HIUS 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.

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*


• 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*


• 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…*


- 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)