

H1US 152B: A Constitutional History of the United States since 1865

Professor Rai I. Wilson

Spring (2011) • MW: 6:30 to 7:50 • Office Hours: TBA

Peterson, 103 • Final Wednesday, June 8th: 7 to 10 PM

The historical development of constitutional thought and practice in the United States since 1865, with special attention to the role of the Supreme Court from Chief Justices Chase to Rehnquist. Prerequisite: upper-division standing or consent of instructor.

Readings: Stanley Kutler, ed. The Supreme Court and the Constitution: Readings in American Constitutional History 3rd Edition (New York: W.W. Norton & Company) **and** supplemental documents uploaded on Webct, denoted (Web) on syllabus. Readings should be read *before* the class under which they appear.

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The New Order

- Monday, March 28th: Beginnings

Federalist Paper 78 (Web); *Marbury v. Madison* (1803) p. 25-31; *Andrew Johnson Veto Message* (Web)

- Wednesday, March 30th: The American Constitutional Order

Slaughterhouse + Selective Incorporation p. 225; *DC v. Heller* (Web)

Economic Freedom

- Monday, April 4: Corporate Ascendancy

Munn v. Illinois p. 242; *Wabash* p. 247; *E.C. Knight* p. 267; *Lochner* p. 282; *In re Debs* p. 294; *Adair* p.300; *Adkins* p. 347

- Wednesday, April 6: The New Equilibrium

Nebbia p. 369; *West Coast Hotel* p. 387; *NLRB* p. 395; *Buckley* p. 463; *Citizens United* (Web)

Free Speech + Obscenity

- Monday, April 11: Speak No Evil

Schenk & Abrams p. 324, *Brandenburg* p. 458, *NY Times* p. 493

- Wednesday April 13: Low Value Speech

Miller p. 504; *Tinker* p. 476; *Cohen* (Web); *New York Times* p. 490; *R.A.V.* (Web)

Religion

- Monday, April 18: Establishment—Freedom from Religion

Everson p. 520, *Engel* p. 529, *McReary* (Web)

- Wednesday, April 20: Exercise—Freedom of Religion

Reynolds (Web); *Yoder* p. 533, *Welsh* p. 539, *Oregon* (Web)

National Security & Midterm

- Monday, April 25: **MIDTERM**

- Wednesday, April 27: Liberty or Security?

Prize Cases p. 161; *Ex Parte Milligan* p. 164; *Whitney* p. 333, *Korematsu* p. 708; *Boumediene v. Bush* (Web)

Race

- Monday, May 2: We Hold These Truths...

Civil Rights Cases p. 200; *Plessy* p. 216, *Smith v. Allright* p. 589, *Brown* p. 548

- Wednesday, May 4: The Limits of Equality

Heart of Atlanta p. 572; *Washington* p. 584; *Bakke* p. 688; *Grutter* (Web)

Women

- Monday, May 9: “Well Behaved Women...”

Bradwell (Web); *Mueller* (289); *Griswold* (645)

- Wednesday, May 11: Defining Fairness

Roe (648); *Reed v. Reed* (679); *Price Waterhouse* (Web); *Smith* (Web)

Poverty + Homosexuality

- Monday, May 16: The Least of These

Shapiro (662), *Goldberg* (667); *San Antonio* (Web)

- Wednesday, May 18: The Limits of Liberty

Goodridge (Web); *Bowers* (Web); *John Stuart Mill On Liberty* (Web)

Criminality

- Monday, May 23: Investigation

Mapp (615); *Miranda* (631); *Whren* (Web)

- Wednesday, May 25: Punishment

Gideon (623); *Gregg* (641); *Roper* (Web)

End Game

Monday, May 30: Memorial Day, No Class

Wednesday, June 1st: Absolute Power?

U.S. v. Nixon (723); *Reynolds v. Sims* (609); *Lopez* (Web)