

UNIVERSITY OF WISCONSIN  
Department of History  
Fall 1988

History 331

American Legal and Constitutional  
History

Mr. Kutler  
Mr. Pettegrew

This class meets on Tuesday and Thursday 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 December 6, and, of course, a final examination. You are expected to attend the discussion sections. Your grade will depend on your performance. Obviously, no attendance, no grade.

The basic texts are:

William Wiecek, LIBERTY UNDER LAW

Stanley Kutler, THE SUPREME COURT AND THE CONSTITUTION (3rd ed.)

Various articles, available at Kinko's, 620 University Avenue.

September 6	Introduction
September 8	The Old World & English Background, Murrin article
September 13	Colonial Constitutional Development, Greene article
September 15	The American Revolution, Levy and Wood articles
September 20	The Declaration & the Development of Nationality
September 22	The Articles of Confederation
September 27	The Constitution: Ideological Background
September 29	The Constitution: The Convention & Ratification
October 4	The Constitution: Language and Meaning Kutler, 741-756
October 6	1789: The First Government, Rutland and Cook articles
October 10	EXAMINATION (5:00 p.m.)
October 11	The Supreme Court, 1789-1801 Kutler, 3-24; Wiecek, 1-32
October 13	The Marshall & Taney Courts: Judicial Power Kutler, 25-49, 101-114; Wiecek, 32-82
October 18	The Marshall & Taney Courts: Political Economy Kutler, 63-89, 114-119; Hurst, "The Release of Energy"
October 20	The Marshall & Taney Courts: National Powers Kutler, 50-62, 90-100, 126-138
October 25	Slavery & the Constitution: Fugitive Slaves Kutler, 145-149; Wiecek, 70-82
October 27	Slavery & the Constitution: The Territories & Dred Scott Kutler, 150-160
November 1	EXAMINATION
November 3	Reconstruction: Southern Policy, Amendments Kutler, 164-182, 192-193, 197-224; Wiecek, 82-110
November 8	Reconstruction; Impeachment; New Judicial Power Kutler, 183-191
November 10	Industrialism & the Constitution, 1865-1941 Kutler, 225-257; Wiecek, 110-140
November 15	Due Process and Social Legislation Kutler, 282-293, 309-320, 337-358

November 17     The Commerce Clause  
                  Kutler, 264-281, 359-364

November 22     The New Deal & Constitutional Crisis, 1933-1937  
                  Kutler, 365-386

November 29     The Court Fight: 1937  
                  Kutler, 387-428

December 1,6    Freedom of Speech: A Historical Survey  
                  Kutler, 324-336, 429-441, 472-484; Wiecek, 156-195

December 8      The Civil Rights Revolution  
                  Kutler, 548-577

December 13    Presidential Power, Watergate, and the Constitution  
                  Kutler, 703-728; Bickel Article; Wiecek, 140-156