**Famous Trials in U.S. History—Dr. Ian C. Pilarczyk**

**EXP 0074-S (Spring Term 2017) Tuesday 6:00 – 8:30**

**Anderson Hall 211**

**I**. **Course Overview and Methodology**

O.J. Simpson. Lizzie Borden. The Salem Witch Trials. The Scopes “Monkey’ Trial. The Oklahoma City Bombing Trial. The trial of George Zimmerman for the shooting of Trayvon Martin. While there were great differences between the defendants themselves, the outcomes of the trials, and the periods during which they took place, all of the trials we will look at this semester share the commonality of being defined as “great American trials” or “trials of the century”-- trials that hold a seminal place in U.S. history. What makes these trials so resonant? Why do some garner attention so universally, while others—perhaps more interesting or sordid—do not? What role does the trial play in public discourse involving political, social and other issues of the moment? What can they teach us about the actors who participated in them, the commentators who observed them, the society and time in which they took place, and about ourselves while we discuss them? What kinds of competing narratives take place in these trials, who dictates them, and for what purpose? What conflicts emerge in these trials, and between whom? Was justice served, and what does it mean to ask that question? What role did they play in popular culture, and why?

Famous trials act as a mirror held up to society, in which is reflected the social mores and cultural trends of the time. We can learn much about society, about the tacit assumptions and underlying realities that shaped and were reflected in the trials, through both conscious as well as unconscious testimony. This concept, often referred to as the “law as mirror” school of thought, was best summarized by Oliver Wendell Holmes: “this abstraction called the Law is a magic mirror, where we see reflected not only our own lives, but the lives of all men that have been.” Trials provide us with invaluable unconscious testimony: we can glean what issues are in contention; what things are tacitly agreed upon and therefore not verbalized; what aspects of culture are in flux. Famous trials in particular are useful for the purposes of analyzing an array of historical forces: legal, literary, sociological, psychological, cultural, economic, political, and an almost-infinite number of other potential connections and dependencies. This course does not assume a background in history, law, or any related discipline—you need only have a sense of intellectual curiosity and interest.

By necessity, many worthwhile trials will not be discussed in detail in this course. You will have the opportunity to incorporate some of these trials in your papers during the semester if you choose.

**II. Course Materials**

The main source of course materials is my website, <http://www.iancpilarczyk.com>. The other website I recommend to you is maintained by Douglas Wilder of the University of Missouri-Kansas City School of Law: <http://www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm>. This latter website contains a collection of primary sources related to the trials we will be discussing, as well as timelines, synopses, and an extensive bibliography of secondary sources and information on other trials that you might find interesting. You can print out any materials found on either website, for your own use, without violating copyright, and are encouraged to bring them to class to aid in discussion. My website contains links to the relevant materials on Wilder’s website, for your convenience, as well as a listing of all required and supplementary readings for each trial. Supplementary readings are those which I believe are important, but not necessarily critical, to your understanding of the case. You should plan on reading them if your paper topic involves that particular case, as they contain valuable information.

**III. Pedagogical Method and Course Etiquette**

Generally I will begin each class with a short introduction or synthesis of the trial to be discussed, providing historical context that will help illuminate the issues and themes we will be discussing. The majority of the class will be spent in student-led discussion of the relevant readings: focusing on major themes brought out by the trial; questions as to fairness and justice; social movements prompted or influenced by the trial; issues implicated by the proceedings; unresolved questions; social and political context; etc. As this course is designed to follow a discussion-based format, it is expected that all students will wish to actively engage in a lively exchange of analysis and ideas during the semester. Class size will be capped at approximately twenty-five. Some classes will follow different formats: I may, for example, divide you into small groups; ask you to argue the prosecution or defense sides of a case; etc. In each class, you should expect that you will be called on to participate in discussions.

