Syllabus – Gasoline: A Legal History
Professor Devlin/Spring 2007

Meets Wednesday and Thursday 10:30 – Noon
Room 3 BLB

No Casebook – Assigned Readings shown with classes
Recommended Background Reading
The Prize – Daniel Yergin

The course will examine the history of gasoline as a transportation fuel and over the last 125 years and its ubiquitous role in the development of law in the United States, judicial, legislative, and administrative (and political). The course is designed to address legal issues involved in the production, distribution, and marketing of gasoline and related fuels, consider ethical and professional questions related to the subject matter, and to integrate the subject matter with the analytical and practical skills required in the practice of law.

The breadth of the issues to be explored is ambitious and multidisciplinary, including such varied legal topics as environment, antitrust, trademarks, government price, rationing, and other controls, pricing, franchising, commodities futures training, advertising, and legislative and regulatory policy. We will delve into such issues as oil company divestitures and mergers and their effects on gasoline distribution and prices, lead additization, underground storage tanks, price gouging and below-cost selling, and the use of discount for cash and promotions.

The course will conclude with consideration of the involvement of the U.S. legal system in the ultimate question – “What comes after gasoline?” We will address various renewable and alternative transportation fuels in light of legislative and administrative promotional and mandating action.
There will be no test or casebook. There will be assigned readings of decisions, legislation, government reports, industry analyses, and articles, shown below with the related class schedule. Additional readings will be assigned during the semester.

One book that is suggested for general background reading is Daniel Yergin, The Prize: The Epic Quest for Oil, Money, and Power (Simon & Schuster (1991) (available, I believe, in paperback.) References to The Prize are listed with other readings below.

There will be no final exam. Students will choose topics for two to three papers from a list of topics available at the first class. Papers will be a minimum of six to eight pages (c. 1,200 words +/-) in length, double-spaced), not including notes (preferably footnotes, but end-notes will be acceptable). The papers will be marked on the basis of demonstrated research, logical presentation and argumentation, and legal writing style.

January 17-18 and 24

Overview
The Beginnings of Gasoline and the Standard Oil Breakup
Early Development of automotive transport Fuels (including leaded fuel v. ethanol)
Standard Oil Co. (New Jersey) v. U.S., 221 U.S. 1 (1911);
8,500 Years of Lead... 79 Years of Leaded Gasoline by Jamie Lincoln Kitman at http://www.thenation.com/doc/20000320/timeline
Ethyl War by William Kovarik at http://www.runet.edu/~wkovarik/ethylwar/
[the two Internet references are for perusal and reference]

January 25

Trademarks and Brand Development

January 31 and February 1

Gasoline Distribution and Marketing in the 1920s and 1930s
The Prize, Chapter 11 – “From Shortage to Surplus: The Age of Gasoline”
February 2

WW II and rationing
Emerging from WW II into “The Hydrocarbon Age”1
Readings: *The Prize*, Part IV

February 7

The late 1940s into the 1960s
*Standard Stations* and Distribution Expansion in the Post-World War II Era
Robinson-Patman Act Issues
Robinson-Patman Act, 15 U.S.C. §§ 13(a)-(f)
F.T.C. v. Sun Oil Co., 371 U.S. 505 (1963),
Simpson v. Union Oil Co., 377 U.S. 13 (1964)

February 8

Overview - The 1970s

OPEC
Price and Allocation Controls
**Readings:*** Petroleum Chronology of Events 1970-2000 at DOE (copy will be made available)

February 14

Price and Allocation Controls
Readings: To be provided

February 15 and 21

State Legislation – Dealer Day in Court Statutes
Petroleum Marketing Practices Act
Readings:

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1 The phrase is borrowed from Part IV of *The Prize*. 
**February 22**

Clean Air Act Amendments of 1970 and Gasohol
Octane Posting
Readings: Clean Air Act Amendments of 1970 (to be provided);
the FTC Fuel Rating Rule” at
http://www.ftc.gov/bcp/conline/pubs/buspubs/fuelrate.htm

**February 28**

Divorcement and Divestiture
Readings: *Exxon Corp. v. Governor of Maryland*, 437 U.S. 117 (1978)
Additional material to be provided

**March 1**

Carter COWPS and the Iranian situation
Decontrol
CAFÉ Standards, etc
Readings: To be provided

**March 7**

Overview - 1980s to present

Commodities trading in crude, gasoline, and heating oil
Readings: To be provided

**March 8 and 21**

LUST
MTBE
Readings: On LUST, see U.S. EPA Underground Storage Tanks, at
http://www.epa.gov/swerust1/ and, for Texas,
http://www.epa.gov/swerust1/states/tx.htm ; also see Boulder Area
Sustainability Information Network on Leaking USTs at
http://bcn.boulder.co.us/basin/waterworks/lust.html ;
On MTBE, see U.S. Energy Information Administration, MTBE,
Oxygenates, and Motor Gasoline at
http://www.eia.doe.gov/emeu/steo/pub/special/mtbe.html
**March 22 and 28**

Gasoline Distribution and the Antitrust Laws  

**March 28**

Pricing and Below Cost Selling & Price Gouging Laws  
FTC and DOJ investigations  

**March 29**

Clean Air Act Amendments - RFG and Boutique Fuels  
Readings: To be provided

**April 4**

Unocal and RFG  
April 11 and 12

Mergers in the late 1990s – FTC and GAO studies
Readings:

April 18 and 19
(classes will not be held on these days and will be rescheduled)

Energy Policy Act of 2005
Readings: To be provided

April 25 and April 26

Future Fuels
Brazil as Paradigm

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