American Legal and Constitutional History

This class meets on Monday and Wednesday for lectures. In addition, there will be a discussion hour with the teaching assistant. You will have two mid-term examinations, a paper due on Dec. 8, and, of course, a final examination. You are expected to attend the discussion sections. Your performance in the section will help determine your grade. Obviously, no attendance, no grade.

The basic texts are:

William Wiecek, LIBERTY UNDER LAW
Levy & Mahoney, FRAMING & RATIFICATION OF THE CONSTITUTION

September 8 Introduction
September 13 The Old World and English Background, Levy, 19-35
September 15 Colonial Constitutional Development, Levy, 36-53
September 20 The American Revolution, Levy, 1-15
September 22 The Declaration and Development of Nationalism, Levy, 54-68
September 27 The Articles of Confederation, Levy, 69-97
September 29 The Constitution: Ideological Background, Original Intention Articles (Xerox packet); Levy, 98-111

October 4 The Constitution: The Convention and Ratification, Levy, 112-31
October 6 The Constitution: Language and Meaning, Kutler, 741-756; Levy, 333-85
October 11 1789: The First Government, Levy, 105-32
October 13 The Supreme Court, 1789-1801, Kutler, 3-24; Wiecek, 1-32
October 18 EXAMINATION
October 20 The Marshall and Taney Courts: Judicial Power, Kutler, 25-49, 101-114; Wiecek, 22-82
November 1  Slavery and the Constitution: Fugitive Slaves: Kutler 145-165; Wiecek, 70-112

November 3  Slavery and the Constitution: The Territories and Dred Scott: Kutler, 166-169

November 8  Reconstruction: Southern Policy, Amendments. Kutler, 166-182, 192-193; Wiecek, 92-110

November 10 Reconstruction: Impeachment; New Judicial Power, Kutler, 183-191

November 15 EXAMINATION

November 17 Industrialism and the Constitution, 1865-1941, Kutler, 225-257; Wiecek, 110-140

November 22 Due Process and Social Legislation, Kutler, 282-293, 309-320, 337-339

November 24 The Commerce Clause, Kutler, 264-281, 359-364

November 29 The New Deal and Constitutional Crisis, 1933-1937, Kutler, 365-386

December 1 The Court Fight: 1937, Kutler, 387-428


December 8 The Civil Rights Revolution, Kutler, 548-577

December 13 Presidential Power, Watergate, and the Constitution, Kutler, 703-718; Pickel article, Wiecek, 149-158

December 27, 12:25: FINAL EXAMINATION