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GROVE CITY COLLEGE

Grove City College was founded in 1876 in Grove City, Pennsylvania. The College is dedicated to providing high quality liberal arts and professional education in a Christian environment at an affordable value. Nationally accredited and globally acclaimed, Grove City College educates students through the advancement of free enterprise, civil and religious liberty, representative government, arts and letters, and science and technology. True to its founding, the College strives to develop young leaders in areas of intellect, morality, spirituality, and society through intellectual inquiry, extensive study of the humanities, and the ethical absolutes of the Ten Commandments and Christ's moral teachings. The College advocates independence in higher education and actively demonstrates that conviction by exemplifying the American ideals of individual liberty and responsibility.

Since its conception, Grove City College has consistently been ranked among the best colleges and universities in the nation. Recent accolades include: The Princeton Review's "America's Best Value Colleges," Young America's Foundation "Top Conservative College," and U.S. News & World Report's "America's Best Colleges."

THE GROVE CITY COLLEGE
JOURNAL OF LAW & PUBLIC POLICY

The Grove City College *Journal of Law & Public Policy* was organized in the fall of 2009 and is devoted to the academic discussion of law and public policy and the pursuit of scholarly research. Organized by co-founders James Van Eerden '12, Kevin Hoffman '11, and Steven Irwin '12, the *Journal* was originally sponsored by the Grove City College Law Society. The unique, close-knit nature of the College's community allows the *Journal* to feature the work of undergraduates, faculty, and alumni, together in one publication.

Nearly entirely student-managed, the *Journal* serves as an educational tool for undergraduate students to gain invaluable experience that will be helpful in graduate school and their future careers. The participation of alumni and faculty editors and the inclusion of alumni and faculty submissions add credence to the publication and allow for natural mentoring to take place. The *Journal* continues to impact educational communities around the country and can now be found in the law libraries of Akron University, Duquesne University, Pittsburgh University, and Pennsylvania State University. The *Journal* has been featured by the Heritage Foundation and continues to be supported by a myriad of law schools, law firms, and think tanks around the nation.

EDITOR'S PREFACE

It is with great pleasure that we bring you the second edition of the Grove City College *Journal of Law & Public Policy*, which is published to bring a new and distinct voice to the discourse about the legal and policymaking traditions in America.

Since the *Journal's* inception in the spring of 2010, many individuals have worked hard to improve the publication. We have expanded our staff, improved the efficiency of our production process, enlarged our readership, and provided more of the quality scholarship we attempted to deliver in the first publication.

As we continue our efforts to establish the *Journal* as a leading source of academic scholarship, we have researched the history of law-related publications. It is interesting to note that student-run publications (at both the graduate and undergraduate levels) have developed only recently, and continue to be the subject of vigorous debate.

Although there is a lack of student-edited law publications in most places around the world, the United States has remained a seedbed of student scholarship. Nonetheless, several prominent legal scholars have recently spoken out against such “disconcerting” trends. In a scathing article entitled *Against the Law Reviews*, Seventh Circuit U.S. Court of Appeals Judge Robert Merton argues, “The law reviews are numerous, are published bimonthly or at more frequent intervals, are edited without peer review, and are seemingly unconstrained in length. Their staffs are large, but the members, being students, are inexperienced both in law and in editing.” Merton continues, “The system of student-edited law reviews, with all its built-in weaknesses, has persisted despite a change in the character of legal scholarship that has made those weaknesses both more conspicuous and more harmful to legal scholarship.”

And so the question must be asked: what is the value of student-led publications? Is the Grove City College *Journal of Law & Public Policy* an example of the work that Merton and others criticize?

This *Journal* does include contributions from esteemed scholars and practitioners in the legal and policy worlds. We are privileged to acknowledge this and are grateful for the collaborations with alumni and friends who make this possible. We also are committed to providing a perspective that is unique on the landscape of law and policy reviews.

