

# GROVE CITY COLLEGE JOURNAL OF LAW AND PUBLIC POLICY

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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 and brightest 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 AND PUBLIC POLICY*

The Grove City College *Journal of Law and Public Policy* was organized in the fall of 2009 by co-founders James Van Eerden '12, Kevin Hoffman '11, and Steven Irwin '12, and was originally sponsored by the GCC Law Society. The *Journal* is devoted to the academic discussion of law and public policy and the pursuit of scholarly research. 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, which is a national precedent.

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 to their future careers. The participation of alumni and faculty editors and the inclusion of alumni and faculty submissions add credence to the publication, as well as to the published work of the undergraduate students, and allows for natural mentoring to take place. This blend of education level and experience, all working toward a single goal, is what makes the *Journal* truly unique and allows it to serve the needs of undergraduate students and benefit its readership at large.



## EDITOR'S PREFACE

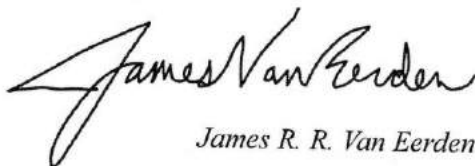
Ideas are powerful tools that shape individuals and societies alike. The art of well-reasoned argumentation, demonstrated specifically in the classical tradition, has been elevated as an ideal for many centuries. Through the integration of grammar, dialectic, and rhetoric one is able to enjoy the fruits of intellectual stimulation and share those fruits with others. In the words of George Bernard Shaw, "If you have an apple and I have an apple and we exchange these apples then you and I will still each have an apple. But if you have an idea and I have an idea and we exchange these ideas, then each of us will have two ideas."

In the spirit of sharing more than apples, I am pleased to introduce to you the inaugural edition of the *Grove City College Journal of Law and Public Policy*. The idea for the *Journal* was sparked in a conversation I had with one of Grove City College's admissions counselors, Stephen Johnson. We were discussing the importance of scholarly writing in an academic community and noted that Grove City College did not yet have a scholarly publication. After additional research and continued discussion with Stephen, I developed a feasibility study and pitched the idea to the officers of the Law Society. The idea was met with great excitement and Kevin Hoffman and Steve Irwin (two of the *Journal's* co-founders) provided structure and focus to the venture. We met with President Richard Jewell '67, Provost Bill Anderson, and all of the college's vice-presidents to develop a strategic approach for publication. We then recruited a capable team of student, faculty, and alumni editors to begin the selection and revision process as articles were submitted.\*

The byproduct of this hard work is what you hold in your hands now – the *Grove City College Journal of Law and Public Policy*. The *Journal* is intended to be a publication that addresses issues of law and public policy in a scholarly fashion while cultivating intellectual curiosity and academic rigor. The *Journal* is one of a select few scholarly undergraduate publications of its kind in the nation. Moreover, this publication is highly unique since it features student submissions alongside submissions from alumni, faculty, and other scholars.

Ultimately, I hope that the readers of this publication will actively par-

ticipate in its vision- to expand distribution of the *Journal* to communities, businesses, law firms, colleges, and universities around the nation with the purpose of developing a national dialogue about important issues rooted in meaningful ideas. I view the work we have committed to this publication as a long-term investment. Indeed, we hope that students, faculty, alumni, and others interested in public policy and legal scholarship will benefit from our publication. Perhaps Oliver Wendell Holmes said it best: "One's mind, once stretched by a new idea, never regains its original dimensions." I sincerely hope that the entrepreneurial spirit which led to this publication, as well as the words contained within these pages, will aid you to expand the "original dimensions" of your own mind.



James R. R. Van Eerden

*Editor-in-Chief*

\* The *Journal* could not have been made possible without the support of many people who were either directly or indirectly involved with its publication. The *Journal* staff would like to first thank President Jewell, who supported our efforts from the very beginning and continues to serve the students at Grove City College in extraordinary ways. We would also like to thank Mr. Prokovich for his willingness to meet with us (often on short notice) and for providing assistance regarding distribution and publication of the *Journal*. We are grateful to Dr. DiStasi for providing the computer and printing equipment that has been absolutely essential to our editing process and to Dr. Anderson and Mr. Hardesty for their wisdom and assistance throughout the process. Among others on the *Journal* staff, I would like to specifically thank Kevin Hoffman for his tireless work as Managing Editor. Kevin has been a tremendous friend and a reliable partner at every step along the way – without him, this dream would not be a reality. I would also like to thank our Administrative Editor, Steve Irwin, for the countless calls, e-mails, and meetings he orchestrated on behalf of the *Journal*. The entire *Journal* staff – from copy-editors, lay-out editors, and content editors to all the faculty and alumni who graciously gave their time – deserves recognition for the hard work they dedicated to this first edition. Finally, I would like to thank my siblings (all ten of them), my wonderful parents Jim and Rachel Van Eerden, and my grandparents Dick and Donna Van Eerden for their encouragement to "live life to the fullest." Most important, thanks be to God who is the source of all knowledge and truth.

## FORWARD FROM THE PRESIDENT

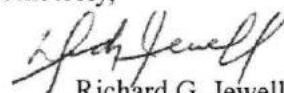
Dear Reader,

I am pleased to write this letter welcoming you to the first edition of the Journal of Law and Public Policy. The idea for this publication comes from the minds of a number of our students, many pre-law students, interested in public policy and the role of law. So, it was their inspiration and also their perspiration in taking the idea to fruition that brings you this publication and future editions.

Inside we see articles by students, alumni and friends of the College. We visit a myriad of interesting topics. Dan Hanson '11 asks, what reforms the World Trade Organization must make to advance more free and open trade world-wide. Another article asks, what are the current implications of the famous Grove City College Supreme Court Case now twenty-seven years after it was decided? Trustee David Lascell, Esq., the lawyer who argued the case on behalf of the College, weighs in. On another subject, most timely, Calderwood School Dean, Dr. John Sparks takes a look at the break-ups in some of our nation's, often called, "main-line" religions. After the break-ups, who owns the property and where do break-up rights lie? Alumnus and former U.S. Marine Capt. and SJAG officer, John Schwab '98 discusses judicial interpretation of "honest services fraud." David Feister '10 takes a look at free speech and the 1917 "clear and present danger" rule enunciated by Justice Holmes in the Schenck Case and the appropriateness of its universal application. And finally, Brittany Foor '10 explains the trends in understanding the framework for human trafficking control, and finally suggests improved definitions and enforcement reform.

So there you are – a potpourri of topics and opinions – just the recipe for an interesting journal and discussion. Please enjoy.

Sincerely,



Richard G. Jewell  
President of Grove City College

