NEW DEAL LEGAL HISTORY SEMINAR

LAWJ-626-05
Spring 2015
Thursdays, 10:00-12:00
McDonough 337

The deep recession that commenced in 2007 encouraged many in the United States to look to the past for insight on how the American legal order should respond to severe economic dislocation. Many turned to the first two presidential administrations of Franklin D. Roosevelt. For many years, the New Deal had been Old Hat, reviled by conservatives for its statist excesses and deplored by reformers for its bureaucratic rigidities. Suddenly, its expansion of federal power to correct an economic calamity spoke directly to the present. The election of Donald Trump provided another new frame for the New Deal. Now the New Deal’s great expansion of federal power, FDR’s skill at a novel medium of popular opinion (radio, as opposed to Twitter) and his willingness to challenge the judiciary and break with his political party began to stand out.

This seminar takes up many legal developments from the start of Roosevelt’s presidency in 1933 through the United States’s entry into World War II: the creation of new federal programs of social insurance, regulation, and public investment; the blazing, by a generation of young law graduates, of a new path into the profession through what had previously been considered a wasteland of government employment; the birth of modern administrative law; a reorientation of judicial activism from the defense of free markets and private property to the safeguarding of civil rights and civil liberties; and a great duel between President Roosevelt and Chief Justice Charles Evans Hughes, known to history as the “Court-packing” plan of 1937. Over the course of the semester, students will read eight historical monographs as well as articles and book chapters. They will write a Review Essay that evaluates one of the books assigned in the course. Most importantly they will write a research paper that fulfills the Upperclass Legal Writing Requirement. Class meetings will be devoted to lectures, discussions of the assigned readings, progress reports on students’ research and writing, and a concluding, roundtable discussion of the first drafts.

Goals and Requirements

This seminar provides students with (1) an introduction to major topics in the constitutional and legal history of the Great Depression and New Deal; (2) opportunities to critique examples of historical argument and produce one of their own; and (3) the chance to improve their writing.

Students must (1) attend and participate in class; (2) complete the Review Essay, Plagiarism Exercise, and “Goluboff Virtual Lecture” exercise; and (3) complete the Paper Proposal, Progress Report, and the first and final drafts of the Research Paper. All research papers must draw upon substantial original research in primary historical sources.
Attendance and Class Participation

Meetings of the seminar will be devoted to three activities: (1) lectures; (2) discussion of the assigned readings; and (3) discussions, exercises and presentations relating to the Research Paper. For every article or book we read, students should be able to (1) state the author's thesis or argument; (2) assess how well the principal parts of the book advance the thesis or argument; and (3) discuss whether the author's sources and sufficiently support his or her thesis.

I expect every student to do each week’s reading and to be prepared to contribute to our discussions. Texting, IM-ing, Facebooking, emailing, and web-surfing, even for course-related purposes, is forbidden (other than at the break).

I will take attendance at each meeting of the Seminar. I will warn students after one unexcused absence and reduce their final grade after a second. Requests for an excused absence will be considered on a case-by-case basis, as long as they are made before the day in question. Of course, no permission is required for an absence due to a medical emergency.

Review Essay

Requirements

Every student will write a Review Essay on one of the assigned books (other than Hacker and Smith). If only part of the book is assigned, students should nonetheless review the book in its entirety (although they may skim intelligently the unassigned portions). Students should be prepared to tell me their choice of book at our February 2 class.

In the Review Essay students should (1) state the author's thesis or argument; (2) summarize the book in a paragraph, with a sentence or two devoted to each chapter; (3) assess how well the principal parts of the book advance the thesis or argument; (4) discuss whether the author's sources sufficiently support his or her thesis; and (5) offer whatever other reflections occur to you. Essays should be about four pages (1,000 words) long and may be rewritten once for a higher grade. Keep in mind that this is a review essay, not a book report. Like other essays, it should have an argument. In review essays, often the argument is that the author did or did not establish his/her argument.

