

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, 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 cited in numerous academic publications and continues to be supported by a myriad of law schools, law firms, and think tanks around the nation.

EDITOR'S PREFACE

Dear Esteemed Reader,

It is my privilege to offer this 15th volume on behalf of the *Grove City College Journal of Law & Public Policy* as the culmination of our year's efforts to promote legal research and provide a forum for the scholarship of students, faculty, and friends of the College. At the beginning of the academic year, our team quickly finished the editing and distribution of the previously unreleased Volumes 13 & 14 while simultaneously beginning work on this Volume's production. After two years of failing to publish on time, myself and other upperclassmen hoped to lead the *Journal* to not only perform the obligatory duty of releasing an annual volume, but to also lay the groundwork for future growth across multiple areas of *Journal* operation – a promise upon which our executive team has faithfully delivered.

These areas include expanding our online presence with a new website and imminent use of Scholastica to solicit articles, the organization of the *Journal's* first inde-

pendent symposium, and reestablishing our headquarters in the Bridge Office of Crawford Hall beyond the continual effort to become more procedurally efficient and provide a more robust training to our editors. We have the privilege of concluding the academic year in celebration of the *Journal's* 15th Anniversary by hosting a symposium the week Volume 15 is printed, featuring addresses on current legal issues from alumni practitioners and the Hon. William Stickman IV of the Western District of Pennsylvania on the historical and philosophical foundations of law ~ remarks from which will be featured in a forthcoming symposium edition of the *Journal*.

To bring our readership the copy you now hold, student editors have undertaken – on top of their coursework and, for many, law school applications – learning a variety of skills including the use of Bluebook citation methodology, and honing their critical editing abilities within our peer review process. It has been a privilege to see my peers grow not only in their command of tangible skills, but also

in their eagerness to pursue their studies, and ultimately vocations, as callings underscored with a zeal to glorify their LORD in all aspects of life.

Beyond thanking our associate editors, whose hard work and flexibility make the production of this publication possible, I would also like to extend my gratitude to the faculty and alumni who have offered invaluable counsel and championed the cause of the *Journal* on and off campus, including, but not limited to, the Hon. President Paul McNulty for your steadfast mentorship and wisdom, our advisor Dr. Caleb Verbois for the staunch advocacy you undertake on behalf of your students, Jeff Prokovich and Amanda Sposato for providing us with the means to organize a symposium and distribute the *Journal*, Jonathan DiBenedetto for furnishing us (quite literally) with an office space conducive to productivity, Christa Frankenburg for your patience and assistance in making the printing of the *Journal* possible, and Falco Muscante II for your continued dedication to the *Journal*, its editors, and the College.

The *Journal's* ability to provide Grove City students a forum for their scholarship and accessibility to the legal world which they hope to join is made possible by our donors. As an entirely donor-funded organization, we depend on the generosity of our readership to continue to produce this publication and serve the student body free of charge. To that end, consider making a financial gift, requesting additional or previous volumes, or inquiring into how your work can be featured within future volumes at LawJournal@gcc.edu or visiting <https://stuorgs2.gcc.edu/lawjournal/>. All previous volumes are available in our online archive and on HeinOnline, alongside over 3,000 leading legal publications; submissions for Volume 16 can be submitted directly via email or through Scholastica. On behalf of the *Journal*, thank you for your readership and continued support.

Michael C. Halley III '24

A handwritten signature in black ink that reads "Michael Halley III". The signature is written in a cursive, flowing style with a small flourish at the end.

Editor-in-Chief

FORWARD

Dear Reader,

Welcome to Volume 15 of the *Grove City College Journal of Law and Public Policy*. As the advisor to the *Journal*, and the pre-law advisor at Grove City, I have the privilege of working with an excellent group of students who work hard to publish one of the few undergraduate peer-reviewed journals in the country.

Over the past several years I have encouraged the editors to seek out work that addresses the *Public Policy* side of the *Journal of Law and Public Policy*, as well as the *Law* aspect of the *Journal*. As you read this edition, you will see several articles that address public policy, or even better, connect public policy issues with legal theory.

For example, the first memo, by Matthew Martens, applies the command to love one's neighbor to how lawyers should fulfill their calling in the criminal justice system. The second essay, a brief by Isaac Good, deals with student loan forgiveness through the lens of *Biden v. Nebraska*. The third essay, from Jaimie Cavanaugh of the Pacific

Legal Foundation, summarizes and argues for the Supreme Court's decision to strike down affirmative action admissions policies in higher education. The fourth essay from Caleb and Lili Pirc, examines the school choice debate through an originalist approach to the question of political uniformity statutes in several states. Finally, the concluding piece is a timely piece that looks at two historical examples of anti-trust enforcement from both an economic and legal standpoint and considers how they might apply to the ongoing case of *F.T.C. v. Microsoft Corp.*, and *Activision Blizzard, Inc.*

I am very grateful for the efforts of this group of editors who have worked hard to complete this edition of the *Journal*, in addition to finalizing the work of the last two classes in the Fall of '23.

We hope you will enjoy reading these essays,

Caleb A. Verbois

Professor of Political Science