
**Memorial Resolution of the Faculty of the University of Wisconsin-Madison
On the Death of Professor Emeritus Stanley I. Kutler**

Stanley I. Kutler, professor emeritus of history at the University of Wisconsin-Madison, passed away peacefully on April 7, 2015 in Madison. A member of the UW-Madison faculty for 32 years until his retirement in 1996, Kutler was also a public intellectual and a highly acclaimed teacher. He was a distinguished American constitutional and legal historian, endearing professor, and beloved colleague. Generations of students, both from the Department and from the Law School, where he also had an appointment, admired his dynamic and stimulating teaching. In his courses, he challenged them to critically question the real-life application of the Constitution and admonished them to view it, not as an infallible pronouncement, an artifact, but as an unfinished and deliberative democratic experiment. Many of those students continued to be his lifelong friends, seeking his sage advice and enlightening perspectives on history and current affairs decades after graduation.

Based on patient archival research, brilliant analysis, and elegant argumentation, Kutler's scholarship cut a wide swath through American legal and constitutional history. His monographs tackled such subjects as the Dred Scott case (*The Dred Scott Decision: Law or Politics?*, 1967), the judiciary during Reconstruction (*Judicial Power and Reconstruction Politics*, 1968), the Supreme Court on property rights (*Privilege and Creative Destruction: The Charles River Bridge Case*, 1971), political trials (*American Inquisition: Justice and Injustice in the Cold War*, 1982), and the Watergate scandal (*The Wars of Watergate: The Last Crisis of Richard Nixon*, 1990; and *Abuse of Power: The New Nixon Tapes*, 1997). To supplement his scholarship, he performed valuable service to the profession as author and editor of sourcebooks and encyclopedias, and as the founding editor of the influential journal *Reviews in American History*.

Despite this variety of research themes and scholarly activities, Kutler's name would forever be associated with the Watergate affair and the figure of Richard Nixon. *The Wars of Watergate*, the definitive account, to date, of the affair that culminated in Nixon's resignation, narrated the causes, contexts, and consequences of the worst scandal in American political history. It did not, however, end Kutler's involvement with Watergate and in many ways launched for him a new phase. In 1992, he joined Public Citizen, a consumer advocacy group, in a lawsuit against the National Archives and Records Administration (NARA) to force the release of the majority of conversations recorded in the Oval Office, which had not been made public during the Watergate hearings and prosecutions. Four years later, Kutler and his co-litigants won the release of more than 3,000 hours of the Oval Office recordings, some of which he transcribed with commentary in a highly praised book, *Abuse of Power* (1997).

Thus, despite the prodigious range of Kutler's work on American legal and constitutional history, many came to associate him primarily with Watergate and Nixon. "I guess it's my lot in life to be identified with Nixon," he acknowledged in a 1998 interview. After retirement, he wrote a play, *I Nixon*, that enacts portions of the transcripts, exploring with them the former president's personality and political missteps. He also collaborated with comedian Harry Shearer on a television program, "Nixon's the One," a series of vignettes based on the recordings.

Born in Cleveland on August 10, 1934, Kutler went to college at Bowling Green and graduate school at Ohio State, where he obtained his doctorate in 1960. As an undergraduate he had the good fortune to meet Sandra Sachs, a Cincinnati who would be his life companion (the couple

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married in 1956). They had four children: Jeffrey (deceased), David, Susan, and Andy.

After short stints at Penn State and San Diego State, the family arrived in UW-Madison in 1964. Here, Kutler found a stimulating environment for his work in legal and constitutional history, a field that already had distinguished antecedents in Madison. At the time, the Department cultivated other critical traditions in American history, such as the Wisconsin School of Diplomatic History, which stimulated specialties like his. The Law School, his second home at the University, also complemented the Department in significant ways. It had a well-deserved reputation for the study of law and society, a standing Kutler's work enhanced. Kutler particularly admired the work of James Willard Hurst, one of the founders of the field of legal history and the author of the seminal *Law and the Conditions of Freedom in the Nineteenth Century United States* (1956). With Hurst, as with many colleagues in both History and Law, Kutler forged a strong intellectual bond and an enduring friendship. Indeed, throughout his career he took advantage of the synergy between History and the Law School, as well as with other scholarly communities on campus. He always thought it was his good fortune to have worked in a stimulating History department, Law School, and University.

In History, Kutler trained scores of students in American legal/constitutional history and related fields. Moreover, he enriched departmental life in multiple ways. Along with Mauri Meisner, he was a co-founder of the Harvey Goldberg Center for the Study of Contemporary History, dedicated to sustaining the intellectual and political values of that legendary historian. Kutler was crucial in organizing a worldwide fund-raising drive among Goldberg's former students and admirers. The resulting fund helped to create the annual Harvey Goldberg Lecture in contemporary history, bringing progressive historians like William Appleman Williams and Howard Zinn to campus; revived Goldberg's famous course on Contemporary Societies; joined with the Eugene Havens Center to organize a prestigious, international conference reexamining the Cold War epoch and its demise; provided financial assistance to other campus groups pursuing compatible projects; and archived transcripts and tapes of Goldberg's lectures. Two decades after Kutler's retirement, the Center remains a vital and viable part of the History Department.

Among his many endearing qualities, Kutler was a supportive and caring colleague. He took an interest in the younger members of the Department, providing valuable mentoring and support. He became a close friend to many. Those of us who had the good fortune of receiving his kindness will forever miss him.

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