Deadlines

Review essays may be submitted at any time up to and including the deadline. The deadline is the start of the class following the last class devoted to a discussion of all or part of the book. Thus, the deadline for Fliter and Hoff is February 9; Irons, February March 2; Thorndike, March 23; Leuchtenburg, March 30; Ernst, April 2; Tani, April 20; and Goluboff, April 27.
Research Papers

Formal Requirements

Papers written for this course must comply with the Upperclass Legal Writing Requirement as set out in Georgetown Law, Student Handbook of Academic Policies, pp. 3-4, reproduced in Appendix E.

Students must submit a paper proposal, progress report, and first draft in accordance with the schedule below, revise the first draft in light of my comments, and submit a final draft. Both the first and the final drafts must be at least 6,000 words long (excluding footnotes). All drafts must be paginated and indicate the number of words in the entire document.

A word about plagiarism. Even before the rise of the Internet, GULC students sometimes plagiarized and saw their reputation tarnished or their career sidetracked. More recently, the ease of cutting and pasting from web-based sources has produced a plagiarism epidemic. Please consult the statement on plagiarism in the Student Disciplinary Code in the Georgetown Law, Student Handbook of Academic Policies, 2016-17, 109-110.

For our February 2 class, students will complete an exercise on plagiarism, based on Diana Hacker, A Pocket Style Manual, 7th ed., 233-36 and the Statement of Plagiarism of the Department of History of Davidson College. The exercise is reproduced as Appendix B.

Topic Selection

I will approve any topic on (1) a constitutional or legal event or development that transpired from the onset of the Great Depression (October 1929) through Franklin D. Roosevelt’s death (April 12, 1945); (2) any lawyer, administrator, or judge active during this period; (3) any court, agency, or other legal institution during this period; and (4) any event, development, lawyer, administrator, judge, court, agency, or other legal institution whose activities before 1929 anticipate or otherwise illuminate their counterparts in the years 1929-1945. The word “constitutional” includes such nondoctrinal matters as the notion of rights in legal and popular culture. The word “legal” includes any administrative or regulatory scheme, private ordering in the shadow of the law; and the influence of official norms and rules on cultural, social, and economic life.

An illustrative list of topics appears as Appendix C. Students might also wish to the excellent bibliography to Smith’s Concise History and browse documents in the module “Research Support” on the seminar’s Canvas site.

Please start thinking about your topic at once and feel free to contact me (via email or otherwise) as soon as possible to help you identify a feasible one. Consult Hacker, Pocket Manual of Style, 7th ed., 91-92.
Sources

Each year I’ve found that my best papers were written by students who worked in manuscript sources. Thanks to our proximity to the Library of Congress and the National Archives, Georgetown law students can easily conduct research in the records of the federal government and the personal papers of many who served within it, including such prominent figures as William O. Douglas, Felix Frankfurter, and Robert Jackson. Every year, thousands of historians read other people's mail. Now you can, too!

You will be oriented to the holdings of the Library of Congress when we meet there for our second class. The original National Archives Building (“Archives 1”) is also within walking distance of the Law Center. “Archives 2,” located in College Park, Maryland, is accessible via public transportation or a shuttle from Archives 1. A guide to some of the most promising manuscript collections at the Library of Congress appears on the courseware site. In addition, I encourage students, once they have decided on a topic, to consult with one of our Special Collection Librarians.

Paper Proposal

A short paper proposal is due at our fourth class (February 9). The proposal should identify (1) a general subject area; (2) a particular focus, thesis or argument; and (3) the sources you intend to consult. A model proposal appears as Appendix A.

Progress Report

A Progress Report is due on Friday, March 24 (5 PM). It is a general report on your progress and should be at least six pages long. It need not be an outline of the first draft, although you should feel free to present such an outline if you can. It should list the sources you’ve consulted, summarize the discoveries you’ve made, and generally recount your work to date. You should state the argument of the paper as you currently understand it, the major primary and secondary sources you’ve consulted, and your plans for further research. You should feel free to ask any question or voice any concern that I might be able to help you with. Consider the Progress Report an opportunity for advice from me before the semester is far advanced. The fuller the view of your efforts you provide, the more helpful I can be.

Progress Reports should be paginated and double-spaced with margins of at least one inch and a typeface no smaller than 12 points.

