

GROVE CITY COLLEGE

JOURNAL OF LAW & PUBLIC POLICY



ARTICLES

- The Supreme Court Crafts a Pro-Religious
Liberty Decision in *Hobby Lobby* *Steven H. Aden, Esq.*
- Whitewood v. Wolf* *Jonathan Nelson '16*
- Insider Trading: Revisiting Manne's Lack of Harmed Party
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- Christian Legal Society v. Martinez* *Kayla Murrish '15*
- The Myth of Janus: Free Markets, Fusionism,
and the Republican Party *Caleb Wolanek*

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Volume 6

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The *Grove City College Journal of Law & Public Policy* invites submissions of unsolicited manuscripts, which should conform to *The Bluebook: A Uniform System of Citation* (18th ed. 2005). Manuscripts should be submitted electronically in Microsoft Word™ format to LawJournal@gcc.edu.

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,

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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, as well as on HeinOnline. 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,

We are pleased to bring you the 6th edition of the *Grove City College Journal of Law & Public Policy*, a special edition that marks the fifth anniversary of its inaugural publication. What began as an academic journal among Grove City College students, faculty, and alumni in the spring of 2010, the *Journal* has flourished into a vibrant, scholarly publication that continues to expand both its readership and authorship.

As the *Journal* has developed, its prevalence has extended well beyond the Grove City College community. Since its inception in 2010, the *Journal* has published articles written by students of Princeton University, Patrick Henry College, Duquesne University School of Law, Louisiana State University's Paul M. Hebert Law Center, and Harvard Law School, as well as legal professionals. It has also become accessible to thousands of readers domestically and abroad through its presence on HeinOnline.

This anniversary edition further parallels the beginning of a new era for both the *Journal* and Grove City College. This was the first edition published by a staff that did not contain a member who contributed to the original edition. We were also pleased to welcome our new faculty advisors Dr. Caleb A. Verbois, Assistant Professor of Political Science, and Grove City College's ninth president, The Honorable Paul J. McNulty. Due to the impressive backgrounds and character of Dr. Verbois and President McNulty, we know that the *Journal* will continue to demonstrate profound growth and maintain its scholarly excellence under their leadership.

Although transition marks this edition, the *Journal* remains dedicated to excellent student scholarship, promise of academic integrity, and its commitment to providing a platform for thoughtful and scholarly discourse. Our staff has expanded and changed, but our principles remain the same. The *Journal* will continue to uphold the values that served as a foundation for its commencement.

These articles further reflect a transition within our cultural and legal frameworks, especially in regard to the family. Whether these articles affirm or challenge your perspective on the topics they explore, I encourage you to utilize the ideas presented in this edition to shape your current understanding of these issues and to edify the principles and values that you hold.

It is remarkable to see how far the *Journal* has come in five years. As the *Journal* enters this next chapter, we promise to stand firm by the values that have contributed to its growth and success.

We are indebted to your support and sincerely thank you as we reflect on the past, study the present, and look forward to the future.

Claire A. W. Vetter '15

A handwritten signature in cursive script that reads "Claire A. W. Vetter". The signature is fluid and elegant, with the first letters of each name being capitalized and prominent.

Editor-in-Chief

FOREWORD

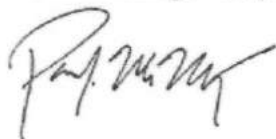
Dear Reader,

We are pleased to release this latest edition of the *Grove City College Journal of Law & Public Policy*, a publication produced by undergraduate students of the College.

This edition, Volume 6, includes an interesting diversity of authors and issues. It blends the considerations of a seasoned public interest litigator, two law students, and three Grove City College students. With regard to content, legal and policy issues impacting the family are a dominant theme of this edition. There is also a clear breadth of topics, including religious liberty under the Affordable Care Act and on law school campuses, legislative term limits, libertarianism and the soul of the Republican Party, same-sex marriage, and insider trading enforcement standards.

The articles in this edition serve as a snapshot of many of the most significant questions of the present moment, ranging from constitutional interpretation to politics and political governance. Once again, the *Journal* offers a compelling source for learning and reflection.

Paul J. McNulty, '80, J.D.



President of Grove City College

