The Lochner Era
Robert H. Smith Seminar
The Institute for Constitutional History
George Washington University Law School
January 10-February 14, 2013
Professor Barry Cushman
University of Notre Dame

The texts for the course are Cushman, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution* (Oxford, 1998), and a set of materials made available by the Institute.

**January 10 Substantive Due Process in the Lochner Era**

Munn v. Illinois (1877)
Lochner v. New York (1905)
Muller v. Oregon (1908)
Bunting v. Oregon (1917)
Coppage v. Kansas (1915)
Adkins v. Childrens Hospital (1923)
Wolff Packing v. Court of Industrial Relations (1923)
Tyson & Bro. v. Banton (1927)
Ribnik v. McBride (1928)
Williams v. Standard Oil (1929)

**January 17 Lochner Historiography**


**January 24 Federalism in the Progressive Era**

Cushman, “*Carolene Products* and Constitutional Structure,” 2012 Sup. Ct. Rev. ___
January 31  New Deal Historiography

Cushman, Rethinking the New Deal Court (1998), pp. 3-46

February 7 Substantive Due Process in the New Deal Era

Nebbia v. New York (1934)
Cushman, Rethinking the New Deal Court, pp. 45-138

February 14 Federalism in the New Deal Era

Cushman, Rethinking the New Deal Court, pp. 139-225
Cushman, “The Health Care Decision and the Lost Generation of Child Labor Reform” (draft)