February 2003

February 2003 Docket

Georgia State University College of Law

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By Matt Knopp

An interesting facet of the possible war with Iraq presents a question to the legal scholars among us - who has what type of authority in foreign affairs? Article II, section 2 of the Constitution begins by proclaiming the President the Chief of our armed forces, while Article I, section 8 states that Congress has the power to declare war. Our separated system of powers demands such checks and balances among government branches that often find themselves diametrically opposed.

Recent history demonstrates numerous commitments of troops to battle in spite of Congressional silence, and this action raises questions about our executive office's presence in an area textually committed to the legislative branch. Presidential authority over foreign affairs remains a central issue in separation of powers scholarship since the executive branch committed troops to the conflict in Vietnam.

On January 31st the Georgia State University College of Law welcomed to its annual Symposium a panel of distinguished scholars to speak about presidential authority over foreign affairs. Two panels of speakers discussed various constitutional issues, and Prof. Jefferson Powell of Duke University issued a response at the conclusion of the morning and afternoon sessions. Prof. Powell has published numerous books on constitutional interpretation, and his responses to the panel discussions favored an ad hoc approach to the split of authority, with history lending its position to the President. He maintains that both Korea and Vietnam were wars and the President's commitment of troops to each indicates the executive office's authority over foreign affairs.

During the morning panel two speakers favored Congressional allocation of power in foreign affairs. Prof. David Adler, an author of numerous books on constitutional interpretation, argued that if the Founders had wanted to create a monarchy, they would have done so. In choosing to instead create a republic, they indicated their preference for separation of powers. Dr. Louis Fisher, a senior specialist in separation of powers with the Congressional Research Service of the Library of Congress argued a textualist position. Because the text gives Congress the power to declare war, the President cannot command troops in war until Congress has acted.

Prof. Robert Delahunty, the Deputy General Counsel of the White House Office of Homeland Security, disagreed completely and favored constitutional allocation of power to the executive office. He advocated a position based on context. For example, the Federal Army at the creation of the Constitution had seven hundred soldiers. The nation faced encroachment on all borders. For this reason, the Founders intended that Congress provide the President with the power to respond to threat quickly and flexibly.

Teresa Roberough, a litigation partner in the Atlanta office of Sutherland, Asbill & Brennan, provided a practical reminder that much of constitutional law is theory. The political power of the various actors in any given situation dictates the division of power, which is the product of compromise and negotiation.

The afternoon panel discussed the means by which power is allocated in the absence of a firm Constitutional standard. Prof. Powell introduced Prof. Michael Walker Centennial Chair in Law at the University of Texas, advocated that Prof. Powell publish a book on the use of general constitutional principles in certain cases to recognize precedents, such as impeachments and confirmations. In this manner our government's foundational principles would dictate how Congress could question an individual.

Prof. Nancy协, the Acting Director of the Institute of Bill of Rights Law, argued that certain governmental actions, like bringing back the draft, would force the public to become more engaged in the political process. Prof. Michael Gerhardt with the William and Mary School of Law provided constitutional and historical analysis of the federal impeachment and appointment processes.

Prof. Lash LaRue, the Class of 1958 Alumni Professor of Law at Frances Lewis Law Center, concluded the afternoon panel with a discussion of his experiences as a trial lawyer in Mississippi in the late 1960s. He claimed that in order to involve the public in constitutional law, the narrator needs to tell a good story. In this way, he enabled people in Mississippi to recognize the benefits that enfranchising blacks would bring to the South.

The Law Review thanks its distinguished speakers and guests for a truly outstanding 2003 Symposium.
By Jonathan Clements

In his classic novel "1984," George Orwell described a world in which every movement of ordinary citi- zens is tracked and traced by an omi- nous computer system dubbed "Big Brother." He may have been 17 years off the mark, but many privacy advocates and civil libertarians are ask- ing whether Orwell's vision of the fu- ture may finally have come true. While the world was "1984" and every movement a person makes online is traced and tracked the instant it is made. Every email a person sends, ev- ery post made on a forum, every instant message received and every website a person visits is catalogued on an ISP server for an indeterminate length of time. That information is used for a num- ber of purposes ranging from relatively harmless internal marketing to stuffing innocent web-surfers' mailboxes full of spam. Many have argued that Internet monitoring should be made illegal. These arguments have been met with mixed success given that courts have yet to adequately address what, if any, expec- tation of privacy a person has while using the Internet.

