

UNIVERSITY OF WISCONSIN-MADISON
Department of History
Fall Semester 1992

History 331

Mr. Kutler
Mr. VanElls

American Legal and Constitutional History

This class meets on Monday and Wednesday for lectures. In addition, there is a one-hour discussion section with the teaching assistant. You will have two mid-term examinations, a paper due on Dec. 7, and, of course, a final examination. Because we miss two class days at the outset of the semester, the second mid-term tentatively will be given on the evening of November 18. 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
Stanley Kutler, THE SUPREME COURT AND THE CONSTITUTION (3rd edition)
Levy & Mahoney, FRAMING & RATIFICATION OF THE CONSTITUTION
Xerox Packet: Bob's Copy Shop, University Square

September 2 Introduction
September 9 The Old World and English Background: Levy, 19-35
September 14 Colonial Constitutional Development: Levy, 36-53
September 16 The American Revolution: Levy, 1-18
September 21 The Declaration and Development of Nationality:
Levy, 54-68
September 23 The Articles of Confederation: Levy, 69-97
September 28 NO CLASS
September 30 The Constitution: Ideological Background.
Original Intention Articles (Xerox packet); Levy,
98-111.
October 5 The Constitution: The Convention and Ratification:
Levy, 112-131
October 7 NO CLASS
October 12 The Constitution: Language and Meaning, Kutler,
741-756; Levy, 333-355.
October 14 1789: The First Government: Levy, 305-32

October 19 The Supreme Court, 1789-1801, Kutler, 3-24; Wiecek, 1-32

October 21 EXAMINATION

October 26 The Marshall and Taney Courts: Judicial Power, Kutler, 25-49, 101-114; Wiecek, 32-82

October 28 The Marshall and Taney Courts: Political Economy
Kutler, 63-89, 114-119; Hurst, "The Release of Energy"

November 2 The Marshall and Taney Courts: National Powers, Kutler, 50-62, 90-100, 126-138

November 4 Slavery and the Constitution: Fugitive Slaves, Kutler 145-149; Wiecek, 70-82

November 9 Slavery and the Constitution: The Territories and Dred Scott, Kutler, 150-160

November 16 Reconstruction: Southern Policy, Amendments, Kutler, 164-182, 192-193, 197-224; Wiecek, 82-110

November 18 Reconstruction; Impeachment; New Judicial Power, Kutler, 183-191

November 18 EXAMINATION

November 23 Industrialism and the Constitution, 1865-1941, Kutler, 225-257; Wiecek, 110-140

November 25 Due Process and Social Legislation, Kutler, 282-293, 309-320, 337-358

November 30 The Commerce Clause, Kutler, 264-281, 359-364

December 7 The New Deal and Constitutional Crisis, 1933-1937, Kutler, 365-386

December 9 The Court Fight: 1937, Kutler, 387-428

December 14 Presidential Power, Watergate, and the Constitution, Kutler, 703-728; Wiecek, 140-156

December 19 5:05 p.m. FINAL EXAMINATION