First Draft

This is due on Monday, April 24 (5 PM). The draft should be complete. Drafts with incomplete sections, inadequate footnotes or statements of an intended plan rather than the text itself will be returned unmarked and deemed to miss the deadline for the first draft. The draft must be at least 6,000 words long, excluding footnotes. First drafts should be paginated, double-spaced, have margins of at least one inch, and have a typeface no smaller than 12 points.
The deadline for the final draft is Monday, May 8, for graduating students and Tuesday May 16, for non-graduating students. Final papers should be submitted to the Registrar's Office through the Online Exam/Paper Management System at http://apps.law.georgetown.edu/exams/. Please be sure to paginate this draft and to note on it the number of words it contains. Please note that students who do not submit their final drafts by the deadline will receive an AF, in keeping with the Upperclass Writing Requirement, reproduced in Appendix E.

Stylistic Matters and Citation

The first two chapters of Hacker, Pocket Style Manual, contain excellent advice on how to write clearly and grammatically. Please find time to browse them, especially as I will cite those pages in commenting on drafts of your written work.

In citing sources I personally prefer the Chicago Manual of Style, but you are welcome to use A Uniform System of Citation or whatever formulary you learned from in your legal research and writing class. For manuscripts, consult Appendix D. Please do not compile a bibliography.

Model Papers


Grading

The Review Essay will count for 10 percent of the student’s grade; the Research Paper will count for 90 percent. In addition, I reserve the right to reduce grades by as much as one full grade for unexcused absences, for failure to complete the Plagiarism Exercise, or for failure to comply with provisions of the “Deadlines” section below. Students who fail to submit their final drafts by the deadline will receive an AF, in keeping with the Upperclass Writing Requirement, reproduced in Appendix E. Plagiarism will result in a major grade reduction (including the possibility of an F for the course), as well as disciplinary measures.

I will consider five factors in grading the Research Papers: (1) the quality of the writing,
including citation, spelling, succinctness, organization, and freedom from grammatical errors; (2) the extent of original research; (3) the sophistication of the author’s engagement with scholarship relating to the paper; (4) the extent to which an argument builds throughout the paper and informs the selection of evidence presented therein; and (5) the extent to which the paper displays the author’s responsiveness to my suggestions for improvement.

Communications

My office is McDonough 584. Students may submit Review Essays, paper proposals, progress reports, outlines, and the first draft of the Research Papers as attachments to email messages. Office hours are Mondays, 3:30-5:30, and by appointment. I may be contacted at 662-9475 or ernst@law.georgetown.edu.

Deadlines

They are just that. Extensions must be negotiated with me first and will be very hard to get.

1. Plagiarism Exercise Thursday, February 2
2. Project Proposal Thursday, February 9
3. Progress Report Friday, March 24
4. First Draft Monday, April 24 (5 PM)
5. Final Draft (Graduates) Monday, May 8 (5 PM)
6. Final Draft (Non-Graduates) Tuesday, May 16 (5 PM)

For failing to meet due dates 1-5, I will reduce final grades by as much as one full letter grade. Students who fail to submit a final draft on time (due dates 6 and 7) will receive an AF for the seminar, in keeping with the Upperclass Writing Requirement as set out in Georgetown Law, Student Handbook of Academic Policies, 2016-17, 3-4, and reproduced as Appendix E. As the Student Handbook explains, “The AF will be reflected on the student's transcript and factored into the student's cumulative grade point average as an earned F.”
Required Books


Diana Hacker, A Pocket Style Manual, 7th ed. (Bedford/St. Martin’s, 2010). ISBN: 978-1457642326 (earlier editions okay, although the pagination will vary)


Weekly Topics and Assignments

1. January 19  The New Deal: The View from the Eve of the Trump Presidency
   Syllabus; New Deal Exercise

2. January 26  A Field Trip to the Manuscripts Division, Library of Congress
   Register for Reader Identification Card
      https://wwws.loc.gov/readerreg/remote/
   Browse a Finding Aid
      http://www.loc.gov/rr/mss/f-aids/mssfa.html
   Consult “New Deal Programs: Selected Library of Congress Resources”
      http://www.loc.gov/rr/program/bib/newdeal/am.html

3. February 2  The Housing Crisis
   Fliter and Hoff, *Fighting Foreclosure*

   **Due: Plagiarism Exercise**

4. February 9  New Deal Lawyers
   Scott, *Concise History*, 124-82
   Daniel R. Ernst, *FDR’s Lawyers*, chs. 1, 3 (courseware site)

   **Due: Paper Proposal**

5. February 16  The NRA and the Rule of Law
   Irons, *New Deal Lawyers*, ix-199, 290-300. Although we’ll discuss both agencies, we will spend much more time on AAA than NRA. If constrained for time, read the AAA chapters carefully (esp. 111-36 and 156-80) and skim the NRA chapters intelligently.

