INTRODUCTION

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This is our Twenty-Ninth Annual Issue on State Constitutional Law.1 We believe we have, again, added to the knowledge about, and understanding of, American State Constitutions, as well subnational constitutions in other federal countries.2 This year’s invited Foreword is by Judge Jeffrey Sutton of the United States Court of Appeals for the Sixth Circuit.3 Judge Sutton, despite sitting as a federal judge, has taught state constitutional law at Ohio State University College of Law for many years, and has written widely about this topic.4 He is even the coauthor of a law school casebook on state constitutional law.5 Judge Sutton’s Foreword builds on a chapter in his new book, 51 Imperfect Solutions: States and the Making of American Constitutional Law, concerning the federal and state constitutional responses to the eugenics movement.6 His Foreword and the new book both provide a unique perspective on the importance of state constitutions in comparison to the

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2. Id. at 549 n.8.
Federal Constitution in dealing with such issues. Importantly, the New Jersey judiciary provided early resistance to this pernicious movement.

Professor Justin Long and I were invited to speak at the Pound Civil Justice Institute’s 2018 Forum for State Appellate Judges in Denver on the topic of state constitutional protections for civil litigation. We have revised our papers and they are included here. I review individual rights protections in civil litigation and Professor Long applies separation-of-powers and government structure principles to the same topic. Judge David Schuman of Oregon presented insightful commentary on my paper, as did Professor Jonathan Marshfield on Professor Long’s.

Professor John Dernbach and his coauthors, Professors Kenneth Kristl and James May, the leading experts on Pennsylvania’s important state constitutional environmental rights provision, have contributed further analysis of the continuing, groundbreaking judicial enforcement of this clause.

Anthony Sanders builds on his earlier analysis of state constitutional “Baby” Ninth Amendments here by analyzing the origins and potential

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8. Sutton, 51 IMPERFECT SOLUTIONS, supra note 6, at 96–101; Sutton, Enduring Salience, supra note 3, at 801; see also Smith v. Bd. of Exam’rs of Feeble-Minded, 88 A. 963 (N.J. 1913).


of these underrecognized provisions and their judicial enforcement.\textsuperscript{16}

As always, this Issue contains incisive student-written case comments on some of the most noteworthy state supreme court interpretations of the past year.\textsuperscript{17} Over the years, these comments have provided a very useful body of scholarship on state constitutional law.

This year Dr. John Dinan published an important new book on state constitutional amendments.\textsuperscript{18} He examines the state constitutional amendment processes from a number of important angles. We will have a review/essay on the book in next year’s Issue.

The origins of Florida’s modern 1968 state constitution are analyzed in detail by Professor Mary Adkins in her 2016 book.\textsuperscript{19} This state constitution created Florida’s unique and successful Constitution Revision Commission, appointed every twenty years to review the constitution and empowered to place its recommendations directly on the ballot without legislative review.\textsuperscript{20} I will review her book in next year’s Issue.

Christophe Van der Beken’s new book on the little-known Ethiopian state constitutions\textsuperscript{21} builds on his article published earlier in our Annual Issue.\textsuperscript{22} In the very next issue of the \textit{Law Review}, we will publish a major analysis of the Pennsylvania Supreme Court’s interpretation of its state amendment processes from a number of important angles. We will have a review/essay on the book in next year’s Issue.

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As we enter our thirtieth year of covering state constitutional law, we remain confident that we continue to add value to the body of scholarship on this increasingly important body of law.