

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.

EDITOR'S PREFACE

Dear Reader,

It has been my distinct pleasure to work with this team of editors to produce this edition of the Journal. This year's staff is both dedicated and hardworking, and without them the production of this Journal would not have been possible. We have implemented new processes regarding article selection, committee leadership, and production to ensure that future volumes of the Journal are able to be produced more efficiently. I am so excited about the future of the Journal, as well as everything we were able to accomplish this year.

Throughout my time on the Journal, I have learned something about this publication's importance. The Journal is not important because interesting articles are published (though they are), or because it enhances the academic pedigree of the College (though it does). The Journal is an important part of campus because it serves as an academic outlet for students to showcase their intellectual abilities and pursue their interests, an outlet where people can learn more about other's ideas and opinions, and an outlet where authors are shown the importance of publishing their ideas for others to read and consider.

Intellect and the pursuit of academic endeavors are gifts given by God—pursuing such endeavors on campus through outlets like the Journal allows us to utilize the gifts he has given us to his further glory. I know that this edition of the Journal is one that showcases the intellectual curiosity of students on campus, and highlights what it means to pursue the highest form of scholarship. It is my hope that future volumes and future editors pursue excellence while giving all the glory back to God.

Eliz L. Slabaugh '23

A handwritten signature in black ink that reads "eliz l. slabaugh '23". The signature is written in a cursive, lowercase style.

Editor-in-Chief

FOREWORD

Dear Reader,

First and foremost, thank you for reading the Grove City Journal of Law and Public Policy. In an age where policy debates and legal proceedings have often become hyper-charged with polarizing rhetoric and partisan mischaracterizations, it is truly an honor to produce this Journal for readers like you, committed not only to rejecting those excesses but conversely supporting thoughtful examination of the issues that shape our country and world. It has been a privilege to work with my editorial colleagues to bring you a second edition of the Journal this year. This second edition contains six papers on a variety of topics relating to law and public policy.

The first, written by Jacob Sheldon Feiser '24, offers an argument regarding the roots of originalism and its reliance upon natural law. Feiser analyzes legal subject material from Court jurisprudence to the Declaration of Independence to build his case that neither natural law reasoning nor the Declaration should affect the originalist's legal philosophy.

The second, written by Samuel Peterson '25 and Zachary Wood '25, is an analysis of America's "war on drugs." Peterson and Wood examine both opioid distribution laws and drug law enforcement data to explain how opioid potency has risen in past decades and offer relevant policy solutions.

The third, from Sebastian Anastasi '22, critiques monetary theory against the backdrop of the Great Depression. Anastasi considers issues from monetarist capital theory to the effects of 1920s-era credit expansion to argue that the monetary theory put forward by economists Milton Friedman and Anna J. Schwartz led to their misunderstandings of the Depression.

The fourth, authored by Molly E. Galbreath '25 and Elsa Miller '25, traces the history of governmental involvement in American civil service. Examining civil service at federal, state, and local levels, as well as relevant policies such as the 1883 Pendleton Act, McCommons and Miller show how a decline in control by political parties led to greater citizen involvement and the dawn of the Progressive Era.

The fifth, written by Alexander Sodini '24, presents an argument against antitrust laws. Sodini applies economic theory and an analysis of empirical evidence to antitrust-based government intervention in markets, concluding that such laws do more harm than help to American enterprise.

The sixth, written by Sam Branthoover '22, analyzes the legal structure of the Bedouins, nomadic tribes inhabiting the Arabian peninsula. Sam Branthoover examines the unconventional manner in which Bedouins handle crimes and ensure justice, as well as showing how their practices of oath-taking and arbitration hold their rarely-studied communities together.

As with past publications, this edition can be found online both on our website and on HeinOnline.

A debt of thanks is due to both Dr. Caleb Verbois and President Paul J. McNulty '80 for their advising roles in both of this year's editions. I would also like to offer the degree of gratitude to my editorial colleagues for their tireless work in selecting and editing articles for this second edition, as well as the Journal's generous donors who have provided the funding necessary to bring both of this year's editions to print—without you, this publication would truly be fruitless. Lastly, I must offer the highest degree of thanks to you, the reader—without your invaluable support and readership, this endeavor would indeed be pointless.

Isaac Willour

Senior Editor - Grove City Journal of Law and Public Policy