade.

Papers not turned in by the deadline will be accepted. However, grades will drop a letter grade for each 24-hour period they are late until submission. In other words, timely papers will be those collected at the deadline. A paper turned in at any point after that will be considered late. A paper turned in after the deadline will drop one letter grade. A paper turned in the following day (after the deadline time) will drop two letter grades, and so on. If unable to complete papers in a timely fashion, please contact me prior to the deadline. Extensions will be granted in extenuating circumstances (for health or death in the family).

I prefer that papers be turned in as hard copies (on paper). However, you may turn in papers electronically *only* if you first receive permission from me. Papers are not considered submitted until I can open them on my computer. Thus, it is your responsibility to make sure you email the document in a format my computer understands (such as rich text format (.rtf) or public document format (.pdf)).

Plagiarism:

I have zero tolerance for plagiarism. Aside from the clichés about cheaters only

cheating themselves, I think plagiarists (Steven Ambrose included) are beyond contempt. If you are caught plagiarizing you will automatically receive an F for the course and I will pursue disciplinary proceedings to the fullest extent of University Policy. If you are unclear as to what constitutes plagiarism, consult the University Policies in the University Catalog (I've provided a link on the course website). If you still aren't sure, talk to me. If you're writing a paper and think something might be plagiarism, assume it is.

Feinberg Lecture Series

Ten percent of your grade will come from participation in this semester's Feinberg Family Distinguished Lecture Series. You must attend and write a two-page reflection paper on **three** of the series events. These reflection papers are due within one week of the event (see "schedules and attendance" below). You may submit these papers electronically as an attachment to an email. If you need further guidance, please speak with me after class or in office hours.

Grading:

Your reflection papers will receive a check, check plus, or check minus grade. You will not be able to do rewrites of these submissions.

- Check Minus: A paper that simply recounts the substance of the events or offers a synopsis of the content will receive a check minus
- Check: A paper that summarizes the content of the event and analyzes that content through the lens of the themes of this course will receive a check.
- Check Plus: A paper that summarizes the content of the event, analyzes the content through the themes of this course, and pulls in discussions of course readings to further explore themes from the event, lectures, and reading, will receive a check plus.

A check minus is worth one point, a check is worth two points, and a check plus is worth four points. If someone receives more than 10 points, the extra points will go towards extra credit.

Your Schedules and Attendance

Some are one-time performances or lectures, others are ongoing exhibitions. Thus, if your schedule (work, class, socializing, otherwise) precludes attendance at a one-time event, you can meet your obligation through the exhibits. If you cannot attend a film and wish to see it, you may locate a copy on your own and watch it. However, film reflections must be completed within one week of the scheduled screening. In other words, you may not wait until the end of the term and then rent and watch three films shown earlier in the semester to satisfy the requirement. If you fail to meet the

deadline you will simply have to attend another event and submit that paper in a timely fashion.

Series Schedule

September 18 through October 6

Opening Reception Wednesday,
September 20, 5:00-7:00 p.m.

Art Exhibit: "The Times They Are A-
Changing: Photographs of UMass
Activists During the 1960s and 1970s",
Student Union Gallery.

September 21 through December 3

Reception for the artists, Friday,
November 3, 4:30-6:30 p.m.

Art Exhibit: "God and Country," paintings
by Matt Bahen and Scott Sawtell,
Hampden Gallery.

Tuesday, September 19, 8:00 p.m.

Performance: "Rage is Not a One-Day
Thing," Awele Makeba, Bezanson Recital
Hall, Fine Arts Center

Thursday, September 21, 7:30

Film: *The Untold Story of Emmett Till*,
Herter 231.

Tuesday, September 26, 8:00 p.m.

Performance: Cecil Taylor: Solos and
Duos, Bowker Auditorium, Fine Arts Center

Thursday, September 28 7:00 p.m.

Panel: "UMass in the Sixties" Panelists:
Jules Chametzky, James Collins, Esther
Terry, Susan Tracy, Student Union Gallery

Tuesday, October 3, 7:30 p.m.

Feinberg Lecture: Tim O'Brien, Vietnam
veteran and author, *The Things They
Carried*.

Student Union Ballroom

Thursday, October 5, 7:30 p.m.

Film: *The War at Home*, Herter 231.

Thursday, October 12, 7:30 p.m.

Film: *Berkeley in the Sixties*, Herter 231

Thursday, October 19, 7:30 p.m.

Film: *Four Little Girls*, Herter 231.

October 24 through November 21

Art Exhibit: Charlotte Hill-O'Neill, August
Savage Gallery

Thursday, October 26, 7:30 p.m.

Feinberg Lecture: Robert Moses,
Mississippi Freedom Summer organizer for
SNCC and founder, The Algebra Project.
Mahar Auditorium

Wednesday, November 1, 7:30 p.m.

Film: "Disappeared in America," Location
TBA

Thursday, November 2, 8:00 p.m.

Performance: "The Fifth Commandment"
Elia Arce, Bowker Auditorium

Monday, November 6, 8:00 p.m.