The events of September 11, 2001 and the legislation enacted as a result have served to further muddle these already murky waters. Some pri- vacy advocates are concerned that as it stands now, Federal law will not provide sufficient safeguards to protect the rights against advances in monitoring technology. The recently passed USA Patriot Act mandates that online searches and seizures of information are subject to the traditional stan- dard of probable cause, but rather are permissible so long as the FBI agents believe that the information sought is "relevant and material to an ongoing criminal in- vestigation."

One of the newest tools in elec- tronic surveillance, Carnivore (or DSC1000 as it is officially named), is an advanced monitoring and filtering sys- tem designed by the Federal Bureau of Investigation to counter the increasing use of the Internet by criminals and ter- rorists. Opponents of the system argue that it does not satisfy the particularity requirement of the Warrant Clause and also cite the probability that the system could be utilized to monitor random Internet users in the absence of prob- able cause. In order to understand Car- nivore, one must first understand how the Internet transfers data and how that function is fundamentally different from other forms of electronic communica- tion. The Internet transfers data in packets, file-portions of a uniform size. A large file is broken into many packets, while a smaller one has fewer packets. Included in the packet are routing infor- mation, containing the addressee's IP address and where the file originates, and some of the ac- tual data. Congress and the courts have misun- derstood the nature of packets, analyzing them to traditional telephone calls. However, it is incorrect because the routing infor- mation of a phone call (e.g. the number calling and the number being called) can be separated from the content of the conversation. Due to the nature of pack- ets, separation of address information from message content is impossible.

This distinction is crucial be- cause of the importance the courts have placed on protecting the content of communica- tions. Under Federal law, police have access to the routing information of telephone users without a warrant. The reasoning behind this rule is simply that telephone numbers do not fall into the category the Fourth Amendment is designed to protect. However, under the Federal wiretapping laws, police must attain court approval that is actually more stringent than that for police searches on the Internet. While it is urgent to develop effective tools to monitor and protect against potential threats, Con- gress must not forfeit the individual's right to privacy in the process. Con- gress and the courts must recognize the urgency this issue presents and must make a concerted effort to understand the complexities of new technologies so that George Orwell's Big Brother does not become a reality.

Features

PRIVACY AND THE INTERNET

"The current law is inade- quate to ensure that the individual user's privacy is not compromised."

By Jon Pannell

On Monday, January 13th, the 2003 session of the Georgia General Assembly opened with many new faces in and around the Capitol, and some heavy politicking between both political parties over leadership under the gold dome.

On Monday morning, Terry Coleman a Democrat from Eastman, was elected Speaker of the House of Representatives replacing the long reign- ing Tom Murphy who lost his reelec- tion bid for the Georgia House in No- vember. The Speaker's race was a heated contest that began after the Democratic Caucus met back in No- vember and elected Coleman, a long- standing Representative and Chairman of the Appropriations Committee, as the candidate for Speaker. In the days af- ter Coleman's nomination Represen- tative Larry Walker, a Democrat from Perry and the Majority Leader in the House, squared off against Coleman for the Speaker's gavel. Walker was heavily endorsed by Governor-Elect Sonny Per- due, who was seeking a further increase in GOP control at the Capitol by pushing for Walker's election to create a biparti- san State House. The contest raged on up until the hours before the final vote, when Walker's candidacy was finally abandoned by the Governor-Elect and a newly forged GOP/Democratic coal- ition. In the final vote, Rep. Coleman defeated Lynn Westmoreland, a Repub- lican from Schleyburg, by a 109 to 70 margin for the position of Speaker of the Georgia House.

The Capitol Report: 2003 Georgia Assembly

The Democratic Party still holds a strong majority in the Georgia State House, but their control over the entire Capitol has come to an end for the first time in 130 years. The Governorship and the State Senate are now in the hands of the GOP due to the November elec- tions and some party switching that oc- curred after the elections. In the State Senate, the Democrats have retained the title of President of the Senate, with Lieutenant Gov- ernor Mark Tay- lor presiding. However, Eric Johnson, a Repub- lican from Sa- vannah who was elected President Pro- Tempore of the State Senate, has as- sumed the Lt. Governor's pow- ers as the Republican controlled Senate adopted several rule changes on the first day of the session.

