3-30-2012

Dean Logan's Blog: Tea Party and the Constitution Program Draws National Experts

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organized by our own Jared Goldstein, an expert in “popular constitutionalism” experts from around the country came to RWU Law for a fascinating conference last month. Co-sponsored with the United States District Court for Rhode Island, a packed house and overflow rooms were treated to an all-star line-up, featuring keynote addresses by United States Senator Sheldon Whitehouse (D-RI, and a member of the Senate Judiciary Committee), and Jack Balkin, Knight Professor of Law and the First Amendment at Yale Law School. Video of Sen. Whitehouse opening remarks.

U.S. Senator Sheldon Whitehouse (D-RI)

After a greeting from Federal Judge Will Smith, the presenters got down to business.
Panel 1 was entitled “Which Constitution,” and focused on the significance of narrative in constitutional discourse. The speakers, William Forbath (Texas), Rebecca Zietlow (Toledo), and Lawrence Solum (Georgetown) considered the importance of the stories we tell about ourselves, and the role they have played in various socio/legal movements, like the Civil Rights and labor movements historically, and the Tea party movement in contemporary constitutional debate.
Panel 2 focused on “Whose Constitution,” and featured Elizabeth Price Foley (Florida International), Mark Tushnet (Harvard), and RWU Law’s Jared Goldstein, tackling the controversial topic of whether the Supreme Court of the United States is the sole interpreter of the meaning of the Constitution. The discussants paid close attention to the rise of the Tea Party, and how it compares with previous social/political movements that previously attacked the modern administrative state as unconstitutional, including the American Liberty League in the 1930s.
After a lunch break, Prof. Jack Balkin provided an erudite, and entertaining, analysis of the role of popular constitutionalism and the 2012 election.
Finally, Steve Calabresi (Northwestern), Douglas NeJaime (Loyola-LA), and Ilya Somin (George Mason) had a *lively discussion* of how popular constitutionalism works (for example, changing the law of gay marriage), how debates can be shaped by executive branch leaders, and how public ignorance might actually undercut a public role in constitutional debate. Last up was a veteran of popular constitutionalism, our own Prof. Carl Bogus, who provided an insider’s take on an example of popular constitutionalism at the state level, drawn from his work on behalf of a successful effort to amend the Rhode Island Constitution.
Steve Calabresi

Front row (l to r) Rebecca Zietlow, Jared Goldstein, William Forbath, Dean David A. Logan, Second Row (l to r) Steve Calabresi, Lawrence Solum, Carl Bogus, Jack Balkin, Mark Tushnet, Ilya Somin, Elizabeth Price Foley, and Douglas NeJaime