

UNIVERSITY OF WISCONSIN
Department of History
Spring 1989

History 331

American Legal and Constitutional
History

Mr. Kutler
Mr. Pettegrew

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 May 1, 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 ed.)

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

January 23	Introduction
January 25	The Old World & English Background, Murrin article
January 30	Colonial Constitutional Development, Greene article
February 1	The American Revolution, Levy and Wood articles
February 6	The Declaration & the Development of Nationality
February 8	The Articles of Confederation
February 13	The Constitution: Ideological Background
February 15	The Constitution: The Convention & Ratification
February 20	The Constitution: Language and Meaning Kutler, 741-756
February 22	1789: The First Government, Rutland and Cook articles
February 27	EXAMINATION
March 1	The Supreme Court, 1789-1801 Kutler, 3-24; Wiecek, 1-32
March 6	The Marshall & Taney Courts: Judicial Power Kutler, 25-49, 101-114; Wiecek, 32-82
March 8	The Marshall & Taney Courts: Political Economy Kutler, 63-89, 114-119; Hurst, "The Release of Energy"
March 13	The Marshall & Taney Courts: National Powers Kutler, 50-62, 90-100, 126-138
March 15	Slavery & the Constitution: Fugitive Slaves Kutler, 145-149; Wiecek, 70-82
March 27	Slavery & the Constitution: The Territories & Dred Scott Kutler, 150-160
March 29	EXAMINATION
April 3	Reconstruction: Southern Policy, Amendments Kutler, 164-182, 192-193, 197-224; Wiecek, 82-110
April 5	Reconstruction; Impeachment; New Judicial Power Kutler, 183-191
April 10	Industrialism & the Constitution, 1865-1941 Kutler, 225-257; Wiecek, 110-140
April 12	Due Process and Social Legislation Kutler, 282-293, 309-320, 337-358

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

April 19 The New Deal & Constitutional Crisis, 1933-1937
 Kutler, 365-386

April 24 The Court Fight: 1937
 Kutler, 387-428

April 26, May 1 Freedom of Speech: A Historical Survey
 Kutler, 324-336, 429-441, 472-484; Wiecek, 156-195

May 3 The Civil Rights Revolution
 Kutler, 548-577

May 8 Presidential Power, Watergate, and the Constitution
 Kutler, 703-728; Bickel Article; Wiecek, 140-156