

AL State Con Law and History
Syllabus – Spring Semester 2024 – Maddox
Office Hours: By appointment or after class
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Class Meetings:

We meet on Mondays from 8:00 a.m. – 10:30 a.m. in ROBH 123 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: April 22nd – May 1st. 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. For the student to earn the highest marks, the student will need to attend the class lectures and complete the assigned readings.

Intended 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

January 8, 2024 - 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

January 17, 2024 (Constructive Monday) - Birth of Alabama, The Territorial Stage

McMillan, Ch. 1 Mississippi Territorial Stage, p. 3-15
McMillan, Ch. 2, The Alabama Territory, p. 16-29

January 22, 2024 - 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

January 29, 2024 - Alabama: A Constitutional State

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

February 5, 2024 - Secession, War and Reorganization

McMillan, Ch. 6 Secession Convention of 1861, p. 76-89
McMillan, Ch. 7 Reorganization Following the War, p. 90-109

February 12, 2024 -

McMillan, Ch. 7 Reorganization Following the War, p. 90-109
McMillan, Ch. 8 The Reconstruction Convention and Suffrage,
p. 110-133

February 15, 2024 (Constructive Monday) - 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

February 19, 2024 - 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)

February 26, 2024 - 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

March 11, 2024 - 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

March 18, 2024 - 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

March 25, 2024 - Suffrage: Alabama's Shame

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

April 8, 2024 - 1901 changes

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

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

April 15, 2024 - 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

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.

Spring 2024

Cumberland School of Law

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

Students must attend class and check email and Canvas regularly for any important updates from the course instructor and/or university administration in the event course delivery format needs to transition.

II. Attendance

Attendance at all class meetings—including make-up classes, if any—is expected and students are to come to class prepared to discuss the required reading assignment. Faculty have discretion in determining how attendance will be recorded, whether through a mobile or other application or via a paper roll sheet. Regardless of format, no student may sign in for another student or facilitate the sign-in of a student who is not actually present in the classroom. Students who fail to sign in during class or as directed by the professor will be presumed to have been absent for that class.

ABA standards require regular and punctual class attendance. To facilitate compliance with this standard, the law school uses an attendance policy under which students may not miss more than 20 percent (20%) 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 (whether excused or unexcused), may result in further grade reductions, including reductions down to F, in the discretion of the faculty member and 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 (20%) of allowed absences permitted under this policy, except for absences due to university mandated quarantine for COVID-related illness, or exigent circumstances as determined by the Associate Dean. In the event a student is under quarantine by the university, he or she must provide the Associate Dean with the university instruction to quarantine within 48 hours. Without timely notification to the Associate Dean, this exception will **not** apply. An excused absence does not relieve a student of responsibility for the academic work in the class missed. 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.

III. Student illness or vulnerable to COVID-19:

Individuals who believe they have been exposed to or may have COVID should get tested. Individuals who test positive should isolate as recommended by the CDC. Employees and students in clinical settings may be subject to additional measures established by the clinical site.

An excused absence does not relieve a student of responsibility for the academic work in the class missed.

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 or chronic health conditions who wish to request accommodations should register with the Office of Accessibility and Accommodations (“OAA”) (205) 726-4078, access@samford.edu, DBH 203, www.samford.edu/dr. Students who are registered with OAA are responsible for providing a copy of their accommodations letter to Cumberland’s Office for ADA Compliance, Robinson Hall Room 124A , and *must* schedule a meeting with its Director, tlhitson@samford.edu, to discuss how their approved accommodations will apply to this course. Accommodations will not be implemented until students have met with Ms. Hitson to review their accommodation letter.

Classroom accommodations are not retroactive; therefore, prompt attention to the process is advisable. Because the process of evaluating and documenting a student’s need for accommodations can be time consuming, students are encouraged to contact OAA as soon as possible in order to ensure the completion of the paperwork necessary to receive classroom accommodations.

Students who wish to receive Examination accommodations must provide a letter from OAA to Ms. Hitson, no later than thirty (30) days prior to the last day of classes. 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, wish 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 205-726-4083, or stop by the Health and Wellness Center.

X. Academic Integrity:

The University catalog provides that “students, upon enrollment, enter into voluntary association with Samford University. They must be willing to observe high standards of intellectual integrity; they must respect knowledge and practice academic honesty.” Unless an instructor provides specific instructions to the contrary, students are expected to conduct their course work independently. In no event may students cheat, copy, or plagiarize the work of others. When drawing from various resources for assignments, students shall provide proper citations, footnotes, and bibliographic information.

Unless expressly authorized by the professor, the use of generative artificial intelligence tools (including but not limited to ChatGPT and iA Writer) is not

permitted on, or in preparation for, any graded work (including but not limited to assignments, quizzes, and exams). Violation of this rule may result in a reduction of the grade for the work, including a reduction down to F, a report to the Honor Court, or both. If you have any question about use of any specific AI tool on, in preparation for, any graded work, ask your professor for permission before using that tool.

The instructor of this course reserves the right to issue an academic penalty to students who are found responsible for violations of Samford's honor code (undergraduate programs) or academic integrity (graduate and professional programs). Academic penalties assigned by the instructor may include, but are not limited to, a grade of zero for the assignment/assessment and/or a lowered cumulative course grade.

Academic penalties issued by the instructor are separate and apart from any sanction issued by the honor council or honor court. Academic integrity violations shall be governed by the policy that applies in the school or program in whose course or activity the alleged violation occurred. Please refer to the following for additional details:

1. Law School Student Handbook - [Student_Handbook.pdf \(samford.edu\)](#)
2. Law School Honor Code - [honor_code.pdf \(samford.edu\)](#)