

AL State Con Law and History
Syllabus – Fall Semester 2022 – Maddox
Office Hours: By appointment or after class
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Class Meetings:

We meet on Mondays from 4:00 p.m. – 5:40 p.m. in ROBH 114 and will take a short break during the middle of the class period.

Required Texts:

Malcolm Cook McMillan, Constitutional Development in Alabama, 1798-1901: A Study in Politics, {Race}, and Sectionalism (Reprinted with Permission) (1955).

Official Proceedings of the Constitutional Convention of the State of Alabama, May 21st, 1901, to September 3rd, 1901 (1940) [hereinafter Proceedings]. The Proceedings are published in four volumes, containing a total of 5,070 pages plus indexes.

The websites we will utilize during the class lectures:

1) Official Proceedings of the 1901 Constitutional Convention:
<https://digital.archives.alabama.gov/digital/collection/constitutions/id/116/#:~:text=Journal%20of%20the%20proceedings%20of,21%20to%20August%2029%2C%201901.>

2) Alabama State Legislature:
<http://www.legislature.state.al.us/misc/history/constitutions/constitutions.html>

Course Objectives:

The focus of this course is to analyze and discuss Alabama Constitutional and Legal History from various historical viewpoints.

Final Examination Period: November 28th – December 9th. The Final Examination is a floating examination.

Final Examination:

The final examination will cover the entire academic term and will consist of questions from the class lectures, assigned reading and discussions. In order for the student to earn the highest marks, the student will need to attend the class lectures and complete the assigned readings.

Class Schedule:

Pre-Read – Start with the End, John Knox, President of 1901 Constitutional Convention opening speech, p. 1-24 from website of Official Proceedings of the 1901 Constitutional Convention

August 15 - Intro to course, review syllabus, lecture on objectivity in law and history.

Robert Penn Warren, The Legacy of the Civil War - "The Great Alibi" analogy to the 1901 Constitution

August 22 - Birth of Alabama, The Territorial Stage

McMillan, Ch. 1 Mississippi Territorial Stage, p. 3-15

McMillan, Ch. 2, The Alabama Territory, p. 16-29

August 29 - Birth of Alabama, The Territorial Stage

McMillan, Ch. 3 The Alabama Constitution of 1819, p. 30-46

McMillan, Ch. Ch. 4 and Ch. 5 1819-1861, p. 47-75

September 12 - Alabama: A Constitutional State

McMillan, Ch. 4 and Ch. 5 1819-1861, p. 47-75

September 19 - Secession, War and Reorganization

McMillan, Ch. 6 Secession Convention of 1861, p. 76-89

McMillan, Ch. 7 Reorganization Following the War, p. 90-109

September 26 - The Oath and Reconstruction

McMillan, Ch. 8 The Reconstruction Convention and Suffrage, p. 110-133

McMillan, Ch. 9 General Provision of the Reconstruction Constitution, p.134-150

October 3 - Constitution and Discontent

McMillan, Ch. 10 Ratification of the 1868 Constitution, p. 151-174

McMillan, Ch. 11 Movement for a Convention in 1875, p. 175-188

McMillan, Ch. 12 The Bourbon Convention and an 1875 Constitution, p. 189-210 (start)

October 10 - The Bourbons, Redemption and Ratification

McMillan, Ch. 12 The Bourbon Convention and an 1875 Constitution, p. 189-210

McMillan, Ch. 13 Ratification of the 1875 Constitution, p. 211-216

October 17 - Suffrage and Sectionalism: A New Constitution?

