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The End of the Civil Rights Era?

The Dissolution of Preclearance

By Carolyn Downs
CGS '14, CAS '16

On June 25, 2013, in the case *Shelby County v. Holder*, the U.S. Supreme Court struck down the heart of the Voting Rights Act of 1965, Section 4b.¹ The Voting Rights Act (VRA), passed by Congress in 1965, was a response to voting discrimination based on race and color. Section 4b of the VRA applies only to states such as Alabama, Georgia, Mississippi, South Carolina, and Virginia, which are states that had previously been known to discriminate based on race. The section is called the coverage formula, and it sets forth a formula to determine which jurisdictions are covered under Section 5 of the VRA.²

Section 5 “provides that no change in voting procedures can take effect until approved by specified Federal authorities in Washington D.C.”³ This is known as pre-clearance, meaning that if one of the specified states wanted to redraw district lines or move a polling station, the state must have those changes approved by the Department of Justice.⁴ The DOJ will then determine whether these changes discriminate on the basis of race. In *Shelby County v. Holder*, the Supreme Court struck down Section 4b – making Section 5, the heart of the VRA, null.

The VRA was originally put in place for five years in 1965, but Congress has continuously renewed it for varying lengths of time. Seen as the greatest triumph in the fight for civil rights in the 1960s, the VRA has been incredibly successful in achieving racial parity in those states that are covered by the Act. However, the United States Supreme Court decided that Section 5 was inapplicable in the country today because of how successful the VRA has been in preventing racial discrimination in voting practices.⁵ The majority opinion of the Supreme Court argued that things have changed since 1965, and that minority voter registration rates in those covered are similar to rates throughout the country, and that minority candidates are even elected to public office in these covered jurisdictions.⁶

The Supreme Court used this evidence, originally compiled by Congress in 2006, to deem Section 4b of the VRA, and consequently Section 5, unconstitutional. Chief Justice John Roberts delivered the opinion of the Court saying that Section 5 was previously defended using 40-year old data that is not applicable to current conditions.⁷ Congress discovered that voter registration rates were reaching racial parity in the jurisdictions covered by pre-clearance.

However, Justice Ruth Bader Ginsburg in the dissenting opinion states that deeming Section 5 unconstitutional could erode the progress made in the covered jurisdictions

due to pre-clearance. Justice Ginsburg argued that although “first generation barriers” in racial discrimination in voting such as ballot access have decreased in prevalence, “second generation barriers” such as racial gerrymandering are still prevalent.⁸ Ginsburg, along with dissenting Justice Stephen Breyer, Justice Sonia Sotomayor, and Justice Elena Kagan argue that these second-generation barriers are reason enough to make the coverage formula and pre-clearance still relevant.

Some say that this key Supreme Court decision in *Shelby County v. Holder* has marked the end of the Civil Rights Era. Section 2, the other significant provision in the VRA, still holds that states cannot “adopt any law, practice, or voting procedure that denies or abridges the right to vote on account of race.”⁹ But without pre-clearance, will the United States see a decline in the achieved racial parity in those previously covered? Some believe “yes.” Others, including Chief Justice Roberts, believe that a backslide will not occur due to the large strides made in the covered jurisdictions.

This decision shows that issues of civil rights and racial discrimination have not disappeared from the legal landscape. The Civil Rights Movement made incredible strides to improve racial equality. Is the task of racial voting equality achieved? The Supreme Court says “yes,” and voting registration rates have reached parity; the war on voting discrimination has been won. Or has it?

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Legal Segregation

Socioeconomic Divisions Prevent Diversity in Post-Segregation Schools

By Isabel Strobing

CAS '17

School districts across the nation consider diversity an integral part of education. Charleston County, South Carolina is no different — since desegregating in 1963, great strides have been made in the equality of education between blacks and whites. However, while some schools have clearly diversified, de facto segregation is still undeniably present. The issue is not the drawing of geographic boundary lines for districts, but it is the failure of the county to adequately assess what the composite of the population is made of, within that geographic boundary. These geographic boundary lines are called attendance zones. These attendance zones reinforce socioeconomic divisions, thereby heightening inequality between schools. Closing the socioeconomic gap, diversifying elementary schools or redrawing attendance zones altogether would even out the racial balance between schools and lead to a more well-rounded student body in Charleston.

Charleston County was desegregated in 1963 under *Brown v. School District No. 20*.¹ Previously, Charleston County schools operated under a dual system, with a black and a white school in each neighborhood.² This case integrated the schools and prohibited denying students admission based on race. Today, there are 90 schools in Charleston County. Aside from the nine magnet schools, which are countywide and require a test or audition for admission, each school has an attendance zone.³ However, although there is little socioeconomic variability within

these attendance zones, there is extensive socioeconomic variability between the different neighborhoods in Charleston County. Especially in the smaller elementary schools, socioeconomic class divides students, making homogeneity a norm early on in their education. Since there is no forced segregation, and since students are sent to their neighborhood school regardless of race, there is no glaring legal issue in the Charleston County School District. Even so, more must be done to effectively diversify.

The main factor inhibiting the diversity of schools is the socioeconomic divisions between zones, and solutions should focus on mitigating this problem. Over time, African-American families have seen an increase in overall wealth.⁴ As African-American families continue to become wealthier, the existence of traditionally “white” or “black” neighborhoods may decline, dramatically increasing diversity within the attendance zones. However, without some type of forced reassignment, which would probably result in more affluent students leaving the school district⁵, simply waiting for integration to happen could take decades.

A faster approach would be to change the boundaries of the attendance zones altogether. In *Parents v. Seattle School District* in 2007, the Supreme Court held that a school not under court order could not use race when deciding admission.⁶ Associate Justice Anthony Kennedy supported the Court’s ruling, stating that “it is permissible to consider the schools’ racial makeup and adopt general policies to encourage a diverse student body,” and one of these policies could be “drawing attendance zones with general recognition of

neighborhood demographics.”⁷ As long as the attendance zones make geographic sense, it would be beneficial for students to learn alongside students with different lifestyles and economic backgrounds.

At the same time, the issues that arise when considering even a geographically sound change in attendance zones could deter a school district from taking the risk. Pragmatic issues, such as a change in normal traffic patterns, could prevent parents from sending their children to a new school. The neighborhood divides that have become well-established could be broken up. More than anything, affluent families who may be forced to attend a traditionally low-income school may choose to leave the school system altogether.

Despite these inhibitions, boundary changes must be made in de facto-segregated school districts, in order to diversify each separate district. The benefits of creating a more equal school district outweigh short-term nuisances. Drawing attendance zones around socioeconomic divisions only exacerbates these divisions. A diversified school system is key to giving each child an equal opportunity to a good education, thus preparing students for the real world. This can only be achieved when school districts like Charleston step up to tackle the underlying problems preventing it.

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Minorities in the Legal Profession in America

By Emily Brewster
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Throughout history, the legal profession has lacked members of diverse backgrounds, as it is a profession that has been traditionally dominated by Caucasian men, and more recently Caucasian women.

According to the US Census Bureau, of the 316 million people in the United States, 22% are minorities.¹ In 2013, of the 1.8 million people working in the legal profession, 6.2% were African-American, 4.9% were Asian, and 8.2% were Hispanic or Latino.² Essentially, 2013 saw over 80% of lawyers in the United States to be Caucasian.

While these numbers may appear proportionate compared to the number of minorities living in the US, comparatively speaking, the legal profession is still less diverse than many other professions.³ Additionally, in law firms, minorities, and minority women specifically, are more likely to be found in associate and staff attorney positions rather than partner positions.⁴

Depending on the city, however, the number of minority associates and partners varies. For example, African-American associates and partners are more common in Atlanta, Georgia; whereas, in certain areas of California, Asian associates and partners are more common.⁵ Overall, minorities make up 6.71% of partners in the United States.⁶ The National Association for Law Placement's (NALP) study of law firm diversity looked at over 1,200 offices and firms, where they found that

13% of those offices had no minority associates, almost 25% reported no minority women associates, 25% had no minority partners, and over 50% had no minority women partners.⁷ However, because law firms/businesses are private, they are not "required" to make their offices diverse, as there is no quota they must fill.

Historically, minorities have been excluded from the legal profession due to segregation and racism. However, the number of minorities in the legal profession has increased over the years. Introduced in the 1960s, affirmative action gave more minorities the opportunity to attend law school, which as a result gave way to a more diverse legal profession. Despite the increase in diversity, the legal profession still trails behind other influential professions.⁸

Many minorities can barely afford to attend college, and with the rising costs of post-graduate education, law school is out of reach for most.⁹ Also, minorities tend to have less access to educational resources, such as test prep (for SATs, LSAT, etc.) and education funds.¹⁰ As a result, they usually have lower grades and test scores than most Caucasian people of high socioeconomic standing.¹¹ Thus, this negatively affects their chances of getting into the best schools and law firms. In the legal industry, it is surmised that cultural bias and the lack of networking have affected the success and diversity of law firms.¹² It is also argued that attorneys of all backgrounds and political leanings subconsciously stereotype each other, and Caucasian partners do not often share their business or social networks with minorities.¹³

Minority associates have a higher attrition rate than their Caucasian counterparts, often abandoning the private sector or jumping to corporations to work as low-level staff counsel.¹⁴ Additionally, minority representation in the legal profession has declined since the 1980s.¹⁵ After law school, minorities, and especially minority women, are less likely than Caucasians to begin their careers in private practice, apparently due to the combined effects of gender and race.¹⁶ Despite these challenges, many large law firms, such as Blank Rome LLP and Hogan Lovells, are taking the initiative to promote diversity, with programs such as diversity training and career development for minorities. These firms are also actively recruiting minorities to help develop diversity in the legal profession. If other law firms follow, there may soon be a rise in the minority demographic in the legal profession.

