1988

The American Constitutional Tradition of Shared and Separated Powers (Program)

Institute of Bill of Rights Law at The College of William & Mary School of Law

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William and Mary, chartered in 1693, is the second-oldest institution of higher learning in the United States. It was named after the English monarchs to whom the English Bill of Rights was presented in 1689. The College’s School of Law was named for two of Virginia’s most prominent legal figures: John Marshall and George Wythe. Marshall was the Chief Justice of the United States Supreme Court most responsible for forging the authority of the Constitution and the nation. Wythe, under whose tutelage Thomas Jefferson, John Marshall, James Monroe, and Henry Clay studied law, held the first academic chair of law in America at William and Mary from 1779-1790.

The wash drawing of the college yard in the 1840’s is attributed to Thomas Charles Millington, son of Professor John Millington. From the Millington Family Papers, it is reproduced here through the courtesy of the College Archives.

THE AMERICAN CONSTITUTIONAL TRADITION OF SHARED AND SEPARATED POWERS

The Fifth Annual Bill of Rights Symposium
April 8-9, 1988

presented by

The Institute of Bill of Rights Law
Marshall-Wythe School of Law at
The College of William and Mary
Williamsburg, Virginia
THE INSTITUTE OF BILL OF RIGHTS LAW

The Institute of Bill of Rights Law was established at William and Mary to support scholarly research on the Bill of Rights, particularly the first Amendment. The Institute of Bill of Rights Law was established in 1982 by a bequest of Laura Lee, who held a lifelong interest in a free press and its role in our society, in memory of her parents, Alfred Wilson Lee and Mary W. Lee.

The annual spring symposium is designed to attract a broad audience of academic and practicing lawyers and journalists. The Institute publishes the proceedings of its symposium in the William and Mary Law Review. Topics from previous years have included "Defamation and the First Amendment: New Perspectives" (1984) and "National Security and the First Amendment" (1985). The 1986 symposium was "Religion and the State." The 1987 conference, "1787: The Constitution in Perspective" explored the framing of the constitution. This program, "The American Constitutional Tradition of Shared and Separated Powers," is the fifth in the series. The 1989 symposium will be cosponsored by the Institute of Early American History and Culture and will mark the drafting of the Bill of Rights.

FRIDAY, APRIL 8

Law School Patio or Lounge
9:15 a.m. - 9:15 a.m.

Marshall-Wythe Room 120
9:15 a.m.

REGISTRATION AND COFFEE

Welcome, Timothy J. Sullivan
Dean, Executive Director Institute of Bill of Rights Law, and John Stewart Bryan Professor of Jurisprudence

Introductory Remarks, Gene R. Nichol, James Gould Cutler Professor of Constitutional Law, and Director, Institute of Bill of Rights Law, College of William and Mary

SESSION I

Marshall-Wythe Room 120
9:30 a.m. - noon

SEPARATION OF POWERS: EARLY VERSIONS AND PRACTICE

Principal Remarks
Gerhard Casper, William B. Graham Professor of Law, University of Chicago Law School

Panel:
William B. Gwyn, Professor of Political Science, Tulane University
Maeva Marcus, Director of the Documentary History Project, Supreme Court of the United States
Russell K. Osgood, Professor of Law, Cornell Law School
Suzanna Sherry, Professor of Law, University of Minnesota

Moderator: William R. Spong, Jr., Dean and Dudley W. Woodbridge Professor of Law Emeritus

LUNCHEON

SESSION II

Marshall-Wythe Room 120
1:45 p.m. - 4:45 p.m.

SEPARATION OF POWERS, THE RULE OF LAW AND THE IDEA OF INDEPENDENCE

Principal Remarks:
Paul R. Verkuil, President and Professor of Law, College of William and Mary

Panel:
Paul D. Gewirtz, Professor of Law, Yale University
Robert F. Nagel, Moses Lasky Professor of Law, University of Colorado
Richard J. Pierce, Jr., George W. Hutchinson Professor of Law, Southern Methodist University
Peter M. Shane, Professor of Law, University of Iowa

Moderator: Gene R. Nichol

COCKTAILS

SESSION III

Marshall-Wythe Room 119
9:30 a.m. - 12:00 noon

THE IMPORTANCE OF PARTY GOVERNMENT UNDER THE AMERICAN SYSTEM

Principal Remarks:
Lloyd N. Cutler, Esq., Wilmer, Cutler & Pickering

Panel:
Philip C. Bobbitt, Professor of Law and Graves, Dougherty, Hearon and Moody Centennial Faculty Fellow, The University of Texas
Erwin Chemerinsky, Professor of Law, University of Southern California

Moderator: Rodney Smith, Professor of Law, University of Arkansas and Director Designate, Institute of Bill of Rights Law

SATURDAY, APRIL 9

Law School Patio or Lounge
9:00 a.m. - 9:30 a.m.

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