

GROVE CITY COLLEGE

JOURNAL OF LAW & 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 cost. 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 inception, 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."

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, Regent University, Duquesne University, the University of Pittsburgh, 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.

PREFACE

Dear Reader,

It has been more than a decade since Volume 1, Number 1 of the Grove City College Journal of Law & Public Policy was first published in the Spring of 2010. During the intervening years, much has changed in the world, yet the Journal remains a vital source of scholarly research on law and policy.

The vision I shared in the Editor’s Preface in the inaugural version of the Journal was 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 knew the implementation of this vision would require the collective efforts of students, faculty, staff, and alumni – past, present, and future – who shared a vision for collegial debate and constructive dialogue. Thanks to the tireless efforts of many College stakeholders and co-creators, the vision for the Journal has mostly been realized: the publication can now be viewed in law libraries, law firms, and businesses around the country. Since the inaugural publication, the Journal has been distributed to tens of thousands of alumni, friends of the College, and other interested readers.

In the early days of founding the Journal, Steve Irwin, Kevin Hoffman and I were frequently asked about the specific purpose of the Journal within a campus community that already offered a newspaper, a literary magazine, and many other writing mediums. As young entrepreneurs pitching a new venture, we were pressed on the value proposition of this new publication.

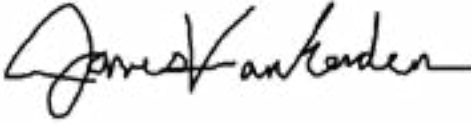
We envisioned four distinct benefits the Journal would offer to the campus community and the College’s sphere of influence:

- 1) it would provide students an opportunity to sharpen their critical thinking, legal writing, and editing skills
- 2) it would offer an opportunity for entrepreneurial activity, as the Journal would be a new publication requiring organizational processes, funding, marketing, etc.
- 3) it would enhance collaboration between students, faculty, and alumni in a way that was unprecedented at the time and 4) it would offer a forum for excellent scholarship – with a particular focus on classical liberalism - which would permeate beyond the boundaries

of the college campus into the larger marketplace of ideas.

I believe these distinctive features are equally applicable today as they were in 2010. I am excited to see the Journal grow and expand in future years on the bedrock of “Faith and Freedom.”

I hope you enjoy reading this edition of the Journal!

A handwritten signature in black ink, reading "James R.R. Van Eerden". The signature is written in a cursive style with a large initial 'J' and 'V'.

James R.R. Van Eerden '12

Journal Co-Founder and Former Editor-in-Chief

FOREWORD

Dear Reader,

It has been an honor to work with this year's editorial team to present not one, but two volumes of the *Journal*. We faced the challenge this year of finishing an edition of the *Journal* which never made it to production last year, while at the same time going through the process of producing a new volume of the *Journal* for this year. In my opinion, this year's editorial team is one of the most dedicated and hardworking teams the *Journal* has ever had—the production of two volumes in one year is only possible because of their attention to detail and commitment to excellence. When faced with the task of producing and publishing two volumes, this team rose to the challenge with excellence and grace, and I could not be more grateful for their leadership and help in completing that challenge.

While a smaller edition, this Journal features three papers of unique scope and interest. The first paper, written by Natalie Pyron '25, analyzes the landmark Supreme Court case *Korematsu v. United States*. Pyron details the context of the case, the reasoning behind the ruling, and what impact the decision had when it was decided.

Following Pyron's article is an analysis of the case *Students for Fair Admissions v. President and Fellows of Harvard College* written by Josiah Montgomery '23. Montgomery shows each angle of both affirming and opposing arguments and lays out the importance of the decision for future cases the Court may hear.

The *Journal* concludes with an article by Susannah Barnes '21, former Administrative Editor of the *Journal*, who provides a fresh look at the concept of space property. Barnes presents both benefits of a private property system and includes economic thought throughout her analysis of the emerging public policy apropos space property.

I would like to thank our advisors Dr. Caleb Verbois and President Paul J. McNulty '80 for their dedication to the *Journal* and their help at every turn of the production process. I would also like to thank last year's editorial team

for leading in the process of selecting and editing articles for this volume of the *Journal*. Finally, I would like to thank our team of editors who have worked tirelessly amidst other responsibilities to complete the *Journal*, our donors who provide the *Journal* with funding, and the readers; without you, the continuation of this *Journal* would not be possible. We hope you find these articles to be both as enjoyable and intellectually stimulating as we have found them.

Eliz L. Slabaugh '23

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A handwritten signature in black ink that reads "eliz l. slabaugh". The signature is written in a cursive, lowercase style.

Editor-in-Chief