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The Battle of Gender Discrimination

A Continuation into the Workplace

By Sophia Alvi
CAS '15

Last year, the popular fast-food chain Checkers found itself caught up in a legal battle that it may have wished it could have settled quietly. Market Burgers, L.L.C., Checkers' parent corporation, was charged with violating federal law when it was charged with paying female employees less than their male counterparts, while at the same time scheduling the women for fewer

hours than the men.¹ on gender is a complex issue. Re:Gender, a national organization established in 1981 to combat gender discrimination in the workplace, stated that per dollar, the average woman makes 23 cents less than the average man today in America.⁴ Despite the efforts of organizations like Re:Gender, occupational gender-based discrimination is still a huge problem in the American workplace.

Economists offer two theories as to why the pay gap exists. The first, known as the "Human Capital Theory," shifts much of the blame

bias studies, showing that employers develop prejudices on their potential employees before they are even hired.

Fortunately for women like LaToya Snyder, there are certain legal precedents protecting against and prohibiting pay discrimination based on gender. The EEOC cited two specific violations by Checkers, Title VII of the Civil Rights Act and the Equal Pay Act. The Equal Pay Act is of specific importance to groups like the EEOC, and Re:Gender. The Act is important in that it is designed to

“Per dollar, the average woman makes 23 cents less than the average man today in America”

hours than the men.¹

The main plaintiff in the suit, LaToya Snyder, was a female shift manager who had worked at a Checkers in West Philadelphia since 2010. A statement issued by the United States Equal Employment Opportunity Commission (EEOC) claimed that Snyder and other female employees “were subjected to a double whammy of discrimination. They were paid a lower hourly wage and regularly scheduled for fewer work hours than their male counterparts.”² Such allegations, if proven to be true, will mean that Checkers violated a number of federal laws that prohibit these actions.³

Pay discrimination based

onto the women employed in various occupations.⁵ According to the theory, women often place a larger emphasis on family and childcare, choosing jobs that have greater time flexibility, and less rigid career paths, which allow them to spend more time at home. In other words, women accumulate less human capital because they choose to not pursue the qualifications required to receive a salary equal to that of their male counterparts.

The second theory, known as the “Discrimination Theory,” puts the blame on employers.⁶ It suggests that employers’ prejudices lead to differential treatment of female employees, often before a woman’s actual employment begins. A similar relationship is often seen in racial

prohibit employment discrimination based on gender and requires equal pay for men and women, provided that the work is equal and performed in the same establishment. Agencies like the EEOC continue to advance gender equality, so that in the face of past gender discrimination, the future of women will indeed differ from history.

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DOMA Strike Down

The Results and Repercussions

By Jennifer Bourne
CGS '14, CAS '16

In 2007, two female residents of New York were legally married in Ontario, Canada. Edith Windsor and Thea Spyer finally wed after many years of romantic partnership, and their marriage was legally recognized by the state of New York.

When Spyer died, she left her estate to Windsor. This is an act that many heterosexual couples do without scrutiny. However, Windsor was required to pay \$363,053 in federal estate taxes in order to acquire the estate. For any heterosexual couple in the same situation, the spouse would qualify for an unlimited spousal deduction, and would not have to pay federal estate taxes.

Conversely, Windsor could not qualify due to section three of the Defense of Marriage Act (DOMA), which claims that the terms “spouse” and “marriage” can only be applied to partnerships between a man and a woman. Windsor argued that section 3 of DOMA denied the liberty of the person protected under the fifth amendment of the U.S. Constitution.

After cycling through the District Court and the Court of Appeals, the case finally made it to the Supreme Court of the United States, where they found section 3 of DOMA unconstitutional by a 5-4 decision on June 26, 2013.¹ This decision now grants the states the right to decide whether or not to legally allow gay marriage, which could also be recognized for federal tax purposes.

This decision provided the gay community with the acceptance of basic human rights that were previously withheld from them. In addition, President Barack Obama released a statement in support of

striking down DOMA where he said, “The laws of our land are catching up to the fundamental truth that millions of Americans hold in our hearts: when all Americans are treated as equal, no matter who they are or whom they love, we are all more free.”² Obama’s statement showed his administration was supporting actions toward equalizing the rights of the gay community. Many Americans believe that this decision is a step in the right direction, however, we can extend even more rights to support homosexual individuals.

While helping the situation of gay couples in the United States, the overturn of DOMA surprisingly increased limitations on the gay community. There are new issues, which have never been considered regarding nursing home care, immigration, and estate planning. For example, “LGBT elders are more likely to be single, childless and live alone. They may rely on a ‘chosen family’ and be estranged from their original family. Accusations of elder or financial abuse and undue influence may be used against a same-sex partner or chosen family.”³ Prejudices can be used against gay individuals or they can be taken advantage of easily in the case of estate planning. Now, courts must learn how to cope with these “chosen families” and decide the rights for those individuals.

For example, if a chosen family housed a gay individual for safety,

must that individual compensate or reimburse those individuals for their actions? One of the main hardships with the overturning of DOMA is the essential creation of a new set of laws for many situations that the federal and district courts have yet to face. For every action there is a reaction. Although the LGBT community has made many strides in earning equal rights, many questions still remain unanswered.

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Religion v. Due Process

The Changing Attitude of Guaranteed Freedoms

By Hannah Fikar
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In February 2014, the Arizona legislature passed SB 1062 to amend the 1999 Religious Freedom and Restoration Act. The bill clarified several definitions from the previous Act.¹ These clarifications expanded the meaning of the word “person” to include “any individual, association, partnership, corporation, church, religious assembly or institution, estate, trust, foundation, or other legal entity.”²

The bill’s language expands the base for who can assert a claim of religious freedom. The key issue surrounds a person’s ability “to act or refusal to act in a manner substantially motivated by a religious belief,”³ and thus could permit subjective discrimination or other unfavorable behavior. Many citizens feared this bill, if not vetoed by Governor Jan Brewer, would justify discrimination of gays and lesbians.

Gov. Brewer indeed vetoed the bill in light of last year’s Supreme Court decisions regarding same-sex marriage. In *Hollingsworth v. Perry*, the United States Supreme Court Justices found the petitioners lacking the necessary standing to refute challenges to California’s Proposition 8.⁴ While that case concerned matters of due process, it brings to light new questions about discrimination also touched on by the Arizona bill.

Gov. Brewer’s comments about SB 1062 focused more on the due process aspects of the bill and less on the elements of religion. In a press conference just after the veto, she claimed that the bill failed to “address a specific and present concern related to religious liberty in Arizona” and

“could result in unintended and negative consequences.”⁵ She noted the parallel values of religious liberty and non-discrimination,⁶ stating that the two values remain equally fundamental.

With similar bills in the works, including a Kansas bill with analogous goals,⁷ religious freedom appears less important or less justifiable than discrimination and due process of law. The Kansas bill also allows any entity to refuse to “provide any services, accommodations, advantages, facilities, goods, or privileges”⁸ based on religious beliefs. Since the bill failed to reach the state senate, it provides another example of the potentially waning importance of religious freedom when compared to due process.

Since these types of religious freedom bills have been failing to pass despite laws forbidding same-sex marriage, due process appears more important or easier to justify. No remedy for discrimination without due process exists as it does with same-sex marriage, since the latter can rely on domestic partnerships and civil unions to provide many of the same benefits as marriage. For this reason, religious liberty bills may struggle to balance freedom of religion and due process, partly due to its increasing importance on both the state and national levels.

In sum, Arizona’s SB 1062 failed to pass amendments to an already existing act protecting religious freedom. Similar failures in other states, in line with the Supreme Court’s thinking in 2013 gay rights cases, highlight the importance of due process to protect against discrimination over the need for religious liberty. In line with the nation’s changing attitude about

gay rights, due process appears more important now than religious freedom. While some may feel a threat to their religious liberty by serving gays and lesbians in their establishments, the importance of due process seems to outweigh these beliefs in the public’s eye. If a person provides a service to the public, they cannot use their religious beliefs to only serve certain people.

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Asylum for the LGBT in the United States: *A Safer Haven*

By Marabi Madrigal
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Conditions in countries around the world are often inhospitable, and when citizens of a country are in danger and fear for their safety, asylum in the United States is an option sometimes extended to these immigrants. This is especially true for individuals of the LGBT community, who whether gay, lesbian, bisexual, or transgender face discrimination from their peers, their society, and many times, even their own families.

When a citizen of a country or one who does not consider themselves a citizen of any country feels he or she cannot protect themselves under the laws of that country, these people have the option of coming to the United States and applying for asylum. Under the Immigration and Nationality Act, this person would be considered a refugee if he or she is “unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”^{1 2}

Different court decisions have defined the exact meaning of persecution, but the broadest of categories that normally rise to the standard of persecution are those equivalent to: “Serious physical harm, forceful medical or psychological treatment, invidious

prosecution or disproportionate punishment for a criminal offense; serious discrimination and economic persecutions, serious criminal extortion or robbery.”³ For members of the LGBT community, who cannot be defined by a single race, religion, nationality, or political opinion, the main claim to asylum is the discrimination faced because of association with a particular social group.