Feinberg Lecture: Kathleen Cleaver,
Former national communications secretary
of the Black Panther Party, prison rights
activist. Mahar Auditorium

Thursday, November 9, 7:30 p.m.

Film: *Hearts and Minds*, Herter 231.

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Thursday, November 16, 7:30 p.m.

Film: *Before Stonewall*, Herter 231.

Wednesday, November 29, 8:00 p.m.

Performance: *Joe McPhee: Solos and Duos*, Bezanson Recital Hall

Tuesday, November 30, 7:30 p.m.

Panel: "*As Serious As Your Life: Creative Music in the Sixties*" Panel discussion with Joe McPhee, Ron Welburn, Archie Shepp, and W. S. Tkweme (moderator), Herter 231

Final Note:

I reserve the right to alter the syllabus at any point during the semester.

Course Schedule

(subject to change)

From the New Deal to the Cold War

Thursday, September 7th

Introduction – Terms of Debate: Liberalism and Conservatism

Website:

- Alan Brinkley, "Allard Lowenstein and the Ordeal of Liberalism," in *Liberalism and its Discontents* (Cambridge: Harvard University Press, 1998): 237-48.

Forging the Crabgrass Frontier: Consensus or Conformity?

Tuesday, September 12th

Exhuming McCarthy II

Website:

- Ellen Schrecker, *Many are the Crimes: McCarthyism in America* (Princeton: Princeton University Press, 1998): 154-200.

Book:

- Morton Horowitz, *The Warren Court and the Pursuit of Justice* (New York: Hill & Wang, 1998): 52-73.

Thursday, September 14th

Exhuming McCarthy II

Reader:

- Nathan Glazer and Seymour Martin Lipset, "The Polls on Communism and Conformity," in *The New American Right*, ed. Daniel Bell (New York: Criterion Books, 1955): 141-165.
- Richard Hofstadter, *Anti-intellectualism in American Life* (New York: Vintage, 1963): 3-23.

Tuesday, September 19th

Constructing Suburbia I

Website:

- Lizabeth Cohen, "From Town Square to Shopping Center: The Reconfiguration of Community Marketplaces in Postwar America," *American Historical Review* 101 (Oct. 1996): 1050-1081.
- Karen Brodtkin Sacks, "How Did Jews Become White Folks?" in *Race*, eds. Steven Gregory & Roger Sanjek (New Brunswick: Rutgers University Press, 1994): 78-102.

Thursday, September 21st

Constructing Suburbia II

Website:

- Thomas Sugrue, "Crabgrass-Roots Politics: Race, Rights and the Reaction *The Origins of the Urban Crisis* (Princeton: Princeton University Press, 1996): 3-56.

Tuesday, September 26th

Winter of Our Malcontents

Screening:

- *Rebel Without a Cause*, dir. Nicholas Ray, 111 min., Warner Bros., 1955, DVD.

Reader:

- Sara Evans, *Personal Politics* (New York: Vintage, 1979): 3-15.

Shades of Brown

Thursday, September 28th

The Decisions

Reader:

- *Brown v. Board of Education*, 347 U.S. 483 (1954) (*Brown I*).
- *Brown v. Board of Education*, 349 U.S. 294 (1955) (*Brown II*).

Book:

- Horwitz, *Warren Court and the Pursuit of Justice*: 15-31.

Tuesday, October 3rd

Little Rock I

- Collection on *website* and in *reader*

Thursday, October 5th

Little Rock II

- Collection on *website* and in *reader*

Tuesday, October 10th

Catch-up day and Paper Writing Workshop

Thursday, October 12th

Little Rock III

- Collection on *website* and in *reader*

We're on the Move Now

Tuesday, October 17th

Law and Lawlessness in Alabama (circa 1961)

Bloom & Breines:

- James Farmer & John Lewis, "The Freedom Rides," pp. 22-27.

Reader:

- Harvard Sitkoff, *The Struggle for Black Equality* (New York: Hill and Wang, 1993), pp. 88-103.

Thursday, October 19th

Law and Lawlessness in Alabama and Beyond

Reader:

- Martin Luther King, Jr., "Letter from Birmingham Jail," in *Civil Disobedience: Theory and Practice*, ed. Hugo Adam Bedau (New York: Pegasus, 1969): 72-89.
- Harrison Tweed, Bernard G. Segal, and Herbert L. Packer, "Civil Rights and Disobedience to Law," in *Civil Disobedience: Theory and Practice*, 90-97
- William L. Taylor, "Civil Disobedience: Observations on the Strategies of Protest," in *Civil Disobedience: Theory and Practice*, 98-105.
- Louis Waldman, "Civil Rights—Yes: Civil Disobedience—No (A Reply to Dr. Martin Luther King)," in *Civil Disobedience: Theory and Practice*, 106-115.

Tuesday, October 24th

Freedom Summer

Reader:

- Akinyele O. Umoja, "1964: The Beginning of the End of Nonviolence in the Mississippi Freedom Movement," *Radical History Review* 85 (Winter 2003): 201-26.
- Clayborne Carson et al., eds. *The Eyes on the Prize Civil Rights Reader* (New York: Penguin, 1991): 166-189; 200-203.

