

GROVE CITY COLLEGE

JOURNAL OF LAW & PUBLIC POLICY



ARTICLES

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of Parents in Genetic Enhancement *Steven L. Jones*

Breaking the Chains: The Inability of the
International Criminal Court to Combat the
Persistent Problem of Slavery and the
International Justice Mission's Model
for Enforcement *Emma J. Finney*

Two Sides of the Same Coin:
The Implications of *Hodel v. Irving*
on Pennsylvania's Inheritance Tax *Timothy J. Witt*

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The editors strongly prefer articles under 15,000 words in length, the equivalent of 50 *Journal* pages, including text and footnotes. The *Journal* will not publish articles exceeding 20,000 words, the equivalent of 60 *Journal* pages, except in extraordinary circumstances.

To facilitate our anonymous review process, please confine your name, affiliation, biographical information, and acknowledgements to a separate cover page. Please include the manuscript's title on the first text page.

Please use footnotes rather than endnotes. All citations and formatting should conform to the 18th edition of *The Bluebook*.

Selection takes place on a per-volume basis; thus, a piece is selected for a particular volume, but not necessarily a particular edition. Submissions are reviewed on a rolling basis, beginning in February and concluding when the volume is filled, typically around mid-October.

For additional information about the *Grove City College Journal of Law & Public Policy*, please email us at LawJournal@gcc.edu or visit us online at www.gcc.edu/lawjournal.

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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 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."

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

“Either write something worth reading or do something worth writing.”

—Benjamin Franklin

Dear Reader,

A terrible complacency has settled over much of the collegiate world. Tell me if this sounds familiar: “college kids,” desperate to succeed but unwilling to give up their weekends, grasp at high grade point averages and memberships in impressive-sounding organizations just to slap onto their resumes. Academic institutions, desperate to broadcast a well-rounded campus but unwilling to risk pushing students too hard, relax their grading standards so that students can “sign up” for every aspect of campus life. If only diplomas revealed the hours a student spent immersed in her topic of study, discussing controversies with peers and challenging her own perspectives. I wish a résumé included a section for everything a student sacrificed when he led his organization, his struggles through controversy to uncover truth, or all the ways he influenced the conversation around him. What if employers and graduate schools demanded more of applicants than empty achievements and academic adequacy? Would anyone care about being more than minimally qualified?

I cannot speak for every undergraduate student, but I can speak for my peers at Grove City College represented by the staff of the *Grove City College Journal of Law & Public Policy*: they care. They care enough to spend their weekends vetting another’s research, and they care enough to try to change someone’s mind about an issue in the world. Each student who has ever worked for or submitted his work to the *Journal* has made the conscious decision to step beyond the minimum requirement and *do* something else, something valuable, something that doesn’t earn extra credit but actually earns an education.

These students have invested so much of themselves in this publication that they inspired their professors, who care beyond statistics, to work above and beyond to contribute to their cause. They are joined by Grove City College alumni who, after achieving that place in graduate school or reaching that next step in their career, remain committed to fighting intellectual inertia. They challenge themselves to contribute articles that spark new interests and probe our presuppositions.

The resulting publication first began as an impossible project dreamt up by “college kids” who cared more about excellence than sufficiency. I am proud, as its newest Editor-in-Chief, to say that this edition’s student staff is equally dedicated to moving beyond minimum requirements to create something worth reading.

Remember these students, for they will be the graduates who do something worth writing. Please enjoy their work in this spring's edition of the *Grove City College Journal of Law and Public Policy*.



