UNIVERSITY OF WISCONSIN—MADISON  
Department of History  
Spring/1992

History 331  
Mr. Kutler

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 April 21 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, poor grade.

The basic texts are:

William Wiecek, LIBERTY UNDER LAW
Leby & Mahoney, FRAMING & RATIFICATION OF THE CONSTITUTION
Xerox Materials, Bob's Copy Shop, University Square

January 22  Introduction
January 27  The Old World and English Background, Murrin article
January 29  Colonial Constitutional Development, Greene article
February 3  The American Revolution, Levy article
February 5  The Declaration and Development of Nationality
February 10  The Articles of Confederation
February 12  The Constitution: Ideological Background, Original Intention Articles
February 17  The Constitution: The Convention and Ratification, Wood article
February 19  The Constitution: Language and Meaning, Kutler, 741-756
February 24  1789: The First Government, Rutland and Cook articles
February 26  EXAMINATION
March 2  The Supreme Court, 1789-1801, Kutler, 3-24; Wiecek, 1-32
March 16

March 18

March 23
Slavery and the Constitution: Fugitive Slaves, Kutler 145-149; Wieck, 70-82

March 25
Slavery and the Constitution: The Territories and Dred Scott, Kutler, 150-160

March 30
Reconstruction: Southern Policy, Amendments, Kutler, 164-182, 192-193, 197-224; Wieck, 82-110

April 1
Reconstruction: Impeachment; New Judicial Power, Kutler, 183-191

April 6
EXAMINATION

April 8
Industrialism and the Constitution, 1865-1941, Kutler, 225-257; Wieck, 110-140

April 13
Due Process and Social Legislation, Kutler, 282-293, 309-320, 337-358

April 15
The Commerce Clause, Kutler, 264-281, 359-364

April 20
The New Deal and Constitutional Crisis, 1933-1937, Kutler, 365-386

April 22
The Court Fight: 1937, Kutler, 387-428

April 27

April 29/May 4
The Civil Rights Revolution, Kutler, 548-577

May 6
Presidential Power, Watergate, and the Constitution, Kutler, 703-728, Bickel article, Wieck, 140-156

May 13
FINAL EXAMINATION
7:45 a.m.