According to United States Citizenship and Immigration Services (USCIS), in order for people to be eligible for asylum, they must be physically present in the U.S. and apply within one year after their date of entry, unless there is proof of extraordinary circumstances. Any person applying for asylum is responsible for providing clear and credible testimony, which can often be enough to prove a case, but must provide any documentary evidence if available.⁴

In the case of an LGBT individual, the applicant must establish that independent of all other factors, the reason he/she was targeted was primarily because of their “membership” to the LGBT community. Latin America, for example, is riddled with drug and gang-related activity, and all incidents of violence and discrimination an individual suffers must be because of status as an LGBT individual, as opposed to being mere victims of the systemic unsafe country conditions that plague all individuals. To demonstrate systemic discrimination or a pattern of discrimination against

LGBT individuals, the applicant must provide proof that pervasive persecution exists, and that future persecution will continue, which is often demonstrated by the inability to safely relocate to another area of the country of origin.⁵

As the number of LGBT asylum applications has more than tripled since 2003, courts have adjusted to meet the needs of these individuals, but have also narrowly defined the definition of persecution, which can often exclude individuals and force them to return to the inhospitable home country conditions they were seeking to escape.

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Stop and Frisk Policy

Constitutional or Not?

By Sydney Fondots

SMG '14

The stop-and-frisk technique, made famous, or perhaps infamous, by the New York City Police Department, has come under intense scrutiny over the past year. Stop-and-frisk is when officers search for guns, drugs, and other contraband items on suspicious individuals who they believe to pose a potential threat.¹

Members of the Black and Latino communities, however, feel they have been unfairly targeted, and the

in the *Terry v. Ohio* case.³ According to Judge Scheindlin, the police were using a “policy of indirect racial profiling” when conducting searches because to police, minorities seemed like “the right people” to stop. Specifically, Judge Scheindlin cited the Fourth Amendment, which protects Americans from “unreasonable searches and seizures by the government.” Furthermore, she concluded it violated the 14th Amendment, which provides equal protection for everyone, despite race, gender, religion, etc. Therefore, she ordered police to start wearing body cameras to record encounters with people being searched in order to ensure racial profiling was not occurring.⁴

“Judge Scheindlin ordered police to start wearing body cameras to record encounters with people being searched in order to ensure racial profiling was not occurring.”

data supports their claim. According to the American Civil Liberties Union of New York, 56% of New Yorkers stopped were Black, and 29% were Latino. Besides the fact that minorities might be intentionally targeted, the effectiveness of the program is also unclear, considering a reported 88% of people stopped were innocent.² However, New York City has also seen dramatic drops in murder and other crime rates over the last decade. Therefore, there are doubts about whether the benefits of the program outweigh the harmful results, which is making minority New Yorkers feel as though they are being treated unjustly. This controversy over whether stop-and-frisk is fair, and more importantly, constitutional, is what caused the stop-and-frisk policy to first be tried in court.

The constitutionality of stop-and-frisk was first contested in U.S. District Court in August 2013. The attorney representing the New York Police Department argued that the technique has caused the city to see some of its lowest crime rates in years. Additionally, they attempted to justify the disproportionate amount of minorities stopped by citing the fact that the majority of crimes committed in New York are done so by young Black and Hispanic men. In the end, the judge, Shira Scheindlin, did not find the idea of stop-and-frisk itself to be unconstitutional, but rather she believed the way in which police were targeting minorities for searches was inconsistent with the freedoms provided by the U.S. Constitution.

Apparently, the constitutionality of stop-and-frisk itself had already been decided by the U.S. Supreme Court in 1968

Due to the strong belief by Mayor Bloomberg, Police Commissioner Kelly, and the NYPD that stop-and-frisk should not be changed, the City of New York decided to appeal Scheindlin’s decision. Thus, in October 2013, the Court of Appeals for the Second Circuit rejected Scheindlin’s decision on the grounds that she was not impartial. Now, the changes set forth by the judge are being delayed, thus the city is continuing the program as it was before, especially since the case has not yet been closed. In the meantime, the City’s government, now under the new Mayor Bill de Blasio, has agreed to follow the reforms set forth by Scheindlin’s decision.⁵

The constitutionality of the New York City Police Department’s controversial stop-and-frisk policy has not yet been formally decided. One might believe that if it has been correlated with a drop in the city’s crime rates and the idea of stop-and-frisk was already ruled as constitutional in 1968, then it should be continued. On the other hand, another possible point of view is the fact that innocent people are being stopped and hassled just because of their race is discriminatory. Therefore, the final decision in this case is difficult to predict, especially since de Blasio is a critic of the program and will likely push to change future rulings.

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Balance the Imbalance: US v. UK Libel Law

By Katherine Peluso
CAS '15

The American legal system is comprised of many levels of codified and un-codified practices of law.¹ Though many facets of the U.S. legal system heavily rely upon ancestral common law,² there is one area of the American legal system today that has forged a new path — libel. Libel and slander are grouped under one larger umbrella of defamation law — libel being the publication of false statements, while slander is a spoken false statement damaging an individual's reputation.

Though the First Amendment to the Constitution traces its roots back to English Common Law, years of modification have distinguished it from its English origins.³ These changes have made libel law one of the more difficult fields to practice in U.S. courts.

In 1960, the New York Times ran a full-page advertisement criticizing the police department of Montgomery, Alabama.⁴ Montgomery Police Commissioner L. B. Sullivan was outraged by the attack and decided to sue the paper over reputation damages outlined under U.S. libel laws. When it turned out that some of the ad's claims were false, the Alabama Supreme Court ruled in favor of Sullivan. This led the NYT to appeal the case to the U.S. Supreme Court (*New York Times Co. v. Sullivan*).⁵ There they argued that the ad had not intended to hurt Sullivan or the police department's reputations, and that the newspaper was protected under its First Amendment rights. The Times subsequently won its case, adding a new clarification to the First Amendment stating that "in order to prove libel, a public official must show that what was said against them was made with actual malice."⁶

This "proven malice" gives an advantage to the defense in a U.S. libel case. In order to prove actual malice, prosecutors must corroborate that libel's source knowingly asserted false statements about the claimant with a reckless disregard for the truth and with the intention of substantially damaging the claimant's reputation.⁷ U.S. libel laws have set a very high bar for a claimant's case because in order to prove actual malice, they require plaintiffs to testify against the defendant's state of mind regarding their "intentions," which can be highly speculative.

On the other hand, British Common Law is governed by very different standards regarding libel. Traditionally, Common Law has supported the right to reputation more intensely than the freedom of speech and press. In recent years, articles have come out criticizing British libel laws in regard to the freedoms of speech and scientific debate. A 2009 article in *The Guardian* argues that "In a democracy...laws should encourage, not penalize, vigorous debate and investigative reporting...lawsuits are stifling the spirit of inquiry...British libel laws claim almost universal jurisdiction."⁸

Parliament responded to these attacks by drafting the "Defamation Act" in 2013. It aims to readjust imbalances in defamation laws and "to ensure that a fair balance is struck between the right to freedom of expression and the protection of reputation."⁹ The new requirements ensure that claimants must show the level of seriousness before suing for defamation. The Act also introduced a new defense for "responsible publication on matters of public interest," meaning that published information affects public opinion, and those defamation claims may be dismissed.¹⁰

The balance board tips from end to end between libel laws in the U.S. and U.K. The U.S. tips toward a defendant's case making proof of intent difficult to corroborate, while the U.K. tips towards a plaintiff's case. These imbalances in the scales of justice suggest that perhaps it is time for both legal systems to re-converge on this point and create equilibrium between the freedom of speech and the protection of reputation. Both the defendant and claimant in a defamation case should be fairly represented by each nation's legal standards governing libel and slander suits — the scales of justice must not be imbalanced.

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Defining a Parent in the Eyes of the Law

By Merissa Pico
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In 2011, the South Carolina Supreme Court removed a two-year-old, “Baby Girl,” from the care of her adoptive parents’ home.¹ They were the only parents the girl had ever known. Yet the Court decided to award custody to her biological father, even though he had previously relinquished his parental rights and made no financial contributions during the pregnancy to support the biological mother, to whom he was not married.²

The girl’s adoptive parents provided both financial and emotional support to the biological mother during her pregnancy.³ They also cared for, supported and raised the child for two years. After Baby Girl’s birth, the biological mother relinquished her parental rights and consented to the adoption.⁴ The adoptive couple then served the biological father with a notice of pending adoption, and the biological father filed for a stay of the adoption proceedings, sued for custody, and won.⁵ Seeking to overturn the State’s decision and regain custody of the child, the adoptive couple appealed to the United States Supreme Court in 2013. In *Adoptive Couple v. Baby Girl*, the Supreme Court ultimately decided in favor of the adoptive couple in a narrow 5-4 decision.⁶

Under South Carolina State Law, a biological father does not have the right to object to an adoption, as his consent is not needed if he provided no financial support during the pregnancy.⁷ In this case, however, the biological father is a member of the Cherokee Nation, and Baby Girl is 1.2% (3/256) Cherokee, making

him a “parent” under the Indian Child Welfare Act of 1978 (ICWA).⁸ Thus, “Baby Girl” and her father are made subject to the laws under the ICWA, which bars termination of parental rights unless there is evidence that serious harm to the Native American child is likely to result from the parent’s “continued custody” of the child (25 U.S.C. 1912 (f)).⁹ Additionally, the Act requires remedial efforts be made to prevent the “breakup of the Indian family,” (1912(d)), while providing preferences for adoption of Indian children to extended family, members of the tribe, and other Indian families, (1915(a)).¹⁰

Supreme Court Justice Samuel Alito delivered the majority opinion of the Court’s ruling, arguing that the biological father did not qualify for protection under the ICWA, stating that it calls upon the “parent’s ‘continued custody’ of the child.”¹¹ In this case, the Court found that the biological father never had custody of the child in the first place, as he relinquished his rights before the birth, and “made no meaningful attempts to assume his responsibility of parenthood.”¹² Therefore, “continued custody” fails to exist, as there is the absence of pre-existing legal or physical custody. According to Alito, the ICWA was being misused, because this was a voluntary and lawful adoption initiated by non-Native American parents.¹³ Adversely, the ICWA’s purpose is to stop the dissolution of Native American families, which was not the case here.

