

UNIVERSITY OF WISCONSIN-MADISON  
Department of History  
Fall Semester, 1994

History 331

Mr. Kutler  
Mr. Messer-Kruz  
Mr. Rees

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. 7, 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  
Stanley Kutler, THE SUPREME COURT AND THE CONSTITUTION (3rd edition)  
Levy & Mahoney, FRAMING & RATIFICATION OF THE CONSTITUTION  
Xeroxed Materials, available at Bob's Copy Center (University Square)

- September 7 Introduction
- September 12 The Old World and English Background, Levy, 19-35
- September 14 Colonial Constitutional Development, Levy, 36-53
- September 19 The American Revolution, Levy, 1-18
- September 21 The Declaration and Development of Nationality, Levy 54-68
- September 26 The Articles of Confederation, Levy, 69-97
- September 28 The Constitution: Ideological Background, Original Intention Articles (Xerox packet); Levy, 98-111
- October 3 The Constitution: The Convention and Ratification, Levy, 112-31
- October 5 The Constitution: Language and Meaning, Kutler, 741-756; Levy, 333-55
- October 10 The First Government, Levy, 305-32
- October 12 The Supreme Court, 1789-1801, Kutler, 3-24; Wiecek, 1-32
- October 17 EXAMINATION
- October 19 The Marshall and Taney Courts: Judicial Power, Kutler, 25-49, 101-114; Wiecek, 32-82
- October 24 The Marshall and Taney Courts: Political Economy: Kutler, 63-89, 114-119; Hurst, "The Release of Energy" (Xerox packet)
- October 26 The Marshall and Taney Courts: National Powers: Kutler, 50-62, 90-100, 126-138
- October 31 Slavery and the Constitution: Fugitive Slaves: Kutler 145-149; Wiecek, 70-82
- November 2 Slavery and the Constitution: The Territories and Dred Scott: Kutler, 150-160

November 7 Reconstruction: Southern Policy, Amendments, Kutler, 164-182, 192-193, 197-224; Wiecek, 82-110

November 9 Reconstruction; Impeachment; New Judicial Power, Kutler, 183-191

November 14 EXAMINATION

November 16 Industrialism and the Constitution, 1865-1941, Kutler, 225-257; Wiecek, 110-140

November 21 Due Process and Social Legislation, Kutler, 282-293, 309-320, 337-358

November 23 The Commerce Clause, Kutler, 264-281, 359-364

November 28 The New Deal and Constitutional Crisis, 1933-1937, Kutler, 365-386

November 30 The Court Fight: 1937, Kutler, 387-428

December 5 Freedom of Speech: A Historical Survey, Kutler, 324-336, 429-441, 472-484; Wiecek, 156-195

December 7 The Civil Rights Revolution, Kutler, 548-577

December 12 Reapportionment, Kutler, 599-615

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

December 17 Sunday, at 7:45 a.m., FINAL EXAMINATION. Someone doesn't like us.