

Constitutional Law
Professor Teachout
Spring Term, 2020

Reading Assignment for First Class

We begin our study of American constitutional law by focusing on the key events that ultimately led to adoption and ratification of the United States Constitution in 1788. It is important to realize that the Constitution did not spring out of the blue at the Philadelphia Convention of 1787 but was the product of a substantial prior constitutional experience on the American continent. Understanding this history serves an important double purpose: (1) it helps us understand the Constitution as the framers themselves understood it and (2) it offers interesting historical examples of “the evolutionary character” of American constitutional law. Since this history is normally not covered in conventional constitutional law texts, we are going to rely primarily on material distributed electronically on the TWEN site in these early class sessions. You should print out and read the assigned material and bring it with you to class for purposes of class discussion.

Session #1: Events Leading to the Declaration of Independence (1761-1776)

In the first class session, we will be considering governance in the colonies during the period from 1600 to 1776 and the escalation of the conflict that led to the Declaration of Independence. I will be introducing this history in part by lecture accompanied with a power point presentation. Class discussion will focus on three important “pre-constitutional” documents: (1) James Otis’s famous argument in the Writs of Assistance case (1761); the Articles of Association adopted by the First Continental Congress (1774); and the Declaration of Independence (1776). These documents are posted on TWEN under “Reading Assignments for First Class.”

When you come to class, be prepared to respond to the questions set out in the introductions to each of these three documents. You should also print out and bring to class the “Timeline of key events leading to the break with England” which is separately posted on the TWEN site.