In her dissenting opinion, Justice Sonia Sotomayor called the majority ruling’s opinion an “illogical piecemeal scheme.”¹⁴ Justice Sotomayor further argued that the majority’s interpretation of the statute

was too narrow in its definition of the isolated phrase; “continued custody.” Such a definition excludes all parents who have never had physical or legal custody of their children, regardless of their commitment as a parent.¹⁵ In her broader interpretation, Justice Sotomayor stated that the biological father had clearly qualified as a parent under the ICWA, which defines a parent as “any biological parent... of an Indian child.” §1903(9).¹⁶ She went on to say that the majority incorrectly extends the prior custody logic to the other sections of the bill, where Justice Sotomayor argued it did not apply. This then isolates the ICWA to only apply to a certain subset of parents: those who have had previous custody of the child. This exclusivity defeats the purpose of the bill, which is to keep Native American families intact.

Adoptive Couple v. Baby Girl is a landmark decision, as it sharpened the definition of a “parent” and called attention to the obstacles of dealing with federal law in conjunction with state law. Finally and most importantly, the decision sets the precedent for future Native American children custody cases; and on a more personal level, it awarded the adoptive couple custody of Baby Girl, whom they raised since she was born.

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Uganda's Anti-Homosexuality Law

By Ivana Bikombe
CAS '16

On February 24, 2014, Ugandan President Yoweri Museveni signed the now notorious Anti-Homosexuality Bill into law. The law makes same-sex relations in Uganda a criminal offense.

The “Kill the Gays Bill,” as it was once referred to, has been a source of controversy since its introduction in 2009. Prior to signing, it was dubbed the “Kill the Gays Bill,” as it sought the death penalty for certain acts of homosexuality, such as “aggravated homosexuality.” Protests from both LGBT groups in Uganda and in the international community eventually led to the clause being removed, but the name stuck with the bill.¹

in the engagement of gay sex.²

While the new law provides a legal penalty for homosexual acts, the LGBT community in Uganda also faces severe discrimination in the country. Occasionally, the community is threatened with violence. Even before the bill’s passing, LGBT Ugandans have feared for their lives. With the passage of this bill, many “closeted”

serious problems for Ugandan citizens, passage of the new Act has also created some potential issues for the whole of Uganda. With the passing of the bill, many international organizations that had been assisting Uganda have been inclined to withdraw financial support as a means of protesting the law. This loss of support, which Uganda has relied on for years, will have a negative impact

“Many will be unable to find homes, as the law has made it illegal to even rent apartments to those who are suspected to be gay.”

The new Act goes into specific details regarding the many legal repercussions convicted persons can face if they commit a homosexual act. One of the more serious punishments is life in prison, which can be doled out for a variety of offenses, including having gay sex with a minor or having sex if one is HIV positive. Many punishments from the pre-existing laws, however, have also remained intact. These include life imprisonment for anyone involved in a same-sex marriage, as well as anyone caught

homosexual Ugandans have been outed in the media, putting them in harm’s way. Making LGBT support and education providers subject to punishment by law has created a situation in which members of the LGBT community are now less able to safely access healthcare as well as other health-related resources. Many will not be able to even find homes to rent, as the law has made it illegal to even rent apartments to those suspected to be gay.³

While the bill has created

on the economy while leaving the government in turmoil over how to fix these problems.⁴

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Sexual Assault: *Injustice in the Middle East*

By Ian Rollins
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Amina al Filali was forced by her family to marry the man who raped her, after being advised by the prosecutor that it was a preferable option over pursuing her rape case. Seven months later, in March 2012, after being disowned by her family for complaining of physical abuse at the hands of her husband, Amina drank rat poison and died. She was just 16 years old.¹

Following her death, protests erupted and public outcry demanded that the Moroccan government repeal Penal Code Article 475, which allowed rapists to escape punishment if both sides agreed to a marriage between victim and attacker.² The legal age for marriage in Morocco is 18,³ notwithstanding that, judges can grant exceptions for minors in special cases.⁴ Amina was pressured into marrying her rapist husband as a “special case.” The protests and international coverage resulting from Amina’s death ultimately led the government to repeal Article 475 almost two years later, in January 2014.⁵

This story, while tragic, is one that is fairly common for victims of sexual assault in the Arab world. Another example of this happened six years prior to Amina’s death, when a 19 year-old woman was gang-raped outside her village in Eastern Saudi Arabia. She and a male friend, whom she had gone to meet, were held at gunpoint and driven to an isolated location, where seven men sexually assaulted the woman.⁶

In court, the rapists were punished. The woman, however, was surprised when she herself was sentenced to 90 lashes.⁷ Her sentencing was later increased to 200 after she and her husband attempted to use the media

to influence the case and she admitted to an extramarital affair.⁸ King Abdullah of Saudi Arabia only agreed to save the “Qatif Girl” by granting a pardon in December 2007 following nationwide protests and international condemnation.⁹

Unlike Amina al Filali and the Qatif Girl, victims of rape in the United States generally receive much better treatment from the courts. They are seen only as the victim in the eyes of the law. Under federal law, women’s rights pertaining to sexual assault take form in the Violence Against Women Act (VAWA), first signed into effect in 1994.¹⁰ The Act was an attempt by the Federal government to “improve the criminal justice response to violence against women” through a variety of ways, including providing better protection for victims and holding assailants accountable for the crimes they committed.¹¹ Also, each state is permitted to enact its own laws regarding the protection of victims of sexual assault and how they, and their attackers, are to be dealt within the courts. All of these state laws, however, recognize the victim as the wronged party.

There was a time in the United States when the climate surrounding a woman claiming rape was to blame the woman, assuming that the woman somehow had “asked for it.”

Rape victims did not receive much sympathy from the courts, as the blame was put on them and not on the perpetrator of the crime. Those days, however, are long gone, and victims of rape are recognized as just that — victims. It is a terrific shame that the same cannot always be said in the Arab world; it will take some time for these countries’ laws to evolve to protect the victims of rape and sexual assault.

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Bellum pro Humanitate?

Killing or Letting Die

By Ramzi Nia
CAS '15

The concept of humanitarian intervention gradually emerged into international legal discourse as a consequence of the atrocities of the Biafran War in Nigeria. From 1967 to 1970, Nigeria was plunged into a civil war due to a secession movement led by the Igbo People.

In the beginning of the war, humanitarian assistance was organized under the banner of the Red Cross and UNICEF along with other Non-Governmental Organizations (NGOs) through airlift operations and with the promise of neutrality and equity regarding the provisions of food supply.¹ The Nigerian government, however, soon forbade the airlift to Biafra. Media hype was then organized along with dissident organizations such as Oxfam to denounce the “genocidal” situation, which ultimately allowed the Red Cross to reinstate the airlift. This reckless decision was widely recognized as an ignominious fiasco, which occasioned about 180,000 deaths.² The omerta that was then observed by the NGOs was shattered by a group of French Doctors, who in 1971 founded Médecins Sans Frontières. These ambitious doctors were convinced that the fate of the Biafrans would have been worse without such “valiant” dissidence. They laid the groundwork of what would be referred to as *le sans-frontiérisme*—the doctrine that advocates the virtue of interventionism and that would pave the way for a new alliance between the UN and NGOs.

In June 1977, the Protocol Additional to the Geneva Conventions of 1949 (Protocol I) brought certain innovations to international law. It stipulated in paragraphs one and

two that any relief actions with an impartial humanitarian dimension would not be considered a hostile act or interference in armed conflicts and would, therefore, be allowed by the armed forces of both parties.³ The insufficiency of this protocol eventually lead to further policy changes. In December 1988, the General Assembly adopted the Resolution A/RES/43/131, which appealed “to all States to give their support to these organizations working to provide humanitarian assistance...to the victims of natural disasters and similar emergency situations.”⁴ Eventually, other resolutions authorized emergency corridors, thus granting more power to the advocates of humanitarian intervention, but without conceding an explicit right to intervene.

This legal loophole has permitted counter-restrictionists to dexterously argue in favor of a right to intervene by referring to the vagueness of customary international law and the UN Charter.⁵ Counter-restrictionists usually resort to the Chapter VII of the UN Charter to launch a humanitarian, or even a military intervention, once serious violations of human rights had been proved to endanger the international peace and security. Other counter-restrictionists argue that customary international law is the only legal basis that one can use to make a case for such interventions. Unlike the universal principle of peremptory norm (*jus cogens*), it is the state practice of a rule that determines its customary norm. International jurists refer to it as *opinio juris*.⁶ Such counter-restrictionists have, indeed, many precedents that can appealed to if they ever need to legitimize their warlike actions.