The GOP now controls a ma- jority in the Senate for the first time since Reconstruction. The grand finale to the session's first day fireworks was Governor Sonny Perdue's swearing in. Governor Perdue, a Republican from GA's 8th Lt Governor. Perdue defeated incumbent Governor Roy Barnes in the November election, and his election has been touted as one of the biggest upsets in Georgia's political history. Monday ended with an inaugural celebration for the new gov- ernor at the Georgia World Congress Center that included a special appear- ance by Ray Charles.

The remainder of the first week of the 2003 session was not quite as exciting as Monday's events, but con- tinued to keep the Legislators, lobbyists, and staff members at the Capitol on their toes. On Wednesday, Governor Perdue announced his $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Mixed emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Increased emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Mixed emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Increased emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Mixed emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Increased emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Mixed emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Increased emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Mixed emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the upcoming year. The Governor's proposed tax in- creases included a "sin tax" on cigarettes and alcohol, and a raise in property taxes by lowering the current property exemp- tion rate. Increased emotions followed the Governor's announcement tax in- creases to counter the estimated bud- get shortfall of $620 million for the up
Point / Counterpoint

Introduction: History of Student Busing

Ever since Brown vs. Board of Education, the courts and communities alike have tried to find a way to best ensure that desegregation becomes a reality within the school system. As a result, some states have enacted policies which effectively bus students from one district to another in order to guarantee a certain racial mix.

Point: Busing should not be used to overcome demographic factors

By Brian McCarthy

In 1992, the Supreme Court struck down forced busing in the case of Freeman v. Pitts, 503 U.S. 467. The court illustrated that when the school system begins with a fair goal based commitment to desegregation and the resegregation is based on private choices, then the actions do not have constitutional implications.

Students should not have to be bused across the county or city in order to assure a desegregation level. Many communities talk of the "white flight" to suburban areas and support that the resulting resegregated schools must be remedied by the courts through forced busing of the students. As the court in Freeman illustrated, if resegregation is the result of free choice, i.e. where to live and raise your family, then these actions do not present any constitutional implications and cannot be remedied by the courts.

All of this, of course, assumes a good faith adherence to desegregation by the school system. The school system in Freeman was actually DeKalb County here in Atlanta. The school system had illustrated a good faith adherence by minority hiring practices and distribution of funds to predominantly minority schools. As a result, the violations which occurred in 1969 become too attenuated for the court to find them, or were the direct cause of any current resegregation. Justice Kennedy illustrated this point in Freeman by stating "as the de jure violation becomes more remote in time and these demographic changes in time, it becomes less likely that a current racial imbalance in a school district is a vestige of the prior de jure system.

I believe that the Supreme Court made the climax in eliminating the forced busing practice for a variety of reasons. First, people should be allowed to live and raise their children where they choose; second, there are other remedies available to the court and communities besides forced busing. And third, there are studies which actually show that Brown remedies have some times hurt the education which minorities receive.

The bottom line for me revolves around a freedom of choice when it comes to raising a family and choosing a community. Human beings naturally gravitate to neighborhoods and communities with whom they share common values. A family should be allowed to choose a neighborhood based on their own family values and then expect that their children—black or white—will not be bused to some other community in order to assure a racial balance. Many diverse communities are based on demographic choice rather than any sort of "white flight."

The basic argument for forced busing centers around the belief (and reality in many cases) that the minority schools receive less funding than the predominantly white suburban schools. One remedy instead of forced busing, the court could instrument would be a change in how the schools are funded.

Currently in Georgia, as is the case with most states besides California, the school system for a community is funded through the local property taxes. Therefore, the wealthier the area, the better the school system. Well, what if the property taxes were pooled together and then distributed equally to all the schools? Wouldn't that assure a guaranteed level of equality without any forced busing?

Second, a well developed body of research supports that desegregation, at least under certain circumstances, has produced tangible educational benefits for minority children with no detriment to whites. Controlling for the relevant measurable variables, school desegregation appears to increase educational achievement for minority students and enhance their "life chances" as measured by a variety of social indicators. Gary Orfield, Susan E. Eaton, and The Harvard Project on School Desegregation, Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education (1996).

Counterpoint: Busing is needed for integration

By Erica Jenkins

"As I stand here and look out upon the thousands of Negro faces, and the thousands of white faces, intermingled like the waters of a river, I see only one face—the face of the future."