This class meets only once per week, in which we will cover one trial per class and discuss common threads that run through many of these trials, and as such regular attendance is important. By enrolling, you are agreeing that you do not have (nor expect to have) any other activities or responsibilities that will prevent you from attending class regularly and punctually; and that you will make a good-faith commitment to be actively engaged in the intellectual life of the course. You further acknowledge that class participation will constitute a significant part of the final grade and that assignments are expected by the deadlines specified. I will track attendance at the beginning of each class. Two absences, without appropriate documentation, may result in you receiving a failing grade for class participation. I, for my part, promise to do my utmost to provide a respectful, stimulating and intellectually-enriching environment during the semester and to be approachable and accessible outside of class. As such, I consider that we enter into an implied ‘social contract’ that governs our mutual expectations and responsibilities.

I expect many of you will bring laptops, tablets, etc., to class. Indeed, as the course materials are available online this may well prove useful and you are welcome to do so, provided that you use them for class-related purposes only. Please do not use class time to send email, check social media, or visit websites unrelated to the course discussion. This class meets in the evening. As such, I do not mind if you bring food or drink to class, particularly if you consume it during our break, but please ensure you dispose of all refuse properly.

**IV. Method of Evaluation**

Evaluation for this course consists of two main components:

1. Three short papers;
2. Class participation (based on attendance, leading class discussions and general quality of participation).

Class participation shall constitute a significant part of the final grade for the course. I will provide information on the grade breakdown from last year’s class during the introductory session.

**V. Assignments**

Each student is responsible for submitting three short assignments, on topics that will be assigned in class, which will be approximately 5-6 pages in length. All papers are to be double-spaced, in 12 point type, and should give citation to secondary sources if used (I am not particular as to form of citation, as long as I can understand it). All papers should be submitted in class except for the final paper which should be emailed to me. You may, of course, submit your paper(s) earlier if so inclined. As I provide ample advance notice of all assignments as well as several reminders of due dates, please note that I do not offer extensions except for documented medical reasons or family emergencies. In the absence of such documentation, late papers will be docked one full letter grade per day (e.g., reduced from an ‘A’ to a ‘B’).

**VI. Office Hours**

My office is located at Boston University School of Law, 765 Commonwealth Avenue, in Room 904D. You are welcome to call me at (617) 358-5956 or email at ipilar@bu.edu to set up an appointment. Should you find yourself in the area, you are also welcome to stop by as I maintain an open door policy. I will generally be available to meet shortly before class, and will always be available after class. You should also feel free to call or email with any questions. I realize that this is not as convenient as having an office at Tufts, but I will do my best to be accessible.

Thank you for taking this course. I look forward to our semester together!

**Famous Trials in American History Reading List**

**Dr. Ian C. Pilarczyk**

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**Week I, January 24: Introduction**

Methodology, course description and administrative overview. Course introduction.

READINGS: none

**Week II, January 31: Salem Witch Trials (1692)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* An Account of the Events in Salem; Cast of Characters; Summary Timeline; Biographies; Examinations and Evidence; Procedure in Witchcraft Cases; The Man of Iron; Petitions of Accused Witches

*Recommended:* Petitions for compensation; Letters of Gov. Phips; Excerpt of an Account of the Differences in Salem Village.

**Week III, February 7: Trial of the Lincoln Assassination Conspirators (1865)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* Trial of the Linconln Conspirators; Cast of Characters; Chronology; Ten Conspirators; A.G. Opinion on Military Commissions; Trial Transcript Excerpts

*Recommended:* John Surrat’s 1870 Speech; The Lincoln Assassination parts 1 and 2 video; Lincoln Conspirators video

**Week IV, February 14: Lizzie Borden Trial (1893)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* Lizzie Borden Trial; Trial Chronology; Excerpts of Lizzie Borden’s Inquest Testimony; Indictment; Key Figures; Excerpts of the Trial Transcript; Evidence of Lizzie’s Guilt

*Recommended:* Newspaper Accounts; Excerpt from American Justice video

**Week V, February 21: Leopold & Loeb Trial (1924)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* Leopold and Loeb: An Account: Biographies; The Glasses; Leopold’s Confession; Psychiatric Testimony; Clarence Darrow Enters a Plea; Decision and Sentence; In Leopold’s Words

