

UNIVERSITY OF WISCONSIN-MADISON
Department of History
Fall Semester, 1993

History 331

Mr. Kutler
Mr. Messer-Cruz

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. 8, 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

- September 8 Introduction
- September 13 The Old World and English Background, Levy, 19-35
- September 15 Colonial Constitutional Development, Levy, 36-53
- September 20 The American Revolution, Levy, 1-18
- September 22 The Declaration and Development of Nationality, Levy 54-68
- September 27 The Articles of Confederation, Levy, 69-97
- September 29 The Constitution: Ideological Background, Original Intention Articles (Xerox packet); Levy, 99-111
- October 4 The Constitution: The Convention and Ratification, Levy, 112-31
- October 6 The Constitution: Language and Meaning, Kutler, 741-756; Levy, 333-55
- October 11 1789: The First Government, Levy, 305-32
- October 13 The Supreme Court, 1789-1801, Kutler, 3-24; Wiecek, 1-32
- October 18 EXAMINATION
- October 20 The Marshall and Taney Courts: Judicial Power, Kutler, 25-49, 101-114; Wiecek, 32-62
- October 25 The Marshall and Taney Courts: Political Economy: Kutler, 63-89, 114-119; Hurst, "The Release of Energy" (Xerox packet)
- October 27 The Marshall and Taney Courts: National Powers: Kutler, 50-62, 90-100, 126-138

November 1 Slavery and the Constitution: Fugitive Slaves: Kutler 145-149;
Wiecek, 70-82

November 3 Slavery and the Constitution: The Territories and Dred Scott:
Kutler, 150-160

November 8 Reconstruction: Southern Policy, Amendments, Kutler, 164-182,
192-193, 197-224; Wiecek, 92-110

November 10 Reconstruction; Impeachment; New Judicial Power, Kutler, 183-191

November 15 EXAMINATION

November 17 Industrialism and the Constitution, 1865-1941, Kutler, 225-257;
Wiecek, 110-140

November 22 Due Process and Social Legislation, Kutler, 262-293, 309-320,
337-359

November 24 The Commerce Clause, Kutler, 264-281, 359-364

November 29 The New Deal and Constitutional Crisis, 1933-1937, Kutler, 365-
366

December 1 The Court Fight: 1937, Kutler, 387-428

December 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

December 22, 12:25: FINAL EXAMINATION