Julia L. Haines '14
Editor-in-Chief

*The *Journal* would not be possible without our staff and the help of several individuals. President Jewell, as always, remains a source of support and a fount of encouragement. Our faculty advisor, Dr. Sparks, has remained a steadfast support and is an invaluable source of wisdom and guidance. I am always overwhelmed by the generosity of alumni and friends of the College whose financial contributions encourage our staff and support the publication's continuity. Mr. Jeff Prokovich in Advancement and Mr. Larry Hardesty of Student Life & Learning remain foundational supports. The faculty and alumni who serve on our Editorial Board are such a blessing to this publication, and the success of the *Journal* is a direct reflection of their contributions. The students on the Executive Board deserve so much praise for their work this semester, and I cannot imagine working with more dedicated or supportive friends. Jared Smith and Dorothy Williams, you are the pillars of this publication; I am thankful I had the opportunity to learn from and work with you before you leave undergraduate life behind. Noelle Huffman, I cannot overstate the value of your dependability and your friendship. I also thank Steve Irwin, the previous Editor-in-Chief: you have been an invaluable source of guidance, and your constant support and encouragement throughout my time with the *Journal* have granted me the strength to pursue the project's original vision. Kevin Hoffman, thank you for always stepping up times of need even after your official responsibilities to the *Journal* have passed. Finally, I am indebted to the entire current student staff, whose tireless efforts never cease to amaze me, and those students no longer on the membership roll who have, far from forgetting their first law journal, reached back to assist and encourage. Personally, I am thankful that I have had the chance to contribute to such a valuable project during my time at Grove City College, which wouldn't have been possible if my parents hadn't encouraged their nervous freshmen daughter to sign up as a copy-editor when the rest of her friends signed up for the swing dance club. Above all, I thank God for his continual blessings.

FOREWORD

Dear Reader,

I am extremely honored to introduce you to the First Edition of Volume Three of the *Grove City College Journal of Law & Public Policy*. Not even a year ago, I worked alongside student members of the *Journal* staff with faculty and alumni editors. I know firsthand the countless hours and revisions they have poured over these pieces to bring you a remarkable association of ideas—and perhaps the best edition of the *Journal* yet.

In this edition, you will find unique pairings of articles and notes on the most controversial and engaging topics from faculty, alumni, and students of the College: genetic enhancement and tissue patents, inheritance and sumptuary taxation, international human trafficking laws, and First Amendment religious freedom.

Dr. Steven Jones analyzes the technological developments taking place in the area of biogenetic engineering, such as gene screening and commercialized genetic counseling for parents. In discussing the relevant case law, the author addresses the consequences these changes will have on parental rights and privileges. In a case note, Abigail Lepsch '12 addresses genetic material patenting, comparing *Greenberg v. Miami Children's Hospital Research Institute* with the landmark *Moore v. Regents of the University of California*, on the issue of “unjust enrichment”.

Alumna Emma Finney '08 critiques the interpretation of “enslavement” in Article 7 of the Rome Statute by the International Criminal Court for the purpose of combating human trafficking on a global scale. Finney argues that a more effective approach would be to combat trafficking at a more localized level. Connor Baer '13 also weighs in on international human trafficking laws, reviewing critiques of the UN Human Trafficking Protocol. The author asserts that the Protocol fulfills the limited purpose for which it was created and has successfully stimulated international solidarity around the issue of human trafficking.

Alumnus Timothy Witt '07 examines the implications of *Hodel v. Irving* on the Pennsylvania inheritance tax. The author suggests that despite undermining over a century of case law, this landmark decision has opened the door for opponents of the inheritance and estate taxes to challenge the power of the state to levy them. Caleb Fuller '13 joins Witt in the broader discussion of taxation, examining the harmful effects of sin tax policy. Fuller suggests that, in effect, these sumptuary taxes distort the economy and ultimately fail to achieve their purpose.

In a case note, James VanEerden '12 discusses the very recent and controversial, 9-0 Supreme Court decision, *Hosanna-Tabor v. EEOC*, which upheld the ministerial exception in employment discrimination. The author disagrees with the ruling and argues that it has created more questions than it answers, ensuring that the First Amendment debate on religious freedom will continue.

I hope you find this impressive composition of articles and notes engaging and informative.

Sincerely,

Lisa Herman

The Ohio State University Moritz College of Law

J.D. Candidate 2014