February 23  No class: Monday Classes Meet
6. March 2  Securities Regulation


Daniel R. Ernst, “Lawyers, Bureaucratic Autonomy, and Securities Regulation During the New Deal” (2009), Georgetown Law Faculty Working Papers, Paper 115 (Canvas link)


7. March 9  Tax Policy

Thorndike, *Their Fair Share*, chs. 1, 4-11

March 12-19  Spring Break

8. March 23  The Court Packing Plan, the Switch in Time, and All That

Cushman, *Rethinking the New Deal Court*, pp. 3-105, 139-207

March 24  **Due: Progress Report (5 PM)**

9. March 30  The Court Packing Plan

Leuchtenburg, *Supreme Court Reborn*, Preface, chs. 2, 4-6, 8

10. April 6  Administrative Law

Ernst, *Tocqueville’s Nightmare*.  (Omit ch. 1.)

11. April 13  Social Welfare

Tani, *States of Dependency*,

12. April 20  Race

Goluboff, *Lost Promise of Civil Rights*, chs. 1-5

**April 24  Due: First Draft (5 PM)**

13. April 27  Roundtable on Research Papers

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APPENDIX A

MODEL PAPER PROPOSAL

Nondiscriminatory Union Representation: Joseph L. Rauh’s Role in the Advancement of Adequate Union Representation

I propose to do a detailed study of Joseph L. Rauh's role in developing nondiscriminatory union practices and representation. Joseph Rauh, a Washington civil rights and labor attorney and lobbyist, played a crucial role in developing adequate union representation through assistance to union dissidents. There are several aspects and periods of Raub's legal career that will enable insight into the labor reforms he shaped. At this point in my research, I have narrowed the possible focuses of research to two possibilities: a study of Rauh's involvement in nondiscriminatory representation in various cases in the 1970s and a study of Rauh's representation of the United Mine Workers in the same period. Either topic would provide valuable insight into a particular historical period and background development for the current state of union representation and the attorney ability to resolve ethical and conflict of interest dilemmas.

The first research approach would involve a study of Rauh's representation of union dissidents in the 1970s, and the subsequent advancement of non-discriminatory union representation. This would include a case study of Trbovich v. United Mine Workers, 404 U.S. 528 (1972), in which Rauh represented a union dissident alleging inadequate union representation. The case also established guidelines for the resolution of attorney conflicts of interest in representation of a union and one of its members. Similarly, a federal case in the D.C. Circuit, Yablonski v. United Mine Workers of America, addressed attorney issues of attorney representation of dissident union groups, 448 F.2d 1175 (1971). Additional cases in the Supreme Court and D.C. Circuit are also available.

Another approach would involve an analysis of Rauh's representation of the union involved with both of these cases—the United Mine Workers of America—within a specific time frame in the 1970s. This would also be an effective approach to analyzing the evolution of union representation during this time. The decision between the topics will depend on available research materials.

Both topics may be researched through several sources. Valuable secondary sources on the time periods, issues and Rauh's individual participation exist. In addition, a voluminous collection of Rauh's papers and case files exist at the Library of Congress.
APPENDIX B

PLAGIARISM EXERCISE
APPENDIX C

ILLUSTRATIVE PAPER TOPICS

The Great Depression and New Deal transformed the constitutional and legal history of the United States in so many ways that you should assume that you can find a historical counterpart for whatever interests have brought you to law school. Some are suggested by these titles of papers written in recent years:

Administrative Reform in the Immigration and Naturalization Service, 1938-1940¹

“Cheerful Anarchy”: A Case Study on Thurman Arnold's Use of Antitrust Consent Decrees

