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INTRODUCTION

*Robert F. Williams**

This is our twenty-sixth Annual Issue on State Constitutional Law, and our first as part of the new *Rutgers University Law Review*. We look forward to continuing this tradition with our Rutgers University School of Law colleagues in Newark.

This year's Foreword is by well-known Princeton University political scientist Dr. Keith Whittington.¹ He examines New Deal era state constitutional cases to compare them with the more familiar federal constitutional law cases of that era. His contribution continues our commitment to an interdisciplinary investigation of state constitutionalism.

After state constitutional provisions on the environment had remained relatively dormant, in late 2013, the Pennsylvania Supreme Court decided *Robinson Township v. Commonwealth*² in which a plurality of the court interpreted Pennsylvania's provision to have a wide-ranging impact on fracking and local government regulation of this controversial process. John Dernbach, the leading expert on the Pennsylvania provision, together with colleagues James May and

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1. Keith E. Whittington, *State Constitutional Law in the New Deal Period*, 67 RUTGERS U. L. REV. 1141 (2015).

2. 83 A.3d 901 (Pa. 2013).

Kenneth Kristl, provide a deep analysis of the decision, its impact, and its place in the national picture of state constitutional provisions.³ This is a very important area of “positive rights,” which have little, if any, role in federal constitutional law.

This year’s Issue also includes my Book Review of New Jersey Judge Nelson Johnson’s⁴ new book on the political struggles in the first half of the twentieth century leading to, among other things, New Jersey’s modern judiciary.⁵ This detailed analysis of the road to a modern, independent state court system is very timely in light of challenges to state judicial independence in New Jersey and a number of other states.

Finally, this year’s Issue continues the tradition of in-depth, student-written case comments on many of the most important state constitutional decisions from the past year. These case comments are designed to provide a somewhat deeper analysis of the state constitutional law of the particular state than a traditional case comment, as well as locating the case within the wider context of state constitutional law across the nation.

We are convinced, as in the past, that the publication of our Annual Issue on State Constitutional Law continues to enhance, and move forward, the important study of state constitutionalism.

3. John C. Dernbach, James R. May & Kenneth T. Kristl, *Robinson Township v. Commonwealth of Pennsylvania: Examination and Implications*, 67 RUTGERS U. L. REV. 1169 (2015).

4. Judge Johnson was the author of *Boardwalk Empire*. NELSON JOHNSON, *BOARDWALK EMPIRE: THE BIRTH, HIGH TIMES, AND CORRUPTION OF ATLANTIC CITY* (2002).

5. Robert F. Williams, *The Roots of New Jersey Judicial Independence*, 67 RUTGERS U. L. REV. 1197 (2015) (reviewing NELSON JOHNSON, *BATTLEGROUND NEW JERSEY: VANDERBILT, HAGUE, AND THEIR FIGHT FOR JUSTICE* (2014)).