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"Whose Constitution? Popular Constitutionalism and the 2012 Election"

Roger Williams University School of Law

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Whose Constitution is it, anyway?



Roger Williams University School of Law Presents:
“Whose Constitution? Popular Constitutionalism and the 2012 Election”



In popular and political discourse, the United States Constitution has become a visceral symbol of civic faith, fundamental values and national character – placing it at the center of the 2012 elections in a way it has rarely been before.

Among Republican presidential candidates, Newt Gingrich argues that courts are usurping the Constitution, Rick Perry calls Social Security unconstitutional, Ron Paul calls the EPA unconstitutional, and all assert that the health care reform law is unconstitutional. The Tea Party movement paints President Obama’s policies as not merely wrong, but unconstitutional and fundamentally un-American. Further to the political left, however, many participants in the Occupy/ 99 Percent movements also proclaim a constitutional vision of “We the People.”

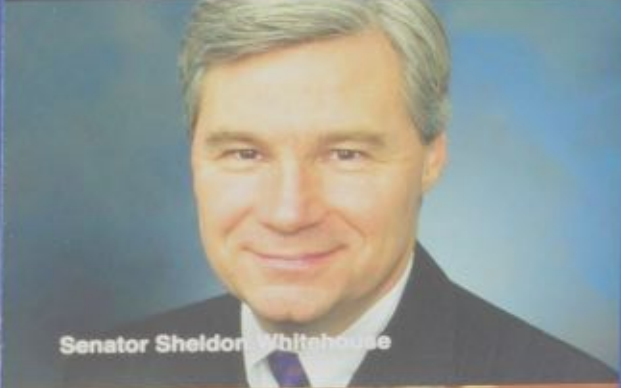
Lawyers and judges, meanwhile, generally understand the Constitution as a discrete legal document, comprised of technical terms that have been construed over generations to establish a complex set of doctrines.

The resulting dichotomy between “popular” and “legal” readings of the Constitution raises a host of important questions: Should the Constitution’s meaning be determined solely in courts? If not, what should be the role of public opinion? How do the two streams influence one another?

Using a broad range of historical, theoretical and philosophic perspectives, top legal experts from both ends of the political spectrum will examine the meaning and implications of the constitutional rhetoric that plays a pivotal and ever-increasing role in contemporary American politics.



Professor Jared Goldstein



Senator Sheldon Whitehouse



Professor Jack Balkin

MODERATOR

Professor Jared Goldstein

Professor of Law, Roger Williams University; author of *"The Tea Party Movement and the Perils of Popular Originalism"* (2011); *"Can Popular Constitutionalism Survive the Tea Party Movement?"* (2011).

KEYNOTE SPEAKERS

Senator Sheldon Whitehouse

U.S. Senator, Rhode Island

Professor Jack Balkin

Yale Law School, Knight Professor of Constitutional Law and the First Amendment; author of *Living Originalism* (2011), *Constitutional Redemption: Political Faith in an Unjust World* (2011), *The Constitution in 2020* (2009).

ALSO FEATURING:

- Carl Bogus, Roger Williams University School of Law
- Steven Calabresi, Northwestern University School of Law
- Elizabeth Price Foley, Florida International University School of Law
- William Forbath, University of Texas School of Law
- Douglas NeJaime, Loyola Law School Los Angeles
- Reva Siegel, Yale Law School
- Lawrence Solum, Georgetown Law
- Ilya Somin, George Mason University School of Law
- Mark Tushnet, Harvard Law School

Roger Williams University School of Law Presents:

**“Whose Constitution?
Popular Constitutionalism and the 2012 Election”**

Friday, February 24, 2012

8:30 a.m. Registration

9:00 a.m. – 4:00 p.m. Conference

Roger Williams University School of Law
Bristol, Rhode Island

This program is approved for 6.5 hours of CLE credits
in Rhode Island, including 0 ethics credits.

For further information and registration, contact the Office
of Alumni, Programs & Events at 401-254-4659, email
lawevents@rwu.edu or visit <http://law.rwu.edu/whoseconstitution>



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