Martin Luther King, Jr. spoke these infamous words before a Youth Now, over four decades after McCarthy. As was the case in 1969, property taxes were pooled together and then distributed equally to all the schools. Wouldn't that assure a guaranteed level of equality without any forced busing?

"The long and deep-rooted history of racial subordination in this country is being repressed, and instead we are being fed social and legal fallacies that state that legal equality is the same as actual equality. The effect of this logic is an essential "throwing of the hands," as long as the States are not openly supporting segregation, there is nothing that the law can do."

If this were true in actuality, the decision rendered in Brown would have no teeth whatsoever. Instead, school systems should take the necessary affirmative steps to ensure the desegregation of our public schools. There are several reasons why the government can and should continue to be involved in school desegregation.

First, in Brown v. Board of Education, the Supreme Court clearly rejected the separate but equal doctrine, holding instead that separate educational facilities are inherently unequal. Indeed, the Court premised its holding on the inequality engendered by intangible factors. According to the Court, separating children on account of race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlike ever to be undone." In 1968 the Supreme Court confirmed in Green vs. County School Board of New Kent County, Va., that school boards had an "affirmative duty" to ensure "racial discrimination would be eliminated root and branch." The same is true now as was true then.

Second, a well developed body of research supports that desegregation, at least under certain circumstances, has produced tangible educational benefits for minority children with no detriment to whites. Controlling for the relevant measurable variables, school desegregation appears to increase educational achievement for minority students and enhance their "life chances" as measured by a variety of social indicators. Gary Orfield, Susan E. Eaton, and The Harvard Project on School Desegregation, Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education (1996).

This country has made great strides towards educational equality and we hope that there will be a time when integration may someday endure without a forced government effort to preserve it.

Yet, it would be naive to argue that time has come. Thirty years may seem like a long time, but in the history of America—on the heels of 90 years of Jim Crow and 200 years of black slavery—it's nothing. Ironically, busing will become unnecessary only when no one continues to oppose it.
Editorials

THE DOCKET 2003 WRITING COMPETITION

Cash and Publication Awards

Publication Award:
Winning entries will be published in the March Edition of The Docket

Cash Awards Sponsored by BAR/BRI:
1st Place = $250
2nd Place = $150
3rd Place = $100

Submission Entries Due: Monday, February 24, 2003 by 5pm

Entry Criteria:
- Length: 500-650 words (two pages, 8.5x11, double spaced). Articles exceeding 650 words will not be considered.
- Topics: Papers should present an issue in our legal system and comment on its implications. They may be based on class discussions, current events, politics, international policy, legislation, etc.
- Entries: Students may adapt papers written for class credit. Articles previously submitted to The Docket will not be considered. All entries become the property of The Docket; winning entries will be published in the March Edition of The Docket and other entries may be published in future editions as determined by the Executive Editorial Board.
- Entries: Competition is open to The Docket Editorial Board. Docket writers may enter.

Judging:
Prof. Podgor, Prof. Scott, and Prof. Sobelson will be judging the competition. All entries will be marked by number upon submission so that judging is anonymous.

Please direct questions to Jerri Nims at thedocket_gsu@yahoo.com

Survival Tips for Wedding Planners

By Brian McCarthy
Managing Editor

I am not sure about the 1L or 3L class, but here in the land of 2Ls we have had a plethora of recent engagements announced by happy students. Upon brief moments of reflection, I have decided to de-classify many of my secrets regarding the survival skills necessary to make it through the wedding planning and get married on that special day.

Just so everyone knows where my vast experience comes from, on March 2nd I will have been married all of one year. Now, sure that does not represent any sort of medallion anniversary by any means, but I was able to trick my wonderful bride into saying "I do" after eight long months of wedding planning. That in and of itself is one heck of an accomplishment.

Therefore, I feel it is my duty, my responsibility, to take some of these young hopefuls under my wing and guide them to the wonderful institution of marital bliss.

First and foremost, gentlemen, never, and I mean NEVER, say the words "I don't care." Whether it is a response to "How was the wedding?" or "What did you get for your anniversary?" you must always be aware of the fact that while you have spent all of five minutes thinking about the ceremony, your lovely bride-to-be has been dreaming, thinking, contemplating her wedding day since she was a 4th grader and got to be a flower girl for some distant relative. If you say "I don't care," then that means that you do not care about the wedding which in the girl's mind means that you are having second thoughts and that is not a conversation you want to have in the middle of the Rich's bridal registry department.