Trading Without the Benefit of Loaded Dice: Markets, Manipulators, Regulators and the SEC's White, Weld Case During the New Deal

Clearing The Static In Radio Law: The New Deal D.C. Circuit Explores Administrative Law

The Forgotten Man: Joseph L. Rauh, Jr.'s Fight for Broad Coverage of the Fair Labor Standards Act of 1938

From Lewis Gilbert to Conflict Minerals: Why Social Shareholder Proposals Are Not What the New Dealers Had in Mind

Strange Bedfellows: Harold M. Stephens and the New Dealers in the Age of Walter-Logan²

Rights and Rules vs. A Seat at the Table: The Guffey Act as an Alternative Model to the Wagner Act³

The following are some topics that strike me as feasible and worthy of investigation from my own research in and around the New Deal. (This list is tilted toward the history of administrative law and procedure–my current research interests–but of course you are not limited to that subject.)

New Deal Agencies under a Magnifying Glass. At the end of the 1930s, a team of


researchers under the auspices of the Attorney General’s Committee on Administrative Procedure studied 29 federal agencies, principally from the standpoint of the fairness of their procedures, although with some attention to their substantive mission. Their “monographs,” readily available in Williams Library (KF 5417.A68) are the tip of the iceberg. Files and hearings at the National Archives provide vivid and detailed views that few scholars have consulted.

New Dealers under a Magnifying Glass. Many lawyers who played vital roles in the New Deal were vibrant and interesting characters. Some have attracted the attention of biographers, but even in those cases students can dig into some aspect of their lives and develop original insights from papers located at the Library of Congress. New Dealers include Thomas G. Corcoran, Benjamin V. Cohen, William O. Douglas, Felix Frankfurter, Robert Jackson, James Landis (SEC), Donald Richberg (NRA), and Joseph Swidler (TVA). Critics of the New Deal include Newton Baker (a Democrat who represented power companies during the early New Deal); Charles Evans Hughes, Willis Van Devanter, E. Barrett Prettyman, Sr. (although he served briefly in FDR’s administration), and Harold Stephens (who went from an AAG in FDR’s first term to a hostile federal judge).

Supreme Court Cases Studies. Published opinions are only the tip of the iceberg for the great legal and constitutional cases of the 1930s, as one can tell by consulting Mark V. Tushnet’s chapter on Crowell v. Benson in Federal Courts Stories (Foundation Press, 2010) or my own “Morgan and the New Dealers,” Journal of Policy History 20 (2008): 447-481 (available via JSTOR). The records and briefs in cases that went to the U.S. Supreme Court are available on the web; quite a few of these attracted the attention of newspaper reporters; often one can fine revealing correspondence and memoranda on strategy in the records of the Department of Justice or Supreme Court justices (Stone, Hughes, Frankfurter, Douglas, Van Devanter).

Georgetown Law School and the New Deal. That Francis Lucey, S.J., the “Regent” who ran the Georgetown Law School in the 1930s, was an outspoken critic of legal realism is well-known. Whether a comparable “Georgetown” position on the administrative state in general and the New Deal in particular is less clear. On the one hand, the influence of natural rights might have inclined the faculty to support judicial supremacy and to assume a critical stance toward federal agencies. On the other, many students had day jobs in the New Deal and many graduates took jobs in the federal government (including those on the legal staff of the National Labor Relations Board, whose General Counsel, Charles Fahy, was a Georgetown law alumnus). The faculty’s “point man” on administrative law was Robert Adam Maurer, who wrote articles and a casebook on the subject, whose presence can be traced in the surviving papers of the law school located on main campus, and who occasionally appeared in Washington newspapers. (My recollection is that Special Collections has some administrative law casebooks in which Maurer bound his notes into the printed pages.)

The NAACP’s Lawyers and the New Deal. The NAACP’s vast papers are at the Library of Congress. Although some subjects (such as the Scottsboro cases) have been exhaustively researched, interesting papers remain to be written on other lynch-law cases (Brown v. Mississippi and follow-ups), the Roosevelt administration’s position on anti-lynching legislation, complaints that the NRA was, as administered, a “Negro Re-enslavement Act,” and the lawyers’ cooperation with Popular Front groups.
Patent Policy at Mid-Century. In the midst of the 1940s, the federal government launched a major study of patent law and policy. Perhaps this is Old News to patent lawyers, but I doubt it. If you patents are your thing, this might be worth pursuing: why a study then, and what did it accomplish? In addition to the DOJ papers, you could consult the papers of a federal judge who sat on the commission, Harold Stephens, which are at the Library of Congress.