The apostles of interventionism have also made a moral case for the right to intervene. They justify the necessity of interference when the

individuals of a society are deprived of basic protections, which are in principle insured by sovereign states. Therefore, failure to provide such protection strips nation-states of their legitimacy and sovereignty, which further consolidates the theory of a “just war.” This concept was initially theorized by Hugo Grotius – a Dutch jurist – in his book *On the Law of War and Peace*, published in 1625. He demonstrated that war violates the natural law that applies to all individuals and nations. To Grotius, war could only become legitimate and legal if it is waged for a “just” cause such as the protection of populations, or the sanctioning of states that encroach on fundamental laws. Grotius wanted to develop an ethic of war that would integrate the human variable into any bellicose equation. Regrettably, the crusaders of the “just” causes have rarely served his ideal. Instead, they engaged in the pursuit of national interests through the design of imperialist policies based on cultural and economic preferences. Thus, one could easily question the veracity of the concept of “just” war. War is one of the two instruments of power along with language or speech. When the political discourse no longer resonates, cannons make it so. As it was said by Niccolò Machiavelli, “there are two methods of fighting, the one by law, the other by force: the first method is that of men, the second of beasts.” Warfare is an instinctual aspect of human nature, but more importantly, it “is merely the continuation of policy by other means.”⁷

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The Merits of Net Neutrality

By Andrew Keuler
CAS '17

The Internet is a vital component of modern life, affecting everything from how we communicate to how we conduct business. In the Internet market, individual consumers, businesses and content providers such as Google or Netflix pay Internet Service Providers (ISPs) like Comcast or Verizon to use the Internet.

Until recently, the Federal Communications Commission (FCC) enforced a regulatory concept called Net neutrality on the Internet. Net neutrality is “the restriction that Internet service providers cannot directly charge content providers for access to consumers.”¹ Under Net neutrality, your ISP cannot charge Google for the ability to provide its content to you. Likewise, you cannot be charged extra money by your ISP to access the content of a particular website. According to the FCC, “the goal of net neutrality is to ... ensure that no one can restrict innovation on the Internet.”² In short, the rationale for Net neutrality is to create the proper environment to allow for innovation through development of new Internet content.

In the recent case of *Verizon v. FCC*, which was decided in January 2014, the Washington, D.C., U.S. Court of Appeals agreed with Verizon and ruled that the enforcement of Net neutrality by the FCC constituted overreaching by the FCC given its established regulatory framework.³ Net neutrality would no longer be required in the Internet market. Given this judicially mandated change in policy, we should consider whether better outcomes can be achieved in

the Internet market and in society as a whole with or without Net neutrality.

In the absence of enforced Net neutrality, ISPs that serve residential consumers can charge content providers such as Google or Yahoo more for the ability to provide their content to consumers at a reasonable speed. This would raise costs for firms that want to develop content on the Internet, making it harder for small startup firms to enter the market and therefore stifle innovation. Large Internet firms such as Google or Yahoo would be less-threatened by Internet startups and could become even more powerful. ISPs could also raise prices on consumers, decreasing the number of consumers who will pay for Internet access.

On the other hand, the extra revenue ISPs receive from content providers could lead to lower prices and expand their customer base. The infrastructure necessary to offer Internet access to customers is expensive; an expectation of greater profits might justify to ISPs the cost of expanding this infrastructure and bring more consumers online. Furthermore, eliminating Net neutrality has the possibility of increasing efficiency of the Internet by prioritizing the speed of data transfer. Those who need to transfer information quickly will pay more to do so and those who do not, will not.⁴ Whether Net neutrality improves or worsens outcomes for society depends on various factors.

Nicholas Economides and Joacim Tag, two economists who specialize in information economics, confirm this uncertainty. They found that “in general network neutrality can both increase or decrease total surplus, which means that Net neutrality can

either make society economically better or worse off, again depending on the particular circumstances.”⁵ Given this uncertainty, some would argue that preference should be given to the avoidance of Net neutrality regulation until it can be proven to be necessary and effective.

This argument does not hold water, however, because no government regulation can be definitively proven to be the best solution. The prospect that Net neutrality might mitigate behavior by ISPs that could stifle innovation is compelling. While optimal outcomes might be more likely in the short-term without Net neutrality, past experience has shown the innovation that Net neutrality allows for often leads to better outcomes in the long-term. Ultimately, however, more research must be done to determine whether Net neutrality is the appropriate regulatory schema for the Internet. In the meantime, however, the FCC ought to consider whether it should rework its regulatory framework so as to be able to legally enforce Net neutrality and possibly avoid the unnecessary stifling of Internet innovation.

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Bitcoin and the Law: A New Frontier for the Digital Currency

By Dustin Vandenberg
CAS '15

Bitcoin has captured the world's attention. It is a new currency, unattached to any government, and based purely on cryptographic protocols and online exchanges.

However, with its unregulated nature, Bitcoin has brought up a range of legal questions, which will take time to sort out both within the United States and abroad. The ways in which Bitcoins can be seized, tracked, and sold legally are in the process of being clarified, as new court cases promise to provide guidance on the legal future of digital currency.

Before examining the legal precedent and current cases dealing with Bitcoin, it is important to understand the general principles under which Bitcoin operates.

Bitcoin is a digital currency, which was introduced in 2009. Besides paying various online vendors with Bitcoins, people can also use them as an investment device. Investors may purchase Bitcoins with the hope that their monetary value will increase, much like any other currency. The currency is based on complicated calculations related to cryptography, which controls the rate at which new Bitcoins are created and distributed; for this reason, it is commonly called a crypto-currency.

Essentially, Bitcoin "miners" can verify and record all payments made using Bitcoins in a large public ledger referred to as a "block." The process of verifying this ledger takes a large amount of computing power. Various miners compete for each "block," attempting to be the first to

successfully verify the block. The first person to verify that "block" is awarded 25 Bitcoins, which, depending on the value of Bitcoins, could be worth many thousands of dollars.¹ These coins can then be exchanged on various Bitcoin exchanges online for hard currency at rates, which depend on the market value of Bitcoins at that time.

While the concept of Bitcoin is rather straightforward, there are many legal questions that come with an unregulated, digital currency. Current laws on counterfeiting currencies under Title 18 U.S.C. §§470-483 and 485-489 do not currently apply to digital currencies.² This is because these laws relate to counterfeiting of money, which is backed by the U.S. government or a foreign entity. Because Bitcoins are not connected to any government, there is no central authority to prevent their counterfeiting. In addition, because Bitcoins are exchanged by websites that do not directly involve any financial institutions, the taxability of Bitcoins is also an unclear legal area. One of the primary incentives of Bitcoin use is its anonymity, which disables the ability of the IRS to track and tax digital income.³ However, this is not to say that the U.S. government has no authority to regulate Bitcoins when they are related to illegal activity (like the purchasing of drugs online). The FBI has been active in exercising its authority to seize Bitcoins as part of investigations, as they currently own 5% to 10% of all Bitcoins.⁴

This highlights the lack of clarity with how Bitcoins are treated by the U.S. government; on one hand, they are outside the scope of counterfeiting and tax laws, while on the other hand, they remain subject to seizure in the case of criminal investigations.

One particular case has the potential to define the future of Bitcoin

exchanges, as it relates to the liability of the exchanges for the protection and tracking of transactions. One of the largest Bitcoin exchanges, MtGox, was attacked and robbed of about 850,000 Bitcoins (valued around \$468 million). This attack stems from a vulnerability in the design of MtGox's Bitcoin sale and transfer software, rather than any aspect of the Bitcoins themselves⁵; however, the attack still jarred the confidence of investors in Bitcoin as a viable currency. A new class-action suit has been filed against MtGox, the decision of which has the potential to clarify the questions of who is liable for the protection of Bitcoins, and to what extent Bitcoin be trusted as a valid currency. The claimants argue that MtGox was not only negligent in protecting the Bitcoins, but actually was involved in a conspiracy to illegally transfer coins and use the vulnerability as a means to cover their tracks while declaring bankruptcy.⁶ This suit can impact the ways in which exchanges must report their activities and findings to the federal government, which is a cornerstone to the viability of Bitcoin as a long-term investment. Without the security of knowing that exchanges can be trusted, it is hard to tell what future scandals may drastically alter the Bitcoin market, creating an extremely volatile currency.

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THE FREE MARKET AT WORK: LIBOR RIGGING AMONGST THE TOP WORLD BANKS

By Daniel Rollins
CGS '14, CAS '16

Many people claim that society today is run by one thing: greed. Individuals and corporations alike are willing to do whatever is necessary to make a “quick buck.” In the West, the most clear-cut example of this greed is seen in the current Libor rigging lawsuit *Federal Deposit Insurance Corporation, et al. v. Bank of America Corp, et al.*

The aforementioned suit, filed on the March 14, 2014, claims that 38 failed banks were defrauded by some of their larger international counterparts. The Federal Deposit Insurance Corporation (FDIC) has taken up the case for these banks by filing suit in the Federal District Court of New York against 16 multinational banking conglomerates, including Bank of America, Citigroup Inc. and Barclays PLC.¹ If found guilty, these banks will be convicted of manipulating the Libor benchmark, which affected countless securities worldwide. The London Interbank Offered Rate, identified by many as Libor, has allegedly been used in manipulating the market in favor of these big banks, using this benchmark to turn a profit and trade it off at an advantageous price. The FDIC claims that from 2007-2011 the organizations sitting on the U.S. dollar Libor panel were collusively suppressing U.S. Libor rates.² In order to fully understand the gravity of the situation one must start by first understanding the significance of the Libor rate.

