



INTRODUCTION

*Robert F. Williams\**

This is our thirty-second Annual State Constitutional Law Issue. Our endowed Lecture/Foreword is now named the Robert F. Williams Lecture.<sup>1</sup> This year, unfortunately due to the COVID-19 pandemic, we were unable to hold our Lecture. It was to be given by former Chief Justice of Utah, Christine Durham, on the *nonadjudicative* functions of state supreme courts such as rulemaking, regulation of the courts and bar, etc. She will give the Lecture next year.

Thomas Koenig's article<sup>2</sup> was written during his undergraduate senior year at Princeton! His provocative thesis is that the sociopolitical realities that originally shaped our federal constitutional structure have shifted. Our nation has not kept up with the reality that we now have bitter internal divisions that do not fit nicely into state lines. The solution may not be federal constitutional reform, he suggests, but rather state constitutional reforms that localize more governing power.

Dr. Alan Tarr, retired from our Political Science Department, and a frequent contributor to these pages, has analyzed and criticized a major decision of the United States Supreme Court invalidating many state constitutions' religious freedom provisions.<sup>3</sup> This top-down perspective on the Federal Constitutions' Supremacy-Clause limitations on the content and functioning of state constitutions represents a crucial element of both federal and state constitutional law.

Finally Tyler Yeargain, a young and prolific state constitutional law scholar, has contributed a deep dive into the important topic of gubernatorial succession.<sup>4</sup> As the public and media focus turns more to

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1. Robert F. Williams, *Robert F. Williams State Constitutional Law Lecture: The State of State Constitutional Law, the New Judicial Federalism and Beyond*, 72 RUTGERS U.L. REV. 949, 950 (2020).

2. Thomas A. Koenig, *Make Politics Local Again: The Case for Pro-Localization State Constitutional Reform*, 73 RUTGERS U.L. REV. 1059 (2021).

3. G. Alan Tarr, *Espinoza and the Misuses of State Constitutions*, 73 RUTGERS U.L. REV. 1109 (2021).

4. T. Quinn Yeargain, *Democratizing Gubernatorial Succession*, 73 RUTGERS U.L. REV. 1145 (2021).

state governors, this issue will continue to grow in importance.<sup>5</sup> This feature of internal executive-branch structure effects popular sovereignty in major ways.

Judge Jeffrey Sutton's new book is now available.<sup>6</sup> He shifts his earlier focus on state constitutions from rights to government structure. His question of "Who Decides?" is more salient than ever as we near the two-year mark of the COVID-19 pandemic.

Again this year we include in-depth student comments on leading state constitutional decisions of the past year. We continue to believe that all of these contributions will advance the growing field of state constitutional law.

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5. See generally Miriam Seifter *Gubernatorial Administration*, 131 HARV. L. REV. 483 (2017).

6. JEFFREY S. SUTTON, WHO DECIDES? STATES AS LABORATORIES OF CONSTITUTIONAL EXPERIMENTATION (2021).