

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
Stanley Kutler, THE SUPREME COURT AND THE CONSTITUTION (3rd edition)
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 4	The Marshall and Taney Courts: Judicial Power, Kutler, 25-49, 101-114; Wiecek, 32-82

March 16 The Marshall and Taney Courts: Political Economy, Kutler, 63-89, 114-119; Hurst, "The Release of Energy"

March 18 The Marshall and Taney Courts: National Powers, Kutler, 50-62, 90-100, 126-138

March 23 Slavery and the Constitution: Fugitive Slaves, Kutler 145-149; Wiecek, 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; Wiecek, 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; Wiecek, 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 Freedom of Speech: A Historical Survey, Kutler, 324-336, 429-441, 472-484; Wiecek, 156-195

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

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

May 13 FINAL EXAMINATION
7:45 a.m.