



Association of American Law Schools

Welcome

The Supreme Court has shrunk its caseload by 50% over the past decade or so, yet it remains – unsurprisingly – central to our constitutional order. The Planning Committee for this conference has designed the program to give you a chance to think and talk about the Court’s role in the now not-so-new century.

The reasons for sustained reflection on the Court’s role are many. We have a “new” Court – new in the sense that its membership changed recently for the first time in more than a decade, new in the sense that it has a new Chief Justice, and new, perhaps, in the sense that it may have a sharper division between reasonably consistent “blocs” on centrally important constitutional and political issues. And the new Court may face a different array of power in the political branches – perhaps divided government, perhaps unified government under Democratic control – than it faced in the prior decade. Further, new legal issues arising out of globalization (which some might say encompasses the terrorist attacks of September 11, 2001, and their aftermath) confront the Court.

What tools should we use in dealing with the constitutional issues before the Court and the country? Traditional doctrinal ones, of course, and traditional constitutional theory as well – but also some of the tools used by political scientists and other empiricists. Our panels attempt to present a reasonably wide array of tools and approaches – not comprehensive, of course, for that would be impossible – for you to consider using in your own research and teaching. The Planning Committee was, we hope, especially attentive to questions of pedagogy, for it is not always easy to integrate into basic and advanced courses on constitutional law some of the approaches that have become prominent in recent scholarship.

On behalf of the Planning Committee, I welcome you to Cleveland, and to what we hope will be a set of stimulating sessions and conversations – at the panels and in the hallways and other informal gatherings. Let us know how you think the conference is going and, afterwards, give us suggestions for improving it.

Mark V. Tushnet, Harvard Law School,
Chair, Planning Committee for the
Conference on Constitutional Law