So guys, you can see the tight rope that you will have to walk for the next several months. On one side you do not want to get too involved, because then you could spend hours choosing which type of napkins will be on the table. Or worse, you could be accused by the future bride of "taking over" the wedding and trying to make it just like your friend's wedding that the two of you went to a few months ago.

On the other side is the forbidden "I don't care." The easiest way to survive is to ask your lovely bride-to-be for her top three choices in everything. Then you can pick which one is your favorite and you have done the requisite participation and shown a moderate level of interest in which size wine glass to register for. You can apply the "Ranking Method" to any of the mundane choices you will be faced with in the coming months: napkin size, napkin ruffle length, tablecloth length over the reception tables, fine china selections, everyday china selections, fine silver, everyday silver, crystal, everyday crystal, fine pots, everyday day pots. You get the idea.

While the "Ranking Method" did manage to keep me sane over those eight months of wedding planning (that's another thing, make the engagement as short as possible, maybe even elope to Vegas if she is up for it. But only ask for this ONE time), the second most important secret would be to register at all the stores on the same day. Otherwise the process could drag on for months. Hit all the stores—Rich's, Ross Simons, Crate & Barrel—on the same day. Now, you may need some major guy time afterwards, but it will be worth it when it is all done and you never have to do it again. Some of the stores actually are not all that bad - at Rich's you even get this little gun thing, but unfortunately no holster.

Third, you want to try and keep your mother out of it as much as possible. There are going to be enough Oedipal references that you do not want to have them begin two weeks after you get engaged. Off the top of my head, the most obvious instance occurs when it comes time for your mother to deliver her guest list to the in-laws. If you are lucky enough to have an infinite number of guests, fine. If, however, your family's maximum number is 175, make sure your mother's list does not read 225. Your mother will have plenty of other opportunities to plan a wedding, make sure she does not trample on your financee's, it will make matters worse if you have to get between them at all.

And finally, plan the honeymoon so that you leave as soon as possible after the reception. If that means waking up at the crack of dawn to catch a flight, then do it. While the brunches and things are a great time to say hello to old friends that you sure as heck did not get a chance to talk to during the reception, you are missing vital beach time on some island with an umbrella drink if you choose to go to them instead of catching that first flight.

Above all remember, when you turn around in the church to be introduced, you will not be happy about the wedding ceremony, etc., you have accepted that fact a long time ago and have had the entire engagement to be happy. You will be happy because the wedding planning is over.
The United States to attend graduate school and teach, opened the program to visiting students. The students come to Atlanta under the auspices of the Atlanta Ministry for International Students. The Ministry sponsors the students over the Christmas break because they are not able to return to their native countries. They live with host families and have tours of Atlanta. One of the highlights of their stay is the tour of the Fulton County Courthouse, where the visiting students were shown the introductory film shown to all prospective jurors that explains the duties of a juror. They then went to Judge Henry Newkirk’s courtroom where the Judge presided over the mock trial demonstration and explained his role as a judge. Jim Wall and Lance Tyler represented the GSU College of Law at the National Trial Advocacy competition at Michigan State. They did an outstanding job, finishing fifth in the competition. In fact, GSU was the only team to beat Florida State. However, since Florida State had more overall points, they advanced to the final four, and subsequently won the National Championship. Jim and Lance presented various aspects of the competition’s murder trial to the international students, who marveled at their advocacy skills. The students again rated this program hosted by STLA as the best part of their stay in Atlanta.

Christian Legal Society
By Tracy Allman

What is the relationship between faith and legal thinking? And how does one’s faith affect one’s day-to-day practice of law? As a culture, we tend increasingly to think of faith as an entirely private and subjective thing—useful for one’s own comfort and enjoyment, and perhaps also to inform one’s sense of personal ethics, but of little application otherwise. But for the Christian, the matter can’t be left at that. The primary commandment given in the Judeo-Christian Scriptures—“You shall love the Lord your God with all your heart, with all your soul, and with all your mind”—is unlimited; it applies to every person, in every place, time, thought, word, and deed. The Christian Legal Society has concentrated this year on understanding how our love for God—a love made possible only by His original and overwhelming love for us—works itself out in our understanding of law, and in the way we will approach our practice after law school.