McMillan, Ch. 13 Ratification of the 1875 Constitution, p. 211-216

McMillan, Ch. 14 Suffrage Revision, 1875-1901, p. 217-232

McMillan, Ch. 15 Demand for General Revision, p. 233-248

October 24 - The Disenfranchisement Convention, Alabama 1901

McMillan, Ch. 16 Movement for the Convention of 1901, p. 249-262

McMillan, Ch. 17 1901 Convention Suffrage Plans, p. 263-282

October 31 - Suffrage: Alabama's Shame

McMillan, Ch. 18 The Great Debate: Suffrage and Representation,
p. 283-309

November 7 - 1901 changes

McMillan, Ch. 19 General Constitutional Revision, p. 310-339

McMillan, Ch. 20 Ratification and Limited Suffrage, p. 340-359

November 14 - The Ghosts of Our Past Dictated our Constitutional Existence

McMillan, Ch. 20 Ratification and Limited Suffrage, p. 340-359
(continued)

McMillan, Ch. 21 Constitutional Trends in 19th Alabama Century,
p. 360-370

Complete lecture and review for Final Examination

November 21 - Constructive Friday

Final Exam - Floating

*****NOTICE*****

The Professor reserves the right to make changes to the syllabus as deemed necessary, throughout the course of the academic term.

I. Attendance Policy:

ABA standards require regular and punctual class attendance. To facilitate compliance with this standard, the school uses an attendance policy under which students may not miss more than 20 percent of the scheduled class meetings for any course. At the beginning of each semester or term of classes, the Associate Dean of Academic Affairs will calculate and post the maximum number of absences that will be permitted in every course. Any student with absences in excess of the maximum number will receive a mandatory grade reduction to the next lower grade. Additional absences may result in further grade reductions at the discretion of the faculty member after consultation with the Associate Dean. Individual faculty members may impose more stringent class attendance policies as they deem appropriate, but in no event shall any faculty member adopt an attendance policy that is less stringent than the rule set forth herein. For purposes of applying this rule, all student absences from any course for whatever reason will be considered in determining whether a student has exceeded 20 percent of allowed absences permitted under this policy, except for absences due to COVID-related illness and quarantine, or exigent circumstances as determined by the Associate Dean. In the event that a student tests positive for COVID he or she must email COVID19health@samford.edu upon receipt of the positive result and copy the Associate Dean within 48 hours. Without timely notification to COVID19health and the Associate Dean, this exception will not apply. It is the student's sole responsibility to record his or her class attendance in the manner specified by each individual faculty member and to monitor his or her own class absences in all law school courses.

II. Statement regarding online or remote delivery if the course must transition to a digital learning format:

The 22-23 academic year will see the return of many regular activities and operations; however, as the presence of Covid-19 is monitored on campus and within our community, state law, local health orders, and CDC guidance could affect the course activities and modality (including a change to an emergency remote or online course). Students must attend class and check email and Canvas regularly for any important updates from the course instructor and/or university administration.

III. Student illness or vulnerable to COVID-19:

Vaccination and receipt of vaccine booster doses are the best way for a student to reduce the risk of academic disruption due to COVID-related illness. Samford University strongly encourages all members of our community, including students, to receive the COVID-19 vaccine and booster doses at recommended intervals. However, there may be individual circumstances where students may not be able to receive the vaccination or choose not to receive the vaccination. Students who are not able to attend a required class meeting because of quarantine, illness, or contact with a COVID-19 positive

individual should notify the instructor of record within 24 hours of the class meeting. Additionally, students should respond to contact by the Academic Success Center for assistance in coordinating academic support due to Covid-19 related absences. An excused absence does not relieve a student of responsibility for the academic work in the class missed.

Students who have a disability which makes them more vulnerable to COVID-19 (e.g., immune-compromised,) must register with Disability Resources and follow standard procedure.

IV. Technology needs:

Because of the possibility of a student needing to participate in the course virtually at some point during the semester, all students should have the following technology available to them:

- A Windows 10 or Macintosh desktop or laptop computer; although Chromebooks and mobile devices are capable of accessing the Canvas learning management system, they may not be compatible with certain third-party software.
- A web cam (built into most modern laptops)
- A microphone and speakers, headphones, or earbuds (also built into most modern laptops)
- The most recent version of the Chrome or Firefox Web browser; the Safari browser can be particularly problematic when accessing online courses.
- A stable Internet connection capable of at least 2 Mbps upstream and 5 Mbps downstream. Students may test the speed of their connection at <http://speedtest.net>

V. Emergency Readiness:

RAVE is the primary method of communication used by Samford University during a campus emergency. If you have not registered for RAVE alerts, please use the link provided below and go to the My Contact Information box on your Portal homepage to update your RAVE Emergency Alert Information.