Libor rates, essential to short-term lending, are a benchmark estimated by the leading financial institutions in London. They allow other banks to borrow funds from the London interbank money market. To be more

specific, these rates are determined by the Thomson Reuters data collection service, where each morning global banks submit their borrowing costs to this collective agent, who then calculates Libor by discarding the highest and lowest 25 percent of submissions and then averages the remaining rates.³ Additionally, there are numerous Libor rates for the various currencies that flood the international market, in particular U.S. dollars. For that reason it is used as a point of reference by U.S. capital markets to determine the maturity dates – the final payment date for a financial apparatus – for each benchmark interest rate. The extent of these maturities can range anywhere from as suddenly as overnight to as long as one full year. Undoubtedly, by trading Libor rates at a lower cost, many of these banks’ balance sheets gave the illusory impression that estimated figures were much healthier than they appeared to be. This, in turn, has resulted in the bolstered prices of bonds and other securities.⁴

In a statement released by the FDIC, a spokesperson claimed “the global financial institutions broke certain swaps contracts they had entered into with the now-closed banks, by separately colluding to rig the Libor rate to which the contracts were tied.”⁵ Elaborating on the allegations, the plaintiffs claim that they were charged extensive fees for Libor-based products in return for lower interest payments from the defendants. In doing so, they faced substantial losses, which ultimately resulted in their dissolution. The defendants’ actions supposedly affected investors as well, and as a result, the investors are suing with the claim that they lost money as a result of the defendants’ actions. That being said, the federal judge hearing the case prior to it coming to the Supreme Court dismissed many of the

investor’ claims, as they were based in antitrust law. In support of that lower court decision, Stephen Breyer, the Associate Justice of the Supreme Court, validated that decision by stating, “Allowing an antitrust lawsuit would threaten serious harm to the efficient functioning of the securities market.”⁶

So far, a few banking institutions, including Barclays PLC and UBS, have paid around \$6 billion to resolve criminal charges in the U.S. and Europe. On a more positive note, there have been reforms to curb this type of behavior by banks, such as it is now a criminal offense in the United Kingdom for one to deliberately make false or misleading statements in relation to benchmark-setting under the Financial Services Act 2012.⁷ As of 2014, Euronext will be taking over the reins of the administration of Libor from the British Bankers Association, which should help stop the situation from occurring again.

Clearly there was harm done. From investors to small banks, many were affected on some level or another. Nevertheless, the world will be watching closely to see if any criminal activity can actually be linked to these large banking institutions.

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Living and Dying Under Death with Dignity

Intepreting the laws in Oregon, Washington, and Vermont

By Ryan Knox
SAR '16

As the title for an end-of-life care program, "Death with Dignity," conveys both fear and honor. Physician-assisted suicide, also called physician-aid in dying, has been a point of controversy in the United States since the case of Dr. Jack Kevorkian in 1990, and it continues to play a role in medical ethics today.¹ Despite the moral debate, three states (Oregon, Washington, and Vermont) have passed laws legalizing physician-assisted suicide and protecting physicians who comply with set standards.^{2,3,4} By analyzing both the laws and the outcomes of the programs in Oregon and Washington, we can predict the possible results in Vermont, where the law was passed in 2013.

The current Death with Dignity programs permit only passive physician involvement, whereas Dr. Kevorkian actively assisted patients. The physicians in Oregon, Washington, and Vermont are only allowed to prescribe a lethal dose of medication to a terminally ill patient for self-administration.⁵ By removing active physician involvement, the laws differentiate Death with Dignity programs from illegal acts, including mercy killing, euthanasia, or lethal injection.⁶

The laws in all three states set eligibility qualifications for physician-assisted suicide. Patients must be 18 years old or older, a resident of the state, diagnosed with a terminal illness, and competent, or informed

and capable of making medical decisions. The doctor must diagnose the patient, check for mental illnesses that could inhibit the patient's ability to make informed decisions, and verify diagnoses with another physician. If either physician deems the patient incompetent, a licensed psychologist or psychiatrist must evaluate the patient.

To ensure informed consent, the physician must explain the risks of the medication, the probable result, and alternative treatments, including hospice care and pain control. The laws require that the physician recommend the patient notify their family and stress the patient's right to change their mind at any time during the process. The process requires an initial verbal request, a second verbal request after a 15-day waiting period, and a written request signed by two witnesses. At this time, the doctor must wait a minimum of 48 hours before writing the prescription. The patient can then choose when to take the medication. The laws also allow families to receive life insurance, which is not always possible in some cases of suicide.

The intent of these laws is a topic of much confusion; while they define physician-assisted suicide and make it possible for a terminally ill individual to obtain a lethal prescription, the main purpose is to protect physicians who prescribe the medication. While physicians are not required to provide prescriptions for physician-assisted suicide, those physicians who act in compliance with these laws, either providing care or information, cannot be charged criminally or be punished by employers or the licensing boards.

These statutes limit physician-assisted suicide to terminally ill patients and protect them from being forced into physician-assisted suicide. Two studies in *The New England Journal of Medicine* found that participation in the program was not widespread, but was viewed positively.^{7,8,9} Between 1998 and 2007, only 541 people in Oregon received a lethal prescription through the Death with Dignity Program, and only 255 individuals in Washington did so between March 5, 2009, and December 31, 2011. These accounted for only a small percentage of the deaths in the state, and families surveyed responded positively to the program. Although the results of the Vermont legislation have not been reviewed, the laws in Oregon and Washington provide examples of a positive implementation of Death with Dignity.

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E-cigarettes: Public Health and Regulation

By Martin Yim
CAS '17

Recent News:

The Philadelphia Mayor has signed a bill banning e-cigarettes in indoor public places.

On December 19, 2013, the New York City Council passed a new measure to add E-cigarettes to the city's Smoke-Free Air Act.¹ The E-cigarette, otherwise known as the electronic cigarette, is an alternative to smoking traditional cigarettes. It is a smokeless device that heats a vapor containing nicotine, flavoring, and other chemicals such as propylene glycol (used in fog machines) that create the appearance of smoke.² The E-cigarette is relatively new to the market and has begun to attract attention from both smokers and regulators.

Many municipalities and states in the United States have added E-cigarettes to existing smoking regulations.³ Outside of the United States, Britain has taken steps to regulate the sale of E-cigarettes to young people for public health reasons, while other countries have followed suit with various other types of regulations.⁴

The Family Smoking Prevention and Tobacco Control Act of 2009 gave the FDA the authority to regulate tobacco products and dictate what products are under its jurisdiction, which now includes E-cigarettes. The FDA website explains there have not been enough studies to understand the full public health implications that E-cigarettes will have, and that only E-cigarettes labeled as being for "therapeutic purposes" are currently under regulation. The FDA plans to extend regulation to all E-cigarettes in the near future.⁵

Preventing issues such as lack of oversight in the production of E-cigarettes and other consumer safety concerns are factors in the FDA's push towards regulation. Researchers discovered that during use of one brand of E-cigarettes manufactured in China, nano-particles of tin found their way into the vapor, suggesting poor quality control.⁶ Regulations expected

to be proposed by the FDA could include basic regulations on the construction of the E-cigarettes and the nicotine liquids, as well as sales restrictions such as Internet sales bans or age restrictions on purchases that resemble normal cigarette regulation.

Critics of stricter regulations believe E-cigarettes are a safer alternative to smoking, while advocates for stronger regulation are concerned that E-cigarettes could become a public health hazard resembling cigarette usage.⁷ E-cigarettes are an emerging product and the debate over their public health impact and whether there is a necessity for regulations to treat it like traditional smoking will be an ongoing issue as E-cigarettes become more widespread.⁸

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CETACEAN SAFETY: The Movement for their *Freedom*

By Daniella Young
CAS '14

Largely influenced by the popular and critically acclaimed documentary exposé *Blackfish*¹, released at the Sundance Film Festival in January 2013 and to the American public the following July, the growing movement surrounding marine mammal rights is gaining traction with U.S. lawmakers.

California Assembly member Richard Bloom (D-Santa Monica) recently introduced the California Orca Welfare and Safety Act. If passed,

Bloom posited, in a written statement to David Kirby, journalist and author of 'Death at SeaWorld,' "there is no justification for the continued captive display of orcas for entertainment purposes." Ahead of a press conference, Bloom declared "these beautiful creatures are much too large and far too intelligent to be confined in small, concrete pens for their entire lives. It is time to end the practice of keeping orcas captive for human amusement."⁶

Similar, though less effective efforts have been made to outlaw the captivity of marine mammals in the U.S. In 1992, South Carolina made it

are less than one ten-thousandth of one percent the size of the species' natural home range," shared Dr. Rose.⁸

Besides prohibiting the public display of orcas, the bill would require orcas currently in captivity in California to be retired to sea pens. The only orcas in captivity in California are owned and kept by SeaWorld San Diego. Of these 10 orcas, seven were born in captivity and cannot be expected to survive in the open sea. The legislation dictates that they would be permanently retired in a netted-off sea-pen sanctuary the public could visit.⁹

"Typical orca enclosures are less than one ten-thousandth of one percent the size of the species' natural home range."