Throughout the fall semester, we conducted a study in which we examined Biblical principles of jurisprudence. It’s easy enough to take a “religious” position on a legal issue (especially a controversial one); but the question of how God moves us to go deeper—to find the foundational truths on which all our thinking should be based, and then to build upon that thinking in love—first for God, and then, consequently, for our neighbor. In Proverbs 8: 15-16, the personified Wisdom declares, “By me kings reign, and rulers decree justice. By me princes rule, and nobles—all who judge rightly.” In the same chapter, this same Wisdom is shown to be the wisdom by which all of us ought to lead our lives, and the wisdom by which God created everything that exists. That all three, would be the same wisdom is startling in the work and lose sight of the person, of personal ethics, but of little application otherwise. But for the Christian, the matter can’t be left at that. The primary commandment given in the Judeo-Christian Scriptures—“You shall love the Lord your God with all your heart, with all your soul, and with all your mind”—is unlimited; it applies to every person, in every place, time, thought, word, and deed. The Christian Legal Society has concentrated this year on understanding how our love for God—a love made possible only by His original and overwhelming love for us—works itself out in our understanding of law, and in the way we will approach our practice after law school.

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As the spring semester moves into full-gear, your Student Bar Association has organized another packed semester of activity. In honor of our 20th Anniversary, we're continuing our tradition of excellence through historically successful programs and enhancing that tradition with new SBA events.

In February, we hope to begin a new tradition here at GSU Law with our "Faculty and Staff Appreciation Reception." Although all of us are grateful for the tremendous efforts of our professors, our administration, and our law school personnel, it is not everyday that we take the opportunity to express our admiration. On Thursday, February 20, please come join us in giving thanks from 4:00 until 6:00 in the West Hall Exhibit area on the second floor.

In the spirit of community service, we are planning a second "Party with a Purpose" on Friday, March 14th. Although the party will have a St. Patrick's Day theme in celebration of luck and fortune, the SBA will be collecting homeless shelter supplies for those who are not as blessed. Collections will also be accepted all week for those who are unable to attend the event.

Additionally, March will provide an excellent opportunity for networking, as the SBA works to collaborate with the Atlanta Bar Association on two events.

Although the dates and times are still being finalized, we hope to have a representative of the Atlanta Bar deliver a presentation on the benefits of becoming a member, followed by a social reception where current Atlanta Bar members get to know GSU law students.

Finally, our annual Law Week tradition has been set for March 31 through April 4. Although it is still months away, we've already begun the preparations to make our anniversary year spectacular at our first Law Week Planning Meeting last month. This year's theme will focus on changes we have seen over the last 20 years, in our school, our laws, and our country. We will also take special notice of the role that balance has played in shaping these changes. Student organizations have already begun working to arrange speakers and activities for this law school tradition. The spirit of this tradition begins at our Law Week Kick-off Party on Friday, March 28, and culminates in the spectacular Barristers' Ball on Saturday, April 5th.

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**THE SPIRIT OF GIVING**

*By Erin Baird*

On the last day of exams, the SBA sponsored a holiday "Party with a Purpose" at Smith's Olde Bar. Everyone who attended received free food and drink specials in exchange for donating a small toy for "Toys for Tots." It was a delight to see students and faculty together, celebrating the completion of the Fall semester and the spirit of the holiday season. There was also live music, billiards, and a few friendly political discussions.

We collected over 30 toys for "Toys for Tots" to help make the holidays a little brighter for Atlanta area children. This is an event that we hope to become a tradition at GSU College of Law. Be sure to attend our second "Party with a Purpose" this spring!
Careers

IN CELEBRATION OF ITS 20TH ANNIVERSARY

GEORGIA STATE UNIVERSITY COLLEGE OF LAW PRESENTS

THE HONORABLE RUTH BADER GINSBURG

ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT

A FEW LITTLE KNOWN PAGES OF SUPREME COURT HISTORY

SPRING 2003 HENRY J. MILLER LECTURE

THURSDAY, FEBRUARY 13, 2003

32nd Henry J. Miller Lecture

5:30 - 6:30pm

Georgia State University

Rialto Center for the Performing Arts

80 Forsyth Street NW, corner of Forsyth and Luckie Streets

Free and Open to the Public

MEMOIRS OF A GSU LAW ALUM

By Paul Vignos

Class of 1996

I remember being at the College of Law when the Docket came out with its first issue. Kamoshine was teaching Civ Pro. Tom Jones was coaching the mock trial teams. Hogue was dropping bread crumbs for the slower of us to follow. In our effort to understand the basics of Constitutional Law, Does the College of Law still offer that most excellent series of courses? The exercises have influenced all my legal document draftings.