However, to the central point of the critics of journals such as this, we are grateful for the student-led management of this publication. In order to become competent legal professionals, students of law and policy must undergo requisite

training. Thus, to say that established professionals and academics should be solely responsible for editing legal and policy publications eliminates critical training and experience for students who will eventually become those venerable professionals referenced by Merton. Furthermore, nothing in the status quo prevents professionals and academics from forming their own respective legal publications. In fact, such publications exist, including the *Administrative Law Review* and the *International Lawyer*; both of which are sponsored by the American Bar Association. Despite being founded as professionally-edited publications, both the *Administrative Law Review* and the *International Lawyer* have been transferred to the hands of student editors and have since become the most widely distributed United States international law reviews in the world.

On behalf of the Grove City College *Journal of Law & Public Policy* editorial staff,* I sincerely hope that you enjoy the variety and quality of scholarship provided in the work you now hold. It is our privilege to contribute to the nation's tapestry of student-led scholarly publications – a tradition that we believe is an important feature of American higher education.



Sincerely,
James R. R. Van Eerden
Editor-in-Chief

* The *Journal* could not have been made possible without the support of many individuals who were either directly or indirectly involved. The *Journal* staff would like to thank President Jewell '67, who supported our efforts from the very beginning and continues to be a mentor to Grove City College students. We would also like to thank our faculty advisor Dr. Sparks '66, who has imparted knowledge to many of us in the classroom and continues to entertain us with his wit and humor. We would like to extend thanks to Mr. Prokovich for his accessibility, assistance with identifying alumni, and advice regarding improving our distribution and publication process. Among others on the *Journal* staff, I would like to specifically thank Lisa Herman for her indefatigable spirit and tireless work as Executive Managing Editor. Lisa has devoted countless hours to this publication and continues to display enthusiasm, professionalism, and intelligence as a friend and colleague who has earned my utmost respect. I would also like to thank our Executive Administrative Editor Steve Irwin for his work in developing the vision for the *Journal* website and facilitating the day-to-day operations of our publication. The entire *Journal* staff – from copy-editors to lay-out editors to content editors – deserves recognition for the hard work they dedicated to this second edition. In addition, we are very grateful to the alumni and faculty who dedicated their time and effort to this project. Among others, Mrs. Melody Briand-Runkle '04, Mr. John Schwab '98, Mr. Scott Bullock '84, and Mrs. Gemma Descoteaux '86 were particularly supportive. Above all, *Soli Deo Gloria!*

FOREWORD FROM THE PRESIDENT

Dear Reader,

Welcome to the second edition of the Grove City College *Journal of Law & Public Policy*. Few undergraduate institutions in our nation publish such a compendium of thinking in these areas. The two areas, in fact, are often intertwined, and our editors do their best to provide a provocative variety of thinking. Most importantly, this *Journal* is student-inspired and student-directed. From our students you will see: Kevin Hoffman '11 analyzes cases arising out of New Jersey citing a conflict between the 1st and 14th Amendment, and Elizabeth Oklevitch '11 examines and comments on the disenfranchisement of felons with exposition of legislative remediation.

Two faculty members weigh in: Dr. Michael Coulter '91 traces case law regarding Article IV of the Constitution's full faith and credit clause as it applies to marriage and family law, and Dr. Sam Stanton, with recent alumnus Jared Walczak '08, comments on the illegal immigration debate, specifically the historical and religious roots of the sanctuary-city movement.

Finally, our alumni provide commentary: Scott Bullock '84, senior attorney at the Institute for Justice and one of the lawyers who argued the Kelo case in the Supreme Court, explores the recent backlash in public opinion and state action that has actually enhanced rather than diminished private property rights. Finally, Grove City College alumna Esther Winne '10, a 1L at the University of Virginia School of Law, takes on *District of Columbia v. Heller* as she compares and contrasts the opinions of Justice Scalia and Stevens and also finds historic underpinning for the rights espoused.

So there it is – intellectual variety and thoughtful commentary – just the recipe for a late fall's evening of reading.

Please enjoy.



Richard G. Jewell, '67 J.D.
President, Grove City College