Dr. Naomi Rose
Marine Mammal Scientist

the act would make it illegal to "hold in captivity, or use, a wild-caught or captive-bred orca for performance or entertainment purposes."² It would also ban the capture of orcas in California's waters, the import and export of orcas in and out of the state, and the artificial insemination of orcas.³ Violators would be punished with a \$100,000 fine and/or up to six months in prison.⁴

The Act (Assembly Bill 2140), introduced on March 7, 2014, would be the first of its kind in the United States. At least five other countries, including Chile, Costa Rica, Croatia, Hungary, and India, have outlawed all cetacean captivity.⁵

illegal to hold dolphins and porpoises in captivity, and in February 2014, New York Sen. Greg Ball (R-Carmel) introduced a bill to ban Orca captivity in that state. Since California has many more orcas than South Carolina and New York, the California bill would have a far greater impact on the future of captive marine mammals.⁷

Bloom was assisted by Gabriela Cowperthwaite, the director of *Blackfish*, and Dr. Naomi Rose, marine mammal scientist at the Animal Welfare Institute, in writing the bill. They also joined him at a press conference on the Santa Monica Pier to announce it and explain its importance. "Typical orca enclosures

The act would not apply, however, to orcas held for rehabilitation or research.

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Cape Wind Blows Away Opponents

Recent News:

Cape Wind has successfully fought off lawsuits and plans to start construction

By Stella Sy
SMG '16

Cape Wind will be America's first offshore wind farm, on Horseshoe Shoal in Nantucket Sound, pending construction. Some funding has been secured for this project and government regulations have been followed; however, the Alliance to Protect Nantucket Sound, an umbrella group for dozens of Cape Wind opponents, has filed lawsuits against Cape Wind. The several lawsuits were a challenge for the project however, Cape Wind has already seen support from the Obama administration, various environmental groups, and the Massachusetts state government.¹ Recently, Cape Wind has won all of the lawsuits filed against them.

Cape Wind was first proposed in 2001. The project concept includes a wind farm that will include 130 wind turbines that will produce 420 megawatts of clean, renewable energy.² Each turbine will tower 440 feet above water across a 25-square-mile area between Cape Cod, Martha's Vineyard and Nantucket.³ This project could provide three-quarters of the Cape and Islands' electricity needs.⁴ Furthermore, it will be beneficial to the environment because wind energy releases no pollution into the air or water, and does not contribute to climate change.

Opponents of this project do not want Cape Wind to be built because the turbines will be an eyesore, hurt summer tourism, decrease property values, increase costs on energy bills, and pose environmental threats by injuring migratory birds or causing pollution from leaks in the installation. One of the many lawsuits filed was a federal lawsuit against Massachusetts' regulators on January 21, 2014, by the Alliance to Protect Nantucket Sound. They claimed that the state had overstepped its authority when it made an agreement for a major utility company, NSTAR, to buy power from the project, Cape Wind.⁵ Because of this deal, electricity costs, after Cape Wind is built, will triple for those living in the vicinity of Cape Wind. As a foundation for the lawsuit, the opponents claimed that the state regulators have exceeded their authority by setting

wholesale rates, which violates the Federal Power Act as well as the Supremacy Clause of the U.S. Constitution.⁶ On March 14, 2014, United States District Judge Reggie B. Watson ruled against Cape Wind opponents.⁷

The Alliance to Protect Nantucket Sound believes there are other alternatives to Cape Wind. The alternatives they suggest are to relocate the wind farm to the outer continental shelf, use hydropower from Quebec, use natural gases, or use floating turbines farther offshore.⁸ Although they have suggested alternatives, there have not been plans to move this project to another location or change the design of the project.

This project will require \$2.5 billion to build the proposed wind farm. An agreement with the Bank of Tokyo-Mitsubishi UFJ has been signed for a portion of the project's debt financing. The Danish pension company, PensionDanmark, has also agreed to invest \$200 million. In addition, the Danish state-owned export credit agency EKF has approved of a loan pending due diligence of \$600 million, according to Cape Wind President Jim Gordon.⁹ Since Cape Wind has successfully fought off the recent pending lawsuits, the project can continue to seek the remaining, necessary funding to start construction.

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An Examination of Mandatory Minimum Sentences

By Evan Bailey
CAS '15

For a number of years, several important individuals and organizations involved in the American judicial system, such as the American Civil Liberties Union have come forward to denounce the use of mandatory minimum sentences in American law.

One of the more appealing aspects of this claim is its economic facet. This argument starts with the premise that the United States has one of the highest conviction rates in the world.¹ Next, it takes into consideration that more than half of the federal prison population in 2010 was made up of people convicted of drug-related offenses.² Opponents also cite studies suggesting that a significant factor of the U.S. incarceration rate is the length of the sentence that the individual must serve. Sentences increased at the same time that mandatory minimum sentences began to be widely implemented.³ Finally, the opponents of mandatory minimum sentences point out the high cost of incarceration in the U.S., which is about \$29,000 per inmate per year at the Federal level. Abolishing mandatory minimum sentences would save the government money, as judges would not be forced to sentence every offender to prison.⁴

Supporters of mandatory minimum sentences make a number of theoretical arguments regarding the role of the legislature, as they argue they are most apt to decide minimal possible sentences. However, one of the most effective arguments in favor of the use of mandatory minimum sentences is not a theoretical argument, but a practical one.

Backers of mandatory minimum sentences point out that in order to get the benefits that their opponents claim to provide, judges sentencing offenders would have to be able to give the best sentence to each offender. However, this would require the judges to have an intimate understanding of each case, as well as the knowledge to determine what sentences, other than incarceration, would be appropriate, such as court-mandated rehabilitation, counseling, etc.

The reality is that judges see many cases at the same time, and that the cases they see, especially jury trials, can take an inordinate amount of time. Therefore, it is not reasonable to expect every judge to be able to meet

these requirements. Instead, the legislature is best fit to set mandatory minimum sentences, as they can take the time to gather and review the relevant data in order to assign the most appropriate sentence to each crime.

Moreover, many of the alternatives that the opponents of mandatory minimum sentences recommend, such as counseling or rehabilitation, can be incredibly expensive depending on the particular circumstances. Thus, these options would not necessarily save the government money as claimed by opponents.

The debate is really just beginning, as more and more people begin to take notice and pick sides. So it is far from over. This debate is still developing and is currently evolving from a practical standpoint regarding the way the American legal system functions and into a more theoretical perspective about the relationship between the legislative and executive branches of government and the theory of law in American society.

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Murder in the First Degree

The Question of Juveniles

By Rachel DuShey
COM '14

Noeun Sok was 15 years old when he chased and fatally stabbed a rival gang member in Lowell, Mass.¹ He sobbed at his trial, which his parents did not attend.² January 2014 marks his 15th year in jail,³ making the number of years he has lived in jail equal to the number he's lived out of jail. Both he and the victim's family believed he would stay in jail until the day he died. Now, he has a chance of getting out.

The Supreme Judicial Court of Massachusetts (SJC) recently ruled that it is unconstitutional to sentence juveniles who commit first-degree murder to life in jail without the possibility of parole, citing "cruel and unusual punishment" from the Eighth Amendment.⁴ The law is retroactive, affecting Sok and more than 60 others who were convicted as juveniles in Massachusetts.⁵ First-degree murder used to carry a mandatory life-sentence without parole for juveniles, as it does for adults.⁶ However, since the U.S. Supreme Court struck down mandatory life sentences for juvenile murderers in 2012,⁷ states across the nation are reforming their laws.

The consequences on both sides are drastic: those who commit a horrible crime at a young age can get a second chance at life beyond bars, while family members of those slain could eventually see their loved one's murderer walk free. The retroactive nature of the decision is especially controversial, as Erin Downing, the daughter of murder victim Janet Downing, explained: "It's rehashing all of these emotions, all these things from 17 years ago that we thought we wouldn't have to deal with."⁸

The law is of special interest since the well-reported case of Phillip Chism, a 14-year-old who allegedly murdered his 24-year-old teacher, Colleen Ritzer, at Danvers High School last October.⁹ Chism is said to have followed the teacher into the women's bathroom, slit her throat, and carted her body in a recycling bin to the woods nearby. Rape charges were also brought against him. The Ritzer family statement says of Chism and the potential for his eventual parole, "he must never, ever have an opportunity for parole. Paroling such violent offenders would be more cruel and unusual punishment to victims' families and loved ones."¹⁰

The law cites "cruel and unusual punishment" based on research that the brains of juveniles are not as developed as those of adults, and therefore they should not receive the same punishments. The SJC wrote, "because the brain of a juvenile is not fully developed, either structurally or functionally, by the age of eighteen, a judge cannot find

with confidence that a particular offender, at that point in time, is irretrievably depraved."¹¹

The U.S. Supreme Court ruled that life without parole was unconstitutional in the case of *Miller v. Alabama*, involving a 14-year-old who murdered his neighbor after beating him and setting fire to his trailer.¹² The Massachusetts SJC ruled in two unrelated cases involving 17-year-olds: Gregory Diatchenko, who killed a man while trying to rob him in Kenmore Square in 1981, and Marquise Brown, who shot and killed a friend in Framingham in 2009.¹³ Other state courts that are debating the issue are Illinois, Pennsylvania, and Florida, in which the law has not been applied retroactively.¹⁴

Currently, juvenile murderers in Massachusetts must serve 15 years in jail before being considered for parole.¹⁵ Some are pushing for legislature to require a 35-year term before parole eligibility.¹⁶ In this case, only three of those convicted as juveniles would be immediately eligible to apply.¹⁷ Of them, Joseph Drayton has served the most time in jail, 40 years, since being sentenced in 1974.¹⁸

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SOLITARY CONFINEMENT

Calls to Reform Will Keep Prisoners from Standing Alone

By Alexandra Mercer
CAS '16

Solitary confinement during incarceration has become a national issue.

Recognized as Security Housing Unit or Special Housing Unit (SHU), “lockdown,” “isolation,” or “segregation,” solitary confinement is “the practice of isolating inmates in closed cells for 22-24 hours a day, virtually free of human contact, for periods of time ranging from days to decades.”¹ Solitary can occur in super-maximum security prisons, jails, or prisons.