What if? would think any of that would actually make the difference in real practice? Here I am in the middle of the Western Pacific and that basic stuff is the beginning and ending of my practice. I came out to Micronesia a year and a half ago, to leave the frustrations of the public defender system behind. I came with Rhonda Byers, another College of Law alum. The Kosrae State Legislature offered us both jobs. We both wanted to work, were looking for a change, figured we would have little to do apart from the expected drafting of bills, amendments, resolutions, memos, and letters. We grossly underestimated the potential.

Picture Kosrae State - a single volcanic rainforested island with around 350 inches of rain a year. The world’s best limes, fresh Sashimi, warm tropical water; a paradise half way between Hawaii and Australia; an economy based on the munificence of the U.S. Congress, otherwise subsistence fishing and farming. How much can there be for the Legislative Counsel to do?

Actually, alot. The Governor regularly ignores the Legislature and the Constitution, when they get in his way. So when he sent down a bill that gave himself a salary increase, he didn’t expect the Legislature to defeat it.

Kosrae has a Constitution, almost congruent with the U.S. Constitution. The Kosrae Constitution limits salary increases for the high elected officials of each branch of government. This is basic law. Our advice to the Legislature was, don’t pass the bill; it’s unconstitutional.

On behalf of the Governor, the Attorney General sued the Legislature, asking the Court for declaratory relief. He wanted the Court to advise the Legislature that a hypothetical amendment to the Governor’s defeated bill would pass constitutional analysis. Our advice to the Legislature, move for dismissal for lack of Subject Matter Jurisdiction. Here we are, in the Western Pacific, revisiting basic Civ Pro.

You might think that the highest ranking law enforcement office in the State would have a grasp of basic legal principles. You would be wrong. The Attorney General’s office has no more respect for the law than the Governor.

Living in a tropical paradise sounds a lot better than slogging it out in the polluted air of Atlanta. But, Tropical Islands look better the further away you stay from them. You don’t see the trash. You don’t see the incompetence. You don’t see the women kept as second class citizens. Then too, you don’t rattle the system, if you don’t have a job to do.

The Governor despises us, because we don’t tell the Legislature to roll over when he shoves. Some of our defiance comes from our background in the Georgia public defender system. Some of it comes from confidence we learned in mock trial competitions. We know what the burdens of proof and persuasion are all about.

It’s also kind of fun, but disturbing, to get fired by the Governor. He fired Rhonda and I last year in a pair of letters suitable for framing. The Legislature went to Court under the Separation of Powers Doctrine. The Court granted a preliminary injunction. A hearing is scheduled for late February.

I cannot recommend the Pacific islands as a wonderful land of opportunity, other than in the areas of greed and corruption. The Legislatures are often corrupt, or derelict in performing their duties. To practice law here, to maintain basic constitutional, moral and ethical principles, can be exhausting.

On the other hand, anybody who wants to come out here will find plenty to do. The people can use all the principled advocates they can get. State-side lawyers will also find plenty of jobs. Nearly every island state or nation sustains a high turnover of U.S. lawyers.

For me, the best part of being here is helping the Legislature to understand that it must be strong in order for the constitutional system to work right.

If the best amounts to a dream, still I’m loving the rain, the sashimi and limes, my neighbors, and all the stories I’ll have to tell my grandchildren.
**Student Voice**

**America Needs African American Reparations**

By Lawrence Dietrich

We have all heard the saying that the third year bores you to death. Well, five of us 3Ls decided to have none of that this past semester. What better way to keep from being bored to death than running a marathon. Or so our notion went. We all knew that once school ends this summer, our schedules will change drastically. Work will beckon. No more afternoon naps. Family and work deadlines will become more pressing, and ignoring our past and present, seeking the redress which would attend acknowledging the facts. Presently this Movement is the only Cause which draws allegiance from every region, profession, and economic, educational and social status: unemployed, imprisoned, entrepreneurs, politicians, lawyers, doctors, celebrities, the homeless, students. And nary a non-black ally.

