

JULY 2021

CENTER NEWS

Liberty & Law Center's Newsletter



FROM OUR LEADERSHIP

In May, we finished another academic year at the Liberty & Law Center, and what a year it has been. We started this academic year with many unknowns and numerous challenges to address. To say that this year was one we will not soon forget is an understatement. A contentious election, a first-of-its-kind impeachment trial, nationwide civil unrest, and social justice protests, along with the ongoing pandemic, made this year historic.

Transitioning to a new method of teaching, encouraging students to engage in discussion about sensitive and, at times, contentious issues, conducting legal research, and providing virtual webinars for the public were some of the ways the Liberty & Law Center responded to these events. We reached thousands of people in 2020-21 to discuss and explore liberty-related issues at a critical time in our nation's history.

This year we also bid farewell to Clark Neily, first Director of the Public Interest Litigation Program. Clark developed and led the Public Interest Litigation Program since its inception three years ago.

We invite you to continue reading for some highlights of this past academic year at the Liberty and Law Center and to learn about our upcoming events.

Warmly,
David Bernstein, Executive Director
JoAnn Koob, Director & Lola C. Reinsch Public Interest Fellow

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EVENTS & WEBINARS

DISCUSSION OVER DIVISION IMPEACHMENT DEBATE

On February 17, the Liberty and Law Center had the privilege of hosting Professors Eugene Kontorovich and Ilya Somin for a debate on the constitutionality of the recent impeachment of former President Trump. Scalia Law School Dean Ken Randall served as moderator. Nearly 70 students and staff members attended this virtual debate.

Professor Somin, who wrote a widely-read article on the matter in the Washington Post and was heavily cited in the House Judiciary Committee report on the impeachment, argued that the impeachment of the former president was constitutional. He stated that not only is there historical precedent for the impeachment of former officials in British and Colonial history as well as United States history, but there are also policy reasons why impeachment of a former official could be beneficial.

Professor Kontorovich--who wrote a widely-read article for Newsweek--argued that impeaching a former president is not constitutionally permissible. Kontorovich noted that disqualification from future office goes along with removal from office. When an individual is no longer in office, there can be no removal from office. Since disqualification from office-holding in the future is tied together with removal, the senate may not disqualify someone not currently in office from holding office in the



Impeachment Discussion

Clockwise from top left: JoAnn Koob, Dean Randall, Eugene Kontorovich, and Ilya Somin

future by the impeachment process. After the debate, students were then separated into small groups to discuss the debate between the two professors. Students were provided with thought-provoking questions to help analyze both sides of the debate as well as the strengths of the arguments presented.

Participant feedback was overwhelmingly positive. The Center plans to hold several scholar debates followed by student discussions during the upcoming academic year.

CAMPUS SPEECH DURING COVID: A YEAR IN REVIEW

In March, the Free Speech Clinic at the Liberty & Law Center partnered with the Foundation for Individual Rights in Education (FIRE) to explore the pandemic's impact on campus speech, particularly in light of the Black Lives Matter movement and the contentious 2020 presidential election. The event consisted of a roundtable discussion with several individuals with unique perspectives on campus speech during COVID, including a representative from FIRE, a law school Associate Dean for Administration and Student Affairs and an undergraduate student at a public university. Visit our website to view the webinar.

MORE EVENTS & PROGRAM SNAPSHOTS

DISCUSSION OVER DIVISION



This past year we held numerous sessions of Discussion Over Division, our flagship public discourse program. In December, we held a session focused on the 2020 Election, which invited students to come together to discuss their views on the election process, results, and how to move our nation forward amid the politically divided environment.

We also held our first inter-school program. Students from the Scalia Law School and the Public Discourse Initiative at William and Mary Law School came together to discuss various topics of interest ranging from the role the United States plays in the global economy to the federal government's role in handling the COVID-19 pandemic and relief efforts. Upon the conclusion of the session, students asked for more opportunities to engage, particularly with law students outside their own institutions.

FREE SPEECH CLINIC



This year eight students enrolled in and successfully completed both semesters of the 2020-21 Free Speech Clinic. The Free Speech Clinic has continued to fulfill its dual mission of training a future generation of free speech advocates and defending First Amendment rights through active litigation.

Several of our graduating Clinic students plan to continue doing free speech and other advocacy for individual liberty. Specifically, one of our students has obtained a position as a First Amendment Law and Policy Fellow at News Media Alliance. Two others plan to pursue public interest careers.

THE FUTURE OF THE 2ND AMENDMENT AND THE RIGHT TO CARRY



Clockwise from top right: David E. Bernstein, Robert Leider, and Nelson Lund

On December 16, 2020, the Liberty & Law Center hosted a webinar on "The Future of the Second Amendment and the Right to Carry." The webinar was moderated by Professor Bernstein and included scholars Nelson Lund and Robert Leider from the Antonin Scalia Law School. The webinar can be found on demand through the Center's website.

UPCOMING EVENTS

FALL 2021 CONFERENCE

Does the Will of the People Actually Exist?

Date: September 10, 2021

Location: Antonin Scalia Law School

Join the Liberty & Law Center and the Institute for Justice for a thought-provoking conference to explore the questions: Does the “Will of the People” exist, and if so, to what extent? And what does the answer to this question infer about judicial deference to the political branches on questions of constitutionality? Please email liberty@gmu.edu for more information.

[Register Today](#)

SPRING 2022 CONFERENCE

Religious Institutional Freedom as a Religious and Social Good

Date: March 24 - 25, 2022

Location: Antonin Scalia Law School

Join top scholars as they present new scholarship that explores the contributions of religious institutions to society and religious institutional freedom. To receive a notification when registration opens, please email liberty@gmu.edu.

[Sign Up](#)

Leadership

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