

GROVE CITY COLLEGE

JOURNAL OF LAW & PUBLIC POLICY



ARTICLES

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An Analysis of Methods
to Preclude Sex-Selective
Abortion in the United States *Alex Brown '13*
- Private Speech On Government
Property: Does the First
Amendment Apply to Specialty
License Plates *Sarah Child*
- Live Oak Brewing Co., LLC,
et al. v. TABC, et al. *Zach Voell '17*
- “As If God Has Spoken” *Daniel Munson*
- The Electoral College,
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Volume 8

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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* (20th ed. 2015). 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 20th edition of *The Bluebook*.

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 <http://www2.gcc.edu/orgs/GCLawJournal/> or search for us at HeinOnline.

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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,

We are pleased to bring you the eighth edition of the *Grove City College Journal of Law and Public Policy*. As many of you know, due to the tireless efforts of students, faculty, and alumni, the Journal printed its first edition in the spring of 2010. Now, we further these efforts, as we continue to expand the influence of Grove City by distributing a scholarly publication and as we uphold the Journal's values of scholarship.

Last academic year, the Journal staff was faced with a few setbacks that ultimately led to the delayed publication of the seventh edition. We apologize greatly for any inconveniences this may have caused. I assure you that since, the Journal staff has taken several steps with faculty and alumni to ensure that the proper framework exists to avoid any similar setbacks in the future. We very much appreciate your patience and continued support as we continue to move forward.

In the Journal, we have published esteemed authors from students of Princeton University, Patrick Henry College, Duquesne University School of Law, and Harvard Law School as well as legal professionals. In addition to publishing good works, we continue to increase the reach of the Journal by getting into law libraries at institutions such as University of Pittsburgh School of Law and Duquesne University School of Law, and online through our website and HeinOnline.

Enclosed in this Journal are articles covering a variety of topics that are theoretical and applicable in nature. Some deal with topics that are timely, including Electoral College, while others address the seemingly age-old debate between federalism and antifederalism. We hope you will find these articles to be stimulating and that they encourage discussion.

This year, the Journal staff has worked tirelessly to overcome numerous challenges and to further the development of the Journal. We are extraordinarily grateful for the guidance and help that the faculty and administration have shown

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us. We offer a special gratitude to the Editorial Board and to alumni who have also aided in the production of this Journal.

The Journal could not have produced this eighth edition without your continued support and patience. We thank you immensely for the encouragement and interest you have shown the Journal these past seven years, and look forward together for the future of the Journal.

A handwritten signature in black ink, reading "Christine Mikhael". The signature is fluid and cursive, with the first name "Christine" written in a larger, more prominent script than the last name "Mikhael".

Christine Mikhael '17

Editor-in-Chief

FOREWORD

Dear Reader,

Welcome to Volume 8 of the *Grove City College Journal of Law and Public Policy*. As the new advisor to the Journal, and the pre-law advisor at GCC, 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.

In this edition, and going forward into future editions, I have encouraged the editors to consider broadly the *Public Policy* side of the *Journal of Law and Public Policy*. As you read this edition's articles, you will see several articles that address the public policy side of a legal case, or focus almost exclusively on policy issues.

For example, the first essay deals with yet another free speech controversy, this time, on the seemingly innocuous yet actually quite knotty issue of personalized license plates in Texas, that has substantial policy implications. The second essay asks whether it is possible, within the legal framework of Roe and Casey, to create a public policy prohibition on sex-selective abortions, a practice that gives horrifying new meaning to the idea of a war on women. The third essay addresses the Takings Clause and the nature of economic freedom through the lens of Texas state regulations on craft breweries. The fourth essay distinguishes Justice Marshall's understanding of Judicial Review in *Marbury v Madison* with Justice Warren's understanding of Judicial Supremacy in *Cooper v Aaron*, and argues that the latter risks shifting the government from a republic to an oligarchy. The fifth essay is a timely piece on the importance of the Electoral College that suggests that opposition to the Electoral College on the theory that it is undemocratic misses the legitimate concerns of the Founders about the wisdom of absolute democracy and the importance of their insistence on federalism.

We hope you will enjoy reading these essays,



Caleb A. Verbois

Assistant Professor of Political Science at Grove City College

