
**On Using U.S. Diplomatic Records for Research on
African Constitutions: A Guide to the Archives**

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This essay will appear in the Newsletter of the Africa Section of the Association of American Law Schools.

On February 27, 1960, a constitutional moment of a particular kind unfolded at African Stadium in Kenya. Kenyan nationalists had just returned from weeks of difficult negotiations in London over the Kenya independence constitution. While white landholders in Kenya felt that the British Colonial Secretary had gone too far in responding to nationalist demands, the nationalists had not achieved all they had hoped for, and among U.S. diplomats in Kenya a major question was how Africans would react to the compromises their leadership had agreed to.

When Tom Mboya and other nationalist leaders arrived at the Nairobi airport, they were met by thousands of supporters. They proceeded to African Stadium, where twenty-five thousand people had gathered. The leaders described their work in London, and then Mboya asked the crowd whether they supported the stand on the constitution taken by the African delegation. If they did, he asked them to raise their hands. Around African Stadium, the press reported, “nearly every hand [was] raised.”¹

For American legal scholars interested in Africa, where can stories like this be found? If not in published secondary sources, are they only available through research in archives overseas?

A wonderful resource for research in constitutional history in other nations, particularly research in constitutional development in African nations in the years leading up to independence, is Records of the U.S. Department of State at the National Archives in College Park, Maryland. U.S. diplomatic records, at least up to 1963, are beautifully organized for constitutional history research. Because American legal scholars do not usually use diplomatic records, and because diplomatic historians do not usually focus on domestic legal issues, these records appear to be largely an untapped resource.²

The purpose of this essay is to explain what you might expect to find in these archives, and how to find it.