However, reparations (and apologies) are granted to Japanese, Jews and other non-black victims worldwide. Consider two paradoxes. Extension of justice to blacks is perceived to require great injustice to other Americans. Entry of African Americans into any facet of the culture impels greater oppression of most.

The Movement seeks first a symbolic acknowledgement of the past and present horrors. Therefore, it now concentrates on teaching both other Americans and African Americans that our current travel is a manifestation of the same American philosophy as was slavery. Except in prisons, America has renounced overt slavery but none of its premises. If that were understood the Movement believes that reparations, that is, redress would follow willingly.

If this educational stage was successful, America’s formulation of public policy, including blacks (for the first time genuinely), would design programs of redress. No one knowledgeable in the Movement, I think, proposes arbitrary grants to individuals. That would only reinforce the myth and the alienation.

Social programs dependant on such awakening in American self-perception are easy to imagine yet impossible to imagine occurring — universal equitable health care; reform of criminal law from cop, prosecutor, and judge to Supreme Court by inventing and enforcing humane, constructive, equitable standards for the exercise of discretion; schooling which enables everyone to earn and live at a level America perceives to be minimally fulfilling; etc.

Special programs, “Reparations” for black Americans, are needed to redress existing grotesque disparities. They would cost untold millions. But both ironies about cost arise. First, reparations would cost immeasurably less than the astounding price that America pays to maintain its myth and our caste. Prison, for example, costs more per person than college; emergency wards are more than preventive health care; crime more than “welfare.” America would save money by redirecting expenditures away from oppressing us (with crippled excuses) into repairing the devastation currently inflicted. In constructive Reparations for black Americans there’s gold for all Americans.

Second, redress for us cannot be fully achieved without also addressing profound deprivations visited upon many other Americans. If real education, health care, adequate wages and working conditions, and a semblance of justice does not become pandemic, the myth of our unworthiness will undermine all black progress, just as it has corrupted Affirmative Action. Everyone would be better off if Americans were not mesmerized by the untruth that god and Nature compel the subordination of their black counterparts.

Personally, I doubt that the Reparations Movement can succeed because an indirect consequence would be a decent nation. Patriotism, however, requires me to try it.

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**Happy Running**

By David Doi-sey

We have all heard the saying that the third year bores you to death. Well, five of us 3Ls decided to have none of that this past semester. What better way to keep from being bored to death than running a marathon. Or so our notion went. We all knew that once school ends this summer, our schedules will change drastically. Work will beckon. No more afternoon naps. Family and work deadlines will become more pressing, and ignoring our past and present, seeking the redress which would attend acknowledging the facts. Presently this Movement is the only Cause which draws allegiance from every region, profession, and economic, educational and social status: unemployed, imprisoned, entrepreneurs, politicians, lawyers, doctors, celebrities, the homeless, students. And nary a non-black ally.

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Lindsay Churchill, and myself choose the Kiawah Island Marathon in Kiawah Island, South Carolina. This marathon is billed as one of the flattest marathons in the country — exactly what we were looking for. Who needs the hills of Atlanta to further complicate running 26.2 miles?

Unfortunately the marathon happened to fall right in the middle of exams — but it was just a quick jog around an island, right? It would be a nice break from studying.

While Brian Nichols had previously run a marathon, for Sally, Lindsey, and myself it was our first. Our training started four months prior to the race, usually six days a week for most of that time. Having friends push me to keep going during the race was the key. I couldn’t give up without everyone finding out and harassing me — so it became just easier to grin and bear it and keep running. For four long months until finally it was race day. But we all succeeded in finishing — with times ranging between four and five and a half hours.

The real goal we achieved this past semester was simply setting a goal and striving for it. Law school is an intense time — full of stress, exams, reading, externships, finding time for families and friends, job hunts, and so much more. But in reality, it is also a last time of flexible schedules and random chunks of free time sprinkled throughout the day. We chose to fill some of those voids with marathon training. But the key for all of us is to make sure we fill those voids with something meaningful — otherwise that time will simply slip away.

We challenge each of you to set a goal for next year (or the rest of this semester) — whether that goal is simply spending more time with family, catching up on missed episodes of Sex and the City, running a marathon, or whatever else catches your fancy. Take advantage of the time we have here at law school and don’t graduate thinking ‘what if’. Happy running!