

# REGENT UNIVERSITY LAW REVIEW

---

VOLUME 1

SPRING 1991

NUMBER 1

---

## INTRODUCTION

EDWIN MEESE III\*

Shortly before the 1980 Presidential election, I journeyed to Virginia Beach to visit with Pat Robertson and to appear on the "700 Club" television program. I was, at the time, a campaign leader for candidate Ronald Reagan and the TV appearance was about his Christian values. My close friend, Herb Ellingwood, then a member of our campaign team and who later became Deputy Counsel to President Reagan and Chairman of the Merit Systems Protection Board, accompanied me. At that time Herb was a member of the Board of Trustees of Regent University (then CBN University) and a friend and confidant of Pat Robertson.

This was in 1980, six years before the Regent University School of Law was to come upon the scene. Even so, because we were all attorneys, sharing the bond of our profession, it was natural that our conversations, through lunch and lasting for most of the day, should turn to the philosophy of the law. We talked not only in context of what we thought should be done when Ronald Reagan became President, but also in the context of Pat's concept of the law as perceived by a minister of the Gospel.

Herb Ellingwood and I spent our careers, before joining Governor Ronald Reagan, as prosecutors in the California criminal courts. Pat had always expressed a keen interest in criminal justice matters. Because of this interest, President Reagan appointed him in 1982 to the landmark Task Force on Victims of Crime, which, for the first time in history, focused concern on the rights of crime victims, as opposed to the rights of criminal defendants. It was inevitable that our discussion should include

---

\* Ronald Reagan Chair in Public Policy, The Heritage Foundation. Attorney General of the United States, 1985-1988. B.A., Yale University 1953; J.D., University of California at Berkeley 1958.

the role of criminal justice in a Christian society. I feel certain that some of the ideas we discussed that afternoon found their way, over the years, into what has become the philosophical premise in the stated History and Purpose of the Regent University School of Law found in the University catalogue:

First, the law school curriculum rests upon an historical and Biblical foundation which presupposes that God, the Creator of the universe, impressed upon *His creation an objective legal order that man is bound to obey*. The study of law, therefore, involves the discovery of the principles of law, the communication of those principles, and the application of them to all of life. This view of law is the one espoused by the great common law scholars from Bracton to Blackstone, and practiced by the statesmen lawyers of America's founding period as evidenced by the reference to the "laws of nature and nature's God" in the opening paragraph of the Declaration of Independence. [Emphasis added]

My agreement with this premise in general, and its key phrase, the "creation of an objective legal order that man is bound to obey," makes it an honor to write this Introduction to the new Law Review.

During the time that I served as Attorney General of the United States, responsible for the enforcement of our Nation's laws, the thought was constantly with me that I was enforcing these laws, not simply because Congress, in its wisdom, had enacted them, but because upholding the rule of law was essential to the maintenance of the "*objective legal order*" created by God.

Without this order, the result is anarchy, in which some members of society are able to prey upon other, weaker, members with relative impunity. On the basis of our religious precepts, we share the belief that our God did not intend such a situation when He created the society in which we live. It is entirely appropriate therefore that this school, the Regent University School of Law, should enunciate, as the guiding principle of the curriculum, devotion to the rule of order established by the Creator.

Symbolic of this resolve is the excellent Editor's Introduction to the Review by Daniel Kelly. I am impressed by the fact that he has, in effect, "cast down the gauntlet" at the feet of the more traditional law reviews. He states, "Most law reviews . . . are not so much concerned with the foundation of any given article as they are with the reasoning process embodied within it." He unabashedly sets the future tone for *this* Law Review as challenging "many preconceived notions about law."

I applaud this for two reasons: First, it is high time that someone challenges the conventional wisdom that quality of reasoning—some might say “scholastic overkill”—should take absolute precedence over substance. Second, it will furnish a refreshing and long overdue addition to the legal literature if that same conventional wisdom is challenged in the context of a principled, well-reasoned exposition of the credo that law is based on the concept of order established by a higher Being.

Returning to my analogy of the Christian philosophy embodied in the *Regent University Law Review* to the enforcement of the criminal law, consider the manner in which the past few decades have too often witnessed the breakdown in the concept of our ordered society. This breakdown resulted to a great extent from the overwhelming concern with the rights of criminals to the virtual exclusion of the rights of their victims.

Criminal trials have been transformed from a search for the truth into fora for “game theory” advocacy. Relevant and probative evidence of defendants’ guilt is suppressed whenever defense attorneys can convince the courts that the police erred in any manner in applying what have become highly technical rules in such matters as interrogations, lineups, or searches and seizures. Additionally, in recent years, it has become a routine tactic for defense attorneys to “defend” perpetrators by engaging in savage attacks on the character and reputations of their victims.

I submit that this situation, in which guilt becomes almost irrelevant in criminal proceedings, is the antithesis of the “objective legal order that man is bound to obey.” The rights of those accused of crime must be diligently protected, but equally important is the safety of law-abiding citizens. If society is not able, or worse, refuses to protect the least of its members—in my analogy, the victims of crime—then, I submit, the concept of legal order based on a just society is in danger of disappearing.

I am not suggesting that criminal justice issues are the only ones that the *Law Review* should address. Rather, the victim-perpetrator example that I have briefly outlined illustrates, in microcosm, the kinds of areas that are open to challenge by a publication which is based on a religious perspective of our law.

Other opportunities to challenge “preconceived notions” abound: the decline of traditional moral values in our society; the disestablishment of the Christian ethic by misuse of the establishment clause of the first amendment to the Constitution of the United States; and attacks on this country’s ability and will to maintain its national security.

The importance of this Law Review lies not in which particular preconceptions are challenged at any given time, but rather in its expressed willingness to challenge them in the first place. While this approach may not be welcomed by the more trendy secular law journals, such a reaction should not deter you. I believe that a law journal based on principles of faith is long overdue in the literature of our profession. Historically, moral values have been the basis for the law of civilized societies. Your appreciation for the religious foundation upon which so many of our values have traditionally been based will expand discussion and make this Review a valuable contribution to legal scholarship.

I commend you on your new effort and extend my best wishes for a most successful venture.