



Steven M. Polan Fellowship in Constitutional Law and History

The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute that seeks to improve the systems of democracy and justice in the United States. We work to hold our political institutions and laws accountable to the American ideals of democracy and equal justice for all. Part think tank, part advocacy group, part cutting-edge communications hub, we start with rigorous research. We craft innovative policies. And we fight for them — in Congress and the states, the courts, and in the court of public opinion.

The Center invites applications for the 2025-26 class of the **Steven M. Polan Fellowship in Constitutional Law and History**, a fellowship program aimed at enhancing public understanding and appreciation of the meaning and promise of the United States Constitution at a crucial moment, when new approaches to constitutional interpretation, including originalism, incubated by the conservative legal movement over the past half century, have gained traction in the courts. The Fellowship is open to outstanding individuals from an array of professional backgrounds, including legal practitioners, advocates, scholars, and other experts in constitutional law and history. Fellows' projects may include conducting legal and historical research, publishing original writing, crafting amicus briefs, organizing symposia and public events, spearheading public education projects, and other activities as appropriate.

The Fellowship is named in memory of Steven Marc Polan (1951-2023), a 1976 graduate of NYU School of Law. After many years of public service in New York City and State governments, Steve became a partner at Manatt, Phelps & Phillips, LLP, with a practice devoted to developing and improving public infrastructure. Inspired by his lifelong commitment to democratic values, the Brennan Center will undertake a multiyear initiative to counter originalism and advance sounder alternative approaches to constitutional interpretation. This project, initiated by Steve during his lifetime, is made possible through the generous support of his family.

Today's Fight for the Future of the Constitution

The Constitution's meaning has been contested throughout our country's history. It has endured as our fundamental law for more than two centuries because its text and principles have been adapted, through an ongoing process of interpretation, to the conditions and challenges of a changing country. This sensible, time-honored approach to understanding the meaning of the Constitution over time was memorably captured by the Brennan Center's namesake, the late Justice William J. Brennan Jr., who reminded us that "the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs."

Today, however, the most conservative federal judiciary in a century has signaled that it intends to reshape constitutional jurisprudence in a radical new direction. Central to this

effort is the invocation of originalism, a theory that purports to resolve consequential policy questions based solely on the meaning of constitutional provisions at the time they were adopted. Once a fringe theory, originalism now has the full endorsement of at least three of the Supreme Court's nine justices, while three others often join originalist decisions. Many judges on the lower federal courts are committed originalists as well.

Supporters claim that originalism is an objective and politically neutral approach to resolving constitutional controversies. In reality, it is an incoherent and deeply flawed methodology that threatens to overturn decades of law and roll back hard-won progressive reforms on matters ranging from reproductive rights to gun safety, racial and environmental justice, and beyond. Originalism invites a cynical approach to history as legal advocates and jurists cherry-pick evidence to advance misleading narratives about the meaning and purpose of our fundamental law. By limiting our focus to the distant past, it also ignores the voices and perspectives of women, people of color, and others who have been excluded from meaningful political participation.

The Steven M. Polan Fellows will contribute to public understanding of the threat posed by this dangerously ideological approach to interpreting our national charter. More importantly, the Fellows will help Americans reclaim our Constitution as an enduring plan of government, rooted in the aspirations of the Framers, as memorialized in the Constitution's opening words, "to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty."

Selection Criteria and Application Process

The Steven M. Polan Fellowship is open both to experienced individuals with a proven track record of achievement and expertise and to people at earlier stages of their careers who demonstrate the potential to develop into leaders in their field.

Each year, the Brennan Center appoints up to five Steven M. Polan Fellows, supporting specific projects dedicated to educating the public and advancing new thinking on issues of constitutional law and history, animated by the Constitution's enduring core values. You can learn more about the current cohort of Polan Fellows [here](#).

Candidates for the Fellowship will propose projects related to one or more of the following program goals:

- Advancing a vision of constitutional law and history based on a principled historical account of the Constitution's evolution over time, rooted in its promise of democratic self-governance with justice and equality for all.
- Critiquing the use of originalism as a method of constitutional interpretation and countering the selective use and misuse of history in originalist arguments, including its application in specific cases and issue areas.

- Identifying and evaluating alternative theories of interpretation that are better suited to advancing the Constitution’s fundamental purposes: strengthening democracy, upholding the rule of law, guaranteeing liberty and equality, providing effective governance, and ensuring the continuity of our basic law over time. Proposals may also focus on state courts and constitutions as laboratories for the advancement of better approaches to constitutional interpretation and adjudication.
- Developing compelling historical narratives that can enhance public understanding of the story of the Constitution, from its initial framing as a profoundly visionary yet deeply flawed plan of government through its progressive evolution, including by amendments, that made it more democratic, more inclusive, and better suited to the needs of a changing country.

We are keenly interested in projects that include advocacy components that contribute to efforts to build a truly inclusive, multiracial democracy. We also welcome projects related to the upcoming 250th anniversaries of the Declaration of Independence, Articles of Confederation, and early state constitutions.

These nonresident, part-time fellowships will be one year in duration, beginning on June 1, 2025. Fellows will be awarded compensation in the form of a \$40,000 stipend. For the duration of their fellowships, the Steven M. Polan Fellows will have access to the Brennan Center’s institutional resources and opportunities to collaborate with staff and leadership to advance the organization’s strategic priorities, including ongoing projects related to jurisprudential development and court reform.

The Brennan Center is committed to advancing Diversity, Equity, and Inclusion in the workplace. We continuously work with our staff and fellows to find new ways to increase diversity and to build and cultivate an inclusive and equitable work environment, where everyone can be their true self and feel a strong sense of belonging. As such, we seek to engage people who have a commitment to and/or experience with diversity, equity, and inclusion.

Proposals are due by February 14, 2025. To apply, please send a copy of your cover letter, resume, and proposal, which should be a short description of your potential project (no more than 5 pages) to polanfellows@brennan.law.nyu.edu with “FELLOWSHIP APPLICATION” in the subject line.

Proposals should be specific about activities and work product to be completed over the fellowship year. Examples of specific deliverables include:

- Conducting legal or historical research on issues related to constitutional law and history that intersect with the Brennan Center’s mission.

- Producing written products in the form of books, articles (in law reviews, academic journals, or popular media outlets), blog posts, and other suitable formats.
- Crafting and submitting amicus briefs to influence the development of jurisprudence in high-stakes cases.
- Organizing academic symposia to sponsor top quality discourse and writing by scholars and other experts.
- Convening working groups and roundtables to promote the sharing of information and development of field communications and litigation strategies.
- Sponsoring public events, both in person and online, to engage a wide non-expert audience.
- Other activities that advance the fellowship program's goals.

Over the course of the year, Fellows will have the opportunity to brief Brennan Center staff and leadership on the progress of their work. They will also collaborate as a group through in-person and virtual meetings, workshops, and joint events. In addition, Fellows may be asked to give a public presentation (in person or virtual) to educate organizational partners or members of the public about the subject of their work.

Those with questions on how to frame a successful proposal are invited to contact us at polanfellows@brennan.law.nyu.edu.