

History of American Law
Final Examination Questions, Fall 2014

Pick one of the following:

1. During the autumn of 2014, there was controversy in the JeffCo school district concerning the teaching of American history. The entity that administers Advanced Placement tests proposed a revision the American history curriculum; at least one JeffCo school board member pushed back with a proposal to examine or alter the curriculum; and students protested and walked out of class. Examine and analyze at least two different positions in this debate, and consider how the criticisms do or do not apply to this course. Most importantly, consider the deeper issues about history that the participants in this debate contested.

2. Governor John Evans was a founder of the University of Denver and Northwestern University. He was also Colorado's Governor and Superintendent of Indian Affairs during the Sand Creek Massacre, a mass murder that happened 150 years ago on November 29, 1864. Both the University of Denver and Northwestern University are critically examining their pasts in relationship to Governor Evans, and scholars at both universities have issued lengthy reports. Read the University of Denver's report (and, if you wish, Northwestern's report) and analyze how the scholars apply or understand history. Critique their understanding of history in relationship to the materials of this course. Do the methods of the University of Denver and Northwestern scholars offer tools for greater insight into the legal history materials? Analyze why or why NOT. As part of your exploration, please also attend the John Evans Study Discussion at the law school on Thursday, November 20, 2014 from 12:00pm - 1:00pm in room 170 of the law school and/or watch the Colorado Experience on November 27, 2014 at 7 pm. You can find links to each university's report at: <http://www.rmpbs.org/coloradoexperience/coex-sandcreek/>

3. Go to the History Colorado Center and see the exhibit titled *Race: Are we so different?* Applying what you learn, critically examine the content of this course including material that Professor Russell has perhaps failed to address. Feel free to include suggestions as to how the study of race and history might not might not generally benefit law students.

4. Professor Christopher Columbus Langdell argued that politics had no place in understanding and teaching the common law. Considered in relationship to actual historical events from colonial times forward, Does Langdell's view make sense? If your answer is no, what then accounts for the success of his outlook in American law schools from the late 19th century to the present day?

5. Some argue against same-sex marriage in the 21st century because marriage is a fundamentally flawed patriarchal institution that cannot escape the oppressive mechanics of its own history. Consider the history of women, marriage, and property through American legal history. Have patriarchs and patriarchal institutions simply reshaped family status and property relationships within marriage to consolidate their own power and authority? Or is there a better explanation?