Staffing Stanley Reed’s SG Office. In early 1935, FDR appointed Stanley Reed Solicitor General, in part because Reed had, as general counsel of a New Deal agency, been willing to hire first-rate young law graduates. He assembled a “dream team” of unusually able assistants, including Paul Freund, Alger Hiss, Charles Wyzanski and others. Many appear in oral histories or left their own, but the DOJ files on their recruitment have not yet been mined.

Young Man Frankfurter in the War Department. Felix Frankfurter, the nation’s leading administrative law professor during the New Deal, once claimed that he encountered many of the basic issues of administrative law while a young lawyer in the War Department during the presidencies of William Howard Taft and Woodrow Wilson. Biographers note this interlude but have not tried to see just what Frankfurter learned about the administrative state and how he learned it. Browsing the relevant pages of Michael Parrish’s *Felix Frankfurter and His Times: The Reform Years* might turn up a promising point of departure for research.

Wechsler at the War Division. Herbert Wechsler is for most law professors, at least, a name to reckon with, as the author of the Model Penal Code and the notion of Neutral Principles in constitutional jurisprudence. Not much is known of his work as Assistant Attorney General of the War Division, which coordinated the DOJ's activities during WW2. Wechsler's own papers are at Columbia University but a successful paper could probably be written from the DOJ files on the War Division.

The DC Chapter of the National Lawyers Guild. Although liberals and socialists generally abandoned this promising left-of-center alternative to the American Bar Association once Communists took over the national association, many DC lawyers stayed and fought for control, I think because of its value as rallying point for government lawyers. Sources are sketchy, but a determined student might shed light on a very obscure but important topic.

The Judge as Administrator: Robert E. Healy at the SEC. The Securities and Exchange Commission has as its members outspoken Legal Realists and New Dealers, notably, James Landis, William Douglas and Jerome Frank. It also included Robert Healy, a Vermont judge who directed the Federal Trade Commission’s investigation of the utilities industry during the Hoover Administration and became one of the original SEC commissioners in 1934. New Dealers complained (behind his back) that he was excessively “court-like” in his understanding of administrative procedure. Whether this was true could be worked out from the SEC’s reports, addresses posted on the SEC’s website and the website of the SEC Historical Society, and other sources.

“Little” Administrative Procedure Acts. Much ink has been spilled on the long legislative history of the Administrative Procedure Act, which stretches from the New Deal to the APA’s passage in 1946. Far less work has been done on the law and politics that produced a model administrative procedure act for the states and led to its adoption in several states during
the 1940s (including California, Illinois, Indiana, Missouri, North Carolina, North Dakota, Ohio, Pennsylvania, Virginia, and Wisconsin). Although a full treatment of the subject would require work in the unpublished records of state legislatures and reference bureaus, a great deal of progress could be made from newspapers, periodicals and other printed sources. For an entree, see the symposium in *Iowa Law Review* 33 (January 1948).

*Huntington Cairns* was born in 1904 in Baltimore, Maryland. After graduating from Baltimore City College in 1922, Cairns entered the University of Maryland Law School where he received a law degree in 1925. Cairns joined the Baltimore law firm of Piper, Carey, and Hall, becoming partner in 1933. While maintaining his law practice, Cairns wrote prolifically on various legal, philosophical, and literary topics. In 1934, Secretary of the Treasury Henry Morgenthau appointed Cairns special legal adviser on censorship. As federal censor assigned to the United States Customs Bureau, Cairns wrote opinions based on Section 305 of the 1930 Tariff Act banning the importation of material deemed obscene, treasonous, or advocating contraceptive practices. Cairns's appointment followed soon after the department's attempt to bar the importation of James Joyce's *Ulysses*. Cairns's professional and literary expertise helped to quiet public outcry over the *Ulysses* action. Cairns served as federal censor in a part-time capacity from 1934 to 1937 and again from 1943 to 1965. He held the full-time position of assistant general counsel from 1937 to 1943. Cairns left the Treasury Department in 1943 to become secretary-treasurer and general counsel for the newly-created National Gallery of Art. He retired from the gallery in 1965. [From the LC finding aid.]
Appendix D