In recent years, contention over this issue has grown as reports and lawsuits have surfaced detailing the horrors that often occur in the solitary confinement cells, which usually measure no bigger than the size of an elevator.² These close quarters of solitary confinement foster the physical, emotional, and mental deterioration of the restricted inmates. Thus, while many may advocate the existence of solitary as an option for punishment, the national debate has become more and more focused on the frequent application of such a severe punishment.

At the Senate Congressional Hearing on Reassessing Solitary Confinement II: The Human Rights, Fiscal, and Public Safety Consequences, Chairman Sen. Dick Durbin (D-IL) specifically readdressed several issues relating to solitary confinement, which had been discussed in the first congressional hearing on Solitary

Confinement. His statements described why prisoner segregation is harmful, not only to inmates, but also to the health and prosperity of surrounding communities. Stating “the U.S. has more prisoners in solitary confinement than any other democratic nation,” the Senator noted that this includes vulnerable groups such as children, immigrants, the sexually abused, and the severely mentally ill.³ Then, testifying to the psychological effects as heard at the First Congressional meeting, Durbin reminded the committee that “at least half of all prison suicides occur in solitary confinement.”⁴ In addition to self-harm, solitary “increases violence inside and outside prisons.”⁵ Prisoners are often released directly from solitary into the prison’s general population or even into their own residential communities. The murder of prior head of corrections in Colorado, Tom Clemens, is a prime example of how hazardous it is to release solitary inmates directly into the public.⁶

In a final argument for the abolition of this harmful practice, Durbin addressed the fiscal demands of solitary confinement on the nation: An individual in isolation costs three times more (an average of \$75,000) than an individual in the general population (about \$25,000).⁷

Spurred by congressional hearings such as this one, reforms regarding solitary confinement have gathered and maintained support across the nation. For instance, prompted by the case of *Peoples v. Fischer*, New York has recently made unprecedented gains on curbing isolation and its

applications.⁸ This lawsuit concerned LeRoy Peoples’ unwarranted and disproportionate sentence of 780 days in segregation with another prisoner as punishment for non-violent and non-threatening misbehavior.⁹ However, the lawsuit’s scope also encompassed the thousands of inmates in New York’s prisons who had suffered similar mistreatment. Since March 6, 2013, the case has been amended to include all individuals incarcerated in other state prisons who are similarly affected by policies permitting arbitrary use of solitary confinement.¹⁰ As a settlement to this lawsuit, in February 2014, New York signed and passed legislation banning solitary confinement “as a means of punishment of disciplining inmates under age 18” and for pregnant women, and restricted isolation to a maximum of 30 days for the developmentally disabled.¹¹

While New York’s reform is a precedent for other states in limiting solitary, it is only a small step. If other states start to limit solitary confinement, they will meet resistance from those who view solitary as a viable option to improve safety for the guards and the general prison population.¹² Nevertheless, it will be interesting to witness how effective New York’s legislation will be in persuading other states to limit solitary confinement.

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Discrimination of Another Type

By Janki Viroja
CAS '16

Discrimination based on race, gender, and sexuality is not a rare occurrence. In many parts of the world, discrimination based on these characteristics does not surprise people. Countries such as the United States have a basis in law for the prevention of discrimination of this sort, but instances of discrimination based on race, gender, or sexuality still happen here as well.

However, many other countries, including the Czech Republic, which will be focused on later, have different laws regarding discrimination. The more subtle forms of judgment and discrimination come from sources that are less obvious. There is no law, per se, on not discriminating against others based on their musical preference, but that is exactly the issue at hand in the manslaughter case of Randy Blythe.

David Randall Blythe, better known as Randy Blythe, is the singer for Lamb of God, an American heavy metal band. In 2010, while performing a concert in Prague, Czech Republic, Blythe pushed a young fan – 19-year-old Daniel Nosek – off the stage.¹ As a result of the push, Nosek fell backwards and hit his head.² The head injury caused severe trauma to the brain, which led to Nosek's coma and eventual death in the following weeks.³

Because Blythe was no longer in

the Czech Republic at the time, he was neither charged nor arrested following the investigation of Nosek's death. Upon Lamb of God's arrival in the Czech Republic again, in 2012, Blythe was arrested based on his possible connection to the death of Daniel Nosek.⁴

In society, perceptions of heavy metal artists are generally negative. Studies have found connections between interest in heavy metal music and "reckless, life-threatening behaviors."⁵ Because of these preconceived notions, many blamed Blythe for murder even before the trial. The action was seen as purposeful, and therefore, considered by many in the public as murder instead of manslaughter. Blythe faced significant hurdles in this case due to the stereotypes associated with heavy metal music.

Further contributing to the negative image of Blythe and the assumption of his guilt before trial were lyrics like those of the Lamb of God song "Break You:" "You taught hate, I'll teach you fear/Open the eyes, kill despair/You cannot squeeze the life from me/Son of a bitch, I'm going to rape you/Son of a bitch, I'm going to break you."⁶ These lyrics send a violent message and therefore, associate Blythe with violent activities like the supposed murder of Daniel Nosek. As a result, many understood Blythe's action of pushing Nosek to be an attempted murder.

The Czech Republic has an Anti-Discrimination Act to ensure equality for all.⁷ The law is entrusted with the responsibility of removing

stereotypes and having a fair trial for Blythe in which basis for his conviction or acquittal would be simply on the facts, and not on assumptions. This proved to be more difficult than imagined as revealed in the recent documentary on the case called "As the Palaces Burn."⁸

In the end, Blythe was acquitted of the charges. Even after the prosecution appealed, his acquittal was upheld.⁹ The fact that this case became so controversial and debated shows that stereotypes and discrimination still play a large role in how the media and public opinion interpret legal cases today.

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If Prostitution were Legalized

By Jaimie Potters
CGS '15

Generated by the impulsive aspect of human nature better known as temptation, prostitution is essentially defined as the exchange of money for sex. Also known as the 'world's oldest profession,' this practice of a woman earning money by bringing her customer a distinct, sexual pleasure is far more complex than its simple definition.

As reported in scholar Janell Carroll's *Sexuality Now: Embracing Diversity*, there are also gay, lesbian and straight male prostitutes in the United States, but there are more female prostitutes with male clients than all other forms combined.¹ Even though prostitution is only legal in certain counties in Nevada, Business Insider estimates that there are one million prostitutes in the United States today.^{2,3} Additionally, 14 percent of American men have admitted to paying for sex at some point in their lives.⁴

Those who do not favor the legalization of prostitution can look at Germany as a case in point to support their argument. In 2002, Germany legalized prostitution.⁵ Germany's new laws on prostitution were designed so that sex workers could fill out employment contracts, sue for payment and register for health insurance. Many consider it a failure, as only 44 women have registered for health benefits since 2002.⁶ This side also commonly argues that the legalization of prostitution does not protect women and that women in the sex industry do not want it legalized.⁷ The reality of the second point is that it is difficult for such a consensus to be reached as there are so many prostitutes, their identities hidden and opinions unshared.

Also, opponents of legalization fear that marriage would be threatened if prostitutes became more accessible as a consequence of legalization. According to Dorn Checkley, the director of the Pittsburgh Coalition Against Pornography: "Legalized prostitution will proliferate and gain legitimacy, just like pornography has, but legal and social acceptance will never ameliorate the negative consequences to marriage... No one really likes to be cheated on and no one really likes sexual competition... [T]he consequences of broken marriages have profound ramifications to society."⁸ The effects the legalization of prostitution would have on certain marriages and relationships could be strong enough to cause their demise, as the temptation could be so much more easily and readily pursued.

However, prostitution and its lack of regulation pose a danger to society, as it enables abusive, manipulative pimps and traffickers to control prostitutes. Pimps shield prostitutes from the law; abusing and exploiting women

as sexual objects for their own material gain. Legalization would entail close government regulation and social, economic and physical health benefits would ensue in effect. Of-age prostitutes with background checks and regular clinical visits would be able to independently take control of their bodies and sexuality and not have to depend on pimps. University of Chicago professor Martha C. Nussbaum, author of "Sex and Social Justice," reflected on the matter in a New York Times editorial: "Keeping prostitution illegal only increases the threats of violence and abuse that women face because illegality prevents adequate supervision, encourages the control of pimps and discourages health checks."⁹ Indeed, legalization would allow law enforcement to arrest the true criminals, the sex traffickers and pimps who prey on vulnerable, abused, at-risk women. Prostitutes would be encouraged to report abusive pimps, something current prostitution laws deter them from doing.

An empirical analysis of street-level prostitution by the University of Chicago conducted in 2007 found that the university system (or lack thereof) gives prostitutes an incentive to work with pimps: "Prostitutes who work with pimps appear to earn more, and are less likely to be arrested."¹⁰ The study also found that "25 percent of the fees are taken up by the pimp."¹¹ Studies elsewhere tell horror stories of pimps taking all of the earnings in addition to being extremely abusive. Legalization would as well benefit society as a whole as it would call upon regular STD testing. The use of condoms would be mandated to prevent the spread of harmful sexually transmitted diseases and infections.

Prostitution will continue to exist regardless of its illegal or legal status. The demand for sex and the economic incentive of selling one's self for sex will remain, as it has existed for thousands of years. Legalization offers society a new way of addressing something that will not go away no matter how tight the legal bounds surrounding it, in addition to potentially combating the huge issue of sex trafficking.

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