



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 five U.S. Supreme Court cases and four cases 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 outlets like National Review Online, WORLD, the *Wake Forest Law Review*, the *Regent University Law Review*, and the *George Mason Law Review Forum*. Moreover, esteemed faculty have offered advanced courses on constitutional law, including State Constitutional Law, Religious Liberty, Constitutional Jurisprudence, and the First Amendment.

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.



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In the Nation for Public Policy
- *preLaw Magazine, 2023*

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

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Supreme Court Briefs

200+

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

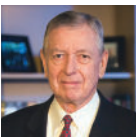
Fulton v. City of Philadelphia

- 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.

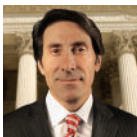
Dobbs v. Jackson Women's Health Organization

- 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.
- And in early 2023, the Center filed a comment in a Notice of Proposed Rulemaking proceeding with the Department of Health and Human Services. The comment asked the Department to apply federal conscience protections according to their intended purpose: to protect American healthcare workers who object to abortion and other controversial practices.

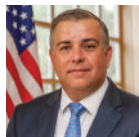
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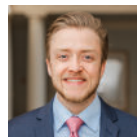
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BRIEFS FILED BEFORE THE U.S. SUPREME COURT:

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

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*
Failure to Accommodate: Assessing the Legacy of Trans World Airlines v. Hardison on Working-Class People of Faith, in the *George Mason Law Review Forum*

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