*Recommended:* Excerpts of the Summations; Leopold and Loeb Documentary video

**\*\* FIRST ASSIGNMENT DUE IN CLASS February 21\*\***

**Week VI, February 28: Scopes “Monkey” Trial (1925)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* The Scopes “Monkey” Trial; Biographies; Anti-Evolution Statute; Trial Excerpts; John Scopes Reflects; Excerpts of H.L. Mencken’s reporting

*Recommended:* Evolution Controversy; Impressions of the Scopes Trial; God v. Darwin video; Excerpt from ‘Inherit the Wind’ video

**Week VII, March 7: Rosenberg Trial (1951)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* Trial of the Rosenbergs; Chronology; Diagram of Spy Ring; Biographies of Trial Participants; Excerpts of the Trial Transcript; Judge’s Sentencing Statement.

*Recommended:* Final Letter to the Sons; The Final Plea

**Week VIII, March 14: U.S. v. Cecil Price (“Mississippi Burning” trial) (1967)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* Mississippi Burning trial; Chronology; Biographies; Doar’s Closing Statement; Watkin’s Closing Statement; KKK Documents; The Jury’s Decision; Emmett Till video

*Recommended:* In Quotes; Barnett’s Confession; Doar’s Story; KKK websites

**Week IX, March 28: McMartin Preschool Trial (1987-1990)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* McMartin Trial; Chronology; Letters to Parents; Police Interview with Accuser; Victim Interviews; Excerpts of the Trial Transcript; The Suggestibility of Children; Modern-Day Salem Witchhunt?

*Recommended:* Kelly Michaels Trial; Peggy Buckey interview; Reversal of Michael’s Conviction; Stickel’s Tunnel Excavation Report

**Week X, April 4: Rodney King/LAPD Trial (1992)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* Trial of the LAPD; Chronology; Holliday Videotape; Use of Force Chart; Excerpts of Police Transmissions; Police Reports; King’s Arrest Record; Excerpts of Trial Transcript Excerpts; Key Figures

*Recommended:* Supreme Court Decision; Images; In Their Own Words/Quotes

**\*\* SECOND ASSIGNMENT DUE IN CLASS April 4 \*\***

**Week XI, April 11: O.J. Simpson Trial (1995)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* O.J. Simpson Trial; Chronology; Biographies; O.J’s statement; 911 Call and Suicide Letter; The Jury; Incriminating Evidence; If I Did It; O.J. Simpson Car Chase video; Excerpts of Johnny Cochrane’s closing video

*Recommended:* Criminal Trial Excerpts; Opinion Polls; Verdict in Simpson’s Civil Case video; Sentencing Remarks for Simpson’s Armed Robbery Conviction video; What O.J. Simpson Taught Me About Being Black

**Week XII, April 18: Oklahoma City Bombing Trial (1997)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* Timothy McVeigh; Chronology; McVeigh in Waco; Arrest and Searches; Three Prosecuted Conspirators; Excerpts of Preliminary Hearing Transcript and Indictment; Sentencing and Appeals; Last Words; McVeigh’s Letter to Fox News

*Recommended:* John Doe #2; Trial Transcript Excerpts; The Patriot Movement Explodes

**Week XIII, April 25: George Zimmerman Trial (2013)**

<http://iancpilarczyk.com/2010/11/famous-trials-course-materials/>

*Required:* The George Zimmerman trial; Chronology; Florida Statute on Justifiable Use of Force; Critical Phone Calls; Selected Police and Court Documents; Testimony and Video Clips from Trial; Verdict; <http://blacklivesmatter.com/>

*Recommended:* Comments of Jurors; Obama’s Statement on Verdict

**\*\* THIRD ASSIGNMENT DUE by 5pm May 2 via email to** **ipilar@bu.edu****\*\***