<https://connect.samford.edu/group/mycampus/student>

Samford University utilizes Alert Samford for desktop, laptop, tablet, and mobile devices to provide students with information, procedures, and links about what to do in the event of a variety of emergency situations that could occur on our campus. If you do not already have the Alert Samford app on your mobile device, laptop, desktop, or tablet, please click on this link <https://connect.samford.edu/group/mycampus/student> and go to the Emergency Information box on your Portal homepage for instructions on downloading the App. Once you have downloaded the App, please take time to review the information provided, it is important that you know what to do in the case of a campus emergency.

VI. Americans with Disabilities Act:

Students with disabilities who wish to request accommodations should register with Disability Resources (205-726-4078, disability@samford.edu, Dwight Beeson Hall Room 103 and 104, www.samford.edu/dr). Students who are registered with Disability Resources are responsible for providing Cumberland's Director of Student Services and ADA Compliance, Tona Hitson, (205-726-2222, thitson@samford.edu, Memory Leake Robinson Hall Room 124), with a copy of their accommodation letter and scheduling a meeting with her to discuss how their approved accommodations will apply to this course. Accommodations will not be implemented until students have met to review their accommodation letter.

Classroom accommodations are not retroactive; therefore, prompt attention to the process is advisable. Students who wish to receive examination accommodations must provide a letter from Disability Resources to Tona Hitson, Cumberland's Director of Student Services and ADA Compliance, no later than thirty (30) days prior to the last day of classes.

Because the process of evaluating and documenting a student's need for accommodations can be time consuming, students are encouraged to contact Disability Resources early in the semester in order to ensure the completion of all necessary paperwork by the aforementioned deadline. Accommodations received after the deadline will be processed for the following semester.

VII. Title IX:

Samford University and its faculty are committed to creating and maintaining a safe learning environment for all students and the entire University community. If you or someone you know has experienced sexual harassment, sexual assault, relationship violence, stalking, or discrimination based on sex or gender, please know that help and support are available. Samford University strongly encourages all community members to report incidents of sexual misconduct to the Title IX Office. You may contact the Title IX Office at 205-726-2764 or titleix@samford.edu.

Please be aware that all faculty members are required to disclose information concerning suspected or alleged sexual harassment or other violations of the Samford University Sexual Misconduct Policy to the Title IX Office. You can also make a disclosure yourself, including an anonymous report, through the Sexual Misconduct Report Form accessible on the Title IX website at <https://www.samford.edu/students/title-ix/>. If the Title IX Office receives information about an incident, they will reach out to offer information about resources, rights, and available procedural options. It is a student's choice whether they wish to engage or respond to that outreach.

If you, or another student you know, wishes to speak with a confidential resource who is not obligated to report information to the Title IX Coordinator, please reference the list of confidential resources in the online student handbook. You can also connect with a confidential resource through the Counseling Office at 205-726-4083 or the Office of Spiritual Life at 205-726-2825.

VIII. Inclement Weather:

Inclement weather or other events beyond the control of the University that might cause risk or danger to students, faculty and staff may occasionally result in changes to normal University operations, including cancellation of classes or events; the class schedule and/or calendar may be adjusted.

IX. Counseling Services:

Students may benefit from meeting with a counselor at some point to discuss difficult issues, gain insight for dealing with stress, or to process and understand events from the past. When a need for counseling arises, students should contact Counseling Services & Wellness Programs. On-site appointments are prepaid through student fees and there is no extra cost to the student. To schedule an appointment, please email counseling@samford.edu, call 205-726-2065, or stop by Dwight Beeson Hall (DBH) room 203.