



Robertson Center for Constitutional Law

Mission

Established in 2020, the Robertson Center for Constitutional Law pairs scholarship and advocacy to promote first principles in constitutional law, including limited government, originalism, separation of powers, and religious liberty. The Center defends these principles in the courts, expounds them in the academy, and educates students and citizens regarding their importance. It also cultivates the next generation of attorneys while serving as a beacon of light and a bastion of hope in the legal academy.

The Center has participated in four U.S. Supreme Court matters and three matters before the federal circuit courts of appeals. It has represented former members of Congress and religious organizations including Christian Legal Society, Jewish Coalition for Religious Liberty, Campus Crusade for Christ, Young Life, and InterVarsity.

The Center's scholarship has been published by the *Wake Forest Law Review*, the *Regent University Law Review*, *Pro Tempore*, *National Review Online*, and the Center for Christian Thought & Action. Moreover, esteemed faculty have offered advanced courses on constitutional law, including State Constitutional Law, Religious Liberty, Constitutional Jurisprudence, and First Amendment Law.

We Need Your Help

Please consider supporting the Center. Your financial contribution will help fund fellowships and intern stipends, help cover printing and filing fees, and host distinguished speakers. To donate your gift, go to constitutionallaw.regent.edu.



Top **5**

In the Nation for Public Policy
- *preLaw Magazine*, 2022

28th

In the Nation for Judicial Clerkships
- *Class of 2021*

4

Supreme Court Briefs

3

Federal Court of Appeals Briefs

5

Law Review Articles

176

Students Enrolled in Advanced
Constitutional Law Courses

"Regent University School of Law was established to train leaders to defend our Constitution and the principles upon which our nation was founded. The creation of this center is one more step toward fulfilling that mission."

DR. M.G. "PAT" ROBERTSON

Case Studies: Integrating Advocacy & Scholarship

Fulton v. City of Philadelphia

- In June 2020, the Center filed an amicus brief arguing that the Supreme Court should overrule *Employment Division v. Smith*, a 1990 case that eroded protections for the free exercise of religion by holding that general laws could be applied to curtail religious liberty. This means that so long as a law applies generally, its impact on religion does not matter. This is not the view of the Free Exercise Clause shared by the Founders. Indeed, the text of that clause provides special protections for religious exercise, and thus *Smith* has been criticized for decades.
- In December 2020, the Center published a law review article examining the jurisprudence leading to *Smith*, the problems with that case, and the developments in the thirty years after *Smith*.
- On June 17, 2021, the United States Supreme Court issued a unanimous ruling in favor of Catholic Social Services in *Fulton v. City of Philadelphia*. While the Court stopped short of overruling *Smith*, its reasoning narrowed *Smith*. Further, *Fulton* was the first U.S. Supreme Court decision in which a majority of Justices agreed that *Smith* should be overruled.
- The *Fulton* opinion, however, left open several important questions.
- In December 2021, the Center represented the Jewish Coalition for Religious Liberty and asked the Supreme Court to take a case that would provide another opportunity to overturn *Smith*.
- In 2022, the Center published an article, *A Second-Class First Amendment Right? Text, Structure, and Free Exercise after Fulton*, in the *Wake Forest Law Review*, addressing some of the matters left open in *Fulton*.
- The Center continues to look for more opportunities to press this important issue at the U.S. Supreme Court.

Dobbs v. Jackson Women's Health Organization

- Working closely with the late Judge Kenneth Starr and the Christian Legal Society, the Center wrote an amicus brief focused on the importance of federalism and history and tradition in constitutional analysis. The brief argued that the U.S. Supreme Court should overturn *Roe v. Wade* and *Planned Parenthood v. Casey*.
- The Center followed that advocacy with articles in *Pro Tempore* and *National Review Online* in May 2022, further explaining the concepts discussed in its brief.
- On June 24, 2022, the Supreme Court issued its *Dobbs* decision, overruling *Roe* and *Casey*. The Court's ruling was driven largely by an analysis of history and tradition.
- Currently, the Center's faculty and student interns are researching state constitutional law and preparing to support the related litigation currently taking place in state courts all around the country.

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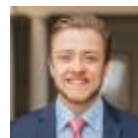
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State Constitutional Law

BRIEFS FILED BEFORE THE U.S. SUPREME COURT:

Dobbs v. Jackson Women's Health Organization
Fulton v. City of Philadelphia
Hedican v. Walmart Stores East, L.P.
Dr. A v. Hochul

BRIEFS FILED BEFORE THE FEDERAL COURT OF APPEALS:

Fellowship of Christian Athletes v. San José Unified School District Board of Education
Maxon v. Fuller Theological Seminary
New York v. U.S. Department of Health & Human Services

LAW REVIEW ARTICLES INCLUDE:

A Second-Class First Amendment Right? Text, Structure, History, and Free Exercise After Fulton, in the *Wake Forest Law Review*
Fulton and the Future of Free Exercise, in the *Regent University Law Review*
What Lord of the Rings Can Teach the Supreme Court About Abortion, in *Pro Tempore*
Relieving The Crisis in Religious Liberty: Book Review of Religious Liberty in Crisis, Exercising Your Faith in an Age of Uncertainty, in the *Regent University Law Review*

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