Thursday, October 26th

1964: Extremism in Defense of Liberty

Bloom & Breines:

- Young Americans for Freedom, "The Sharon Statement," 290-91.
- Barry Goldwater, "1964 Acceptance Speech," pp. 291-94.

Reader:

- Rick Perlstein, *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus* (New York: Hill and Wang, 2001): 371-405.

Tuesday, October 31st

The Warren Court and Civil Rights

Book:

- Horwitz, *Warren Court and the Pursuit of Justice*: 32-51; 74-98.

Thursday, November 2nd

War on Poverty

Reader:

- Felicia Kornbluh, "To Fulfill their 'Rightly Needs': Consumerism and the National Welfare Rights Movement," *Radical History Review* 69 (1997): 75-113
- Dwight Macdonald, "Our Invisible Poor," *The New Yorker*, January 19, 1963: 82-132 (actually much shorter due to excised advertisements).

Tuesday, November 7th

Lawyers for the Poor

Book:

- Martha Davis, *Brutal Need* (New Haven: Yale University Press, 1993): 1-55.

Thursday, November 9th

The One on the Left

Bloom & Breines:

- "SNCC: Founding Statement," 21-22
- "SNCC Position Paper: Women in the Movement," 38-40
- Malcolm X, "The Ballot or the Bullet," 105-108
- Mario Savio, "An End to History," 89-92
- Barbara Garson, "Freedom is a Big Deal," 95-96
- Carl Davidson, "Student Power: A Radical View"
- Radicalism in all its guises

Tuesday, November 14th

The One on the Left

Bloom & Breines:

- Carl Oglesby, "Trapped in a System," 178-182
- Martin Luther King, Jr., "Declaration of Independence from the War in Vietnam," 186-191
- The Resistance, "We Refuse to Serve," 195-196
- The Black Panther Party, "What We Want, What We Believe," 125-28
- "No More Miss America," 404-06
- New York Radical Women, "Principles," 406-07

Thursday, November 16th

Lawyers Against the Law

Reader:

- Kenneth Cloke, "Law is Illegal," in *Radical Lawyers*, ed. Jonathan Black (New York: Avon Books, 1971): 27-43.
- Walter Schneir, "Desanctifying the Courts," in *Radical Lawyers*, 297-301.

Website:

- Robert Lefcourt, "Law Against the People," in *Law Against the People: Essays to Demystify Law, Order, and the Courts*, ed. Robert Lefcourt (New York: Random House, 1971): 21-37.
- Ann M. Garfinkle et al., "Women's Servitude Under Law," in *Law Against the People*, 103-122.

Tuesday, November 21st

What a Riot! Political Trials at Decade's End

Reader:

- Elinor Langer, "The Oakland 7," *Atlantic Monthly*, October 1969, pp. 76-82
- Abbie Hoffman, *The Autobiography of Abbie Hoffman* (New York: Four Walls Eight Windows, 2000) 147-64

Thursday, November 23rd

Thanksgiving Day – no class

Tuesday, November 28th

Riots and Crime Control

Bloom & Breines:

- "Violence in the City – an End or a Beginning," 109-116.

Website:

- Stanley Crouch, "When Watts Burned," in *Voices in Our Blood*, ed. Jon Meacham (New York: Random House, 2001): 346-348.
- Elizabeth Hardwick, "After Watts," in *Voices in Our Blood*: 348-352.

Reader:

- *The Kerner Report: The 1968 Report of the National Advisory Commission on Civil Disorders* (New York: Pantheon Books, 1988): 1-34.

Building the Gated Community

Thursday, November 30th

The Sun Rises on the Right

Bloom & Breines:

- Richard Nixon, "If Mob Rules Takes Hold in the U.S.," 294-297

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- Ronald Reagan, "Freedom vs. Anarchy on Campus," 297-299
- Pete Hamill, "Wallace," 300-302
- Spiro T. Agnew, "Impudence in the Streets," 310-313
- Paul Goldberger, "Tony Imperiale Stands Vigilant for Law and Order," 313-317

Tuesday, December 5th

Criminal Culture I

Screening:

- *Dirty Harry*, dir. Don Siegel, 102 min., Warner Bros., 1971, DVD.

Reader:

- Bruce J. Schulman, "This Ain't No Foolin' Around: Rebellion & Authority in Seventies Popular Culture," in *The Seventies: The Great Shift in American Culture, Society, and Politics* (Cambridge: Da Capo Press, 2001): 144-158.

Thursday, December 7th

Criminal Culture II

Screening:

- *All the President's Men*, dir. Alan J. Pakula, 138 min., Warner Bros., 1976, DVD

Reader:

- Keith W. Olson, *Watergate: The Presidential Scandal That Shook America* (Lawrence: University of Kansas Press, 2003): 168-183.

Bloom & Breines:

- "Cointelpro, "Who Were the Targets?," 317-21

Tuesday, December 12th

Last Class – Conclusions and Reflections