Citing Manuscript Sources

Library of Congress

Transcript, "Luncheon at the Hotel Raleigh, Aug. 23, 1938," 7, box 82, Robert H. Jackson Papers, Library of Congress [In later citations, cite documents in this collection as “Jackson Papers” or “Jackson MSS.” Drop location.]

James H. Rowe, Jr., to Thomas G. Corcoran, "Tuesday," n.d., box 211, Thomas G. Corcoran Papers, Library of Congress [In later citations, you may simply refer to them by surnames: e.g., Rowe to Corcoran, until some other Corcoran or Rowe shows up]


Homer S. Cummings, Diary, December 9, 1938, 7, Library of Congress

National Archives

James M. Landis to Baldwin Bane, September 28, 1936, box 1, entry 171, inventory ww, Records of the Securities and Exchange Commission, Record Group 266, National Archives, College Park, MD. [“Entries” are paragraphs in “inventories.” For RGs with multiple inventories, specify the inventory, if you can. Acceptable to omit when a “preliminary inventory. In later citations, cite documents in this collection as “SEC Records” Drop location.]

Dudley Cates to Hugh S. Johnson, August 18, 1933, box 6, preliminary inventory 44, Records of the National Recovery Administration, Record Group 9, National Archives, College Park, MD

Harold M. Stephens, Carl McFarland, and Moses S. Huberman to Homer S. Cummings, September 22, 1934, box 15270, entry 114, U.S. Department of Justice, Record Group 60, National Archives, College Park, MD

John J. Abt to Arthur C. Bachrach, Victor Rotnem, and Monroe Oppenheimer, January 17, 1935, box 929, entry 1, Records of the Agricultural Stabilization and Conservation Service, Record Group 145, National Archives, College Park, MD

Other

Homer S. Cummings to Civil Service Commission, September 10, 1938, reel 111, Frank Murphy Papers, Bentley Historical Library, University of Michigan, Ann Arbor, MI

"Notes on Frank Murphy dictated for the use of Albert Hyman," January 2, 1952, box 14, James Kerr Pollock Papers, Bentley Historical Library, University of Michigan, Ann Arbor, MI
Appendix E

Upperclass Legal Writing Requirement

The upperclass legal writing requirement is intended to provide students with the opportunity to refine research and writing skills learned in the first year and to develop the skills necessary to undertake writing projects on their own following graduation. Students choose topics, submit outlines, prepare and submit a first draft, and complete the final paper in consultation with faculty members.

In the course of completing the upperclass legal writing requirement, students show their mastery of in-depth research and demonstrate how they have organized, clarified, or advanced the body of knowledge in resolving the issues raised by the paper.

The following are the technical requirements for the upperclass legal writing requirement, which must be completed in accordance with the professor's instructions and schedule:

1. Use of legal forms of citation (when appropriate)
2. Submission of an outline
3. Submission of a first draft of at least 6,000 words (excluding footnotes)
4. Submission of a revised final paper of at least 6,000 words (excluding footnotes) based on the professor's comments

Papers of 6,000 words (excluding footnotes) in length are approximately 25 typewritten pages using customary margins and spacing.

All work must be that of the student in consultation with the supervising professor or must be cited for attribution to others. Students will receive a grade for both the course and the paper portions of the course. Both grades will appear on the student's transcript; however, only the course grade is included when calculating the student's overall grade point average.

Final papers must be submitted to the Office of the Registrar, and a copy of the paper must also be submitted to the professor if requested, by the deadline announced by the professor. Final papers must be submitted through the Georgetown Law Online Exam/Paper Management System, at http://apps.law.georgetown.edu/exams/

A paper that meets the upperclass legal writing requirement must be a product of the student's own work in consultation with the supervising professor. Students should not receive written comments, edits, or other written feedback on the paper from any individual other than the grading professor prior to the time it is submitted for grading (except where such feedback is in connection with classroom discussion as overseen by the grading professor). Students who are interested in using their final paper for other purposes (such as a law journal note) may do so only after the paper has been submitted for grading.

Appendix F

One Paper for Two Seminars

Students may submit one paper to satisfy the requirements in two Law Center seminars undertaken in the same semester by securing the written approval of both professors, the Associate Dean for the J.D. Program, and the Registrar in advance of writing the paper. A student must submit a written request to the Office of the Registrar by the deadline for the relevant semester.

(See the Registrar’s website for details, at http://www.law.georgetown.edu/campusservices/registrar/course-registration/One-Paper-for-Two-Seminars.cfm.)

The request should include both professors’ approval of the proposed joint paper, the minimum number of words or pages of the proposed joint paper if greater than 12,000 words, and the page length requirement for each seminar. All requests must be approved by the Associate Dean for the J.D. Program and approval is not automatic. When permission is granted, the student will be required to write a paper of at least 12,000 words excluding footnotes (approximately 50 pages), and meet all other requirements of both seminars. Students will be expected to indicate the joint nature of the paper on the cover page of all submissions. Each professor approving such a project will submit a final grade independently, indicating his or her judgment of the paper as it pertains to his or her course, and the final grades given for the two seminars need not be identical.

Students may not submit a single paper for a seminar and a Supervised Research project.

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Appendix G

New Deal Legal History Seminar January 26, 2017

Field Trip to the Manuscripts Division, Library of Congress

On Thursday, January 22, the seminar will meet in the conference room of the Manuscript Division of the Library of Congress, which is in the James Madison Building, a large white building with sleek, modern pillars located at First Street, NE, and Independence Avenue, NE. (101 Independence Ave. SE).

Our session will take place within the normal meeting times for the seminar (10-12). Please contact me if your schedule requires you to leave early. We are to convene in the atrium just outside room LM 102, which is located directly across from the Manuscript Reading Room (LM 101):
I estimate that the Madison Building is a brisk 15-minute walk from the Law Center, although perhaps it might be more realistic to give yourself 20 minutes, especially as you’ll have to negotiate a metal detector once you arrive, and there might be a line. The nearest Metro stop is Capitol South, which is located perhaps a five-minute walk south of the Madison Building.

In lieu of a reading assignment, please do three things to prepare for this meeting. First, if you do not already have a Reader Identification Card, complete the on-line part of the registration process as described here: https://www.loc.gov/readerreg/remote/. I do not require you to complete the process, but if you get this far you can easily finish before or after our session, as the Reader Registration Room (L140) is just around the corner from where we’ll meet. You will need the card to examine any item at the Library of Congress, including monographs, pamphlets, newspapers, other periodicals, sound recordings, and manuscripts.

Second, browse the website of the Manuscript Division: http://www.loc.gov/rr/mss/ In particular, scroll down through the list of finding aids until you locate a collection that interests you and then browse its finding aid. http://www.loc.gov/rr/mss/f-aids/mssfa.html. Those of especial relevance to the seminar include the papers of Florence Allen (FDR appointee to Sixth Circuit, 1934), Hugo Black, Huntington Cairns, Benjamin V. Cohen, Thomas G. Corcoran, William O. Douglas, David Ginsburg, Felix Frankfurter, Harold L. Ickes, Robert H Jackson, Jesse H. Jones, National Association for the Advancement of Colored People Records, Joseph L. Rauh, Harlan Fiske Stone, Harold M. Stephens, and Joseph Swidler. (Note that the Division holds many more collections than appear on this list.)

Third, browse Consult “New Deal Programs: Selected Library of Congress Resources” http://www.loc.gov/rr/program/bib/newdeal/am.html

Please email me the name of the finding aid you browsed by midnight Wednesday, January 21. After a few remarks, I will turn the proceedings over to Jeffrey M. Flannery, who is the Head of Reference & Reader Services at the Division. Mr. Flannery will have available for our perusal a selection of documents relating to the U.S. Supreme Court in the 1930s and FDR’s “Court-packing” plan. He will also explain how to conduct research in the Manuscript Reading Room. With any luck, we’ll be able to tour the Division’s stacks.