The Lex Societas Law Journal: Edition III

Note from the Editor-in-Chief: Peter Fleming

I would once again like to thank all of the writers, editors and contributors at the Lex Societas organization who made the third edition of this journal possible. In particular, to my three executive editors, Bridgette Jeonaire, Belle Whab, and Trisha Rubio, whose extensive work in the editing and administrative process was invaluable in putting the journal together. I would also like to announce that as this is my last journal on the staff, the three of them will be assuming the position of co-Editor-in-Chief(s) for the fourth edition of the journal. I have full confidence in all of their abilities.

List of Contributors:

Editor-in-Chief: Peter Fleming

Executive Editors: Bridgette Jeonaire, Trisha Rubio, Belle Whab

Writers: Ridhima Bhat, Yaur Bangudi, Sophia Cuperstein, Yael Fishman, Eshal Hameed, Ella Higgins, Edward Galusi, Shayla Mol, Aaryan Polisetty, Mariana Poncev, Megan Seybold, Anya Sinha, Jaquelyn Toriz

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Boren Identity; An Interpretation of *Craig v. Boren*, by Sophia Cuperstein

"Oklahoma's gender-based differential constitute[d] an invidious discrimination against males", rooted in the disparity of alcohol distribution between males and females. *Craig v. Boren* (1976) identified that the vending of alcohol to women aged 18 or over and men 21 or over is inconsistent with the Equal Protection Clause of the Fourteenth Amendment. This case ruled that a limitation on minimum ages for residents of each gender to purchase liquor demonstrates both discrimination towards men and sufficient economic harm to the vendor. This monumental case which is often reduced to its relation to alcohol used advanced gender equality for females by giving an instance where men were discriminated against. This was also the basis for intermediate scrutiny, which was later developed in *U.S. v. Virginia (1996)*. Through deeper analysis of the case, it is evident that there are various other justifications for the holding reached by the Justices, including Ruth Bater Ginsburg's trojan horse technique, economic harm, and the legitimacy of gender (traffic safety) statistics used by the government becomes codified bias.

On October 5, 1976, Curtis Craig and a licensed vendor filed a lawsuit against David Boren, Governor of Oklahoma at the time, on the basis of sex discrimination in violation of the Fourteenth Amendment. Although in 1982, the holding in *Reed v. Reed* made the age of majority (18) for most alcohol equal, 3.2 percent beer was exempt from this holding. The age restriction was based on "statistical evidence regarding young males' drunk-driving arrests and traffic injuries" in relation to "the achievement of traffic safety on Oklahoma roads". However, this law did not prevent legal-aged females from purchasing over 3.2 percent beer on behalf of underaged males. Hence, this law solely created sex-based discrimination rather than increasing safety on the roads. Additionally, the substantial economic harm induced by the statute was considered in the case.

The main point of contention throughout this trial was whether the Equal Protection Clause of the Fourteenth Amendment permits states to set varying minimum ages for residents for liquor purchase based on gender. The holding was critically dependent on Ruth Bater Ginsburg's litigation technique. Given her primary focus was to add a gender based distinction to the Fourteenth Amendment, she took on a case where men were discriminated against. She did not choose a case built upon discrimination against women because a full-male court was unlikely to rule in her favor. However, the justices would sympathize with discrimination against men and demonstrate Ginsburg's point that prejudice based on gender is unconstitutional. This strategy was successful and additionally led to the creation of the intermediate scrutiny standard.

This is an intermediate level of judicial review that assesses the constitutionality of laws or policies based on gender. To satisfy an intermediate scrutiny test, the government must demonstrate that a statute serves important government interests, and that the particular statute is reasonably related to that objective. Ultimately Ruth Bader Ginsburg's goal was achieved as she established that discrimination based on gender was unconstitutional. However, the Court's inconsistency when applying intermediate scrutiny to cases has been heavily criticized. In a dissenting opinion, Justice William Hubbs Rehnquist argued that the Court should have used a rational basis standard when reviewing this case and any other gender-based classifications instead of any level of scrutiny.

Intermediate scrutiny was one of the first steps towards establishing gender-based discrimination as unconstitutional. Cases such as *Goesaert v. Clearly* (1948) had upheld gender discrimination. However, *Reed v. Reed* (1971) was critical in creating the foundation of *Craig v. Boren* and other civil rights suits. However, *U.S. v. Virginia* (1996) formally established intermediate scrutiny that would build the basis for further gender-based cases. Despite the controversy of intermediate scrutiny, Ginsburg's litigation strategy was critical to its foundation. With her work at the American Civil Liberties Union (ACLU), she used male plaintiffs to challenge laws that indirectly harmed women. The strategy behind arguing this case was also that it created a path for SCOTUS to follow, in terms of gender equality civil suits and highlight *Craig v. Boren*'s significance in a larger civil rights campaign.

Another issue in this case was whether third parties have standing to bring a lawsuit when they suffer economic harm (in this case, an alcohol vendor). The justices on the Supreme Court of the United States, however, focused their opinion on "the state's use of statistics to justify the" beer purchasing law. It was argued that there was an absence in correlation between the law and what the state could identify as the positive effects it created. A point of contention for this reasoning is that the statistics were taken from a government approved study that should have been approved by the executive branch. The lack of efficiency aid from this study raises the question of government organization and minimizes their legitimacy to conduct similar studies in the future. In a dissenting opinion, Justice Warren Earl Burger objected to the economic issue raised by the vendors by claiming the harm created by the age was too indirect to create a significant financial burden.

The case of *Craig v. Boren* was a pivotal moment on issues regarding gender-based discrimination and how this operates within the established levels of scrutiny. This case

highlights how Ruth Bater Ginsburg's trojan horse-esque technique used discrimination against men to create increased gender equality, especially for women. This also established intermediate scrutiny and built the foundation of many cases in the future. Issues such as the reliability of governmental studies and economic impacts of gender discrimination are also highlighted. Beyond beer regulation, this case was critical to the understanding of future cases such as *US v. Virginia* and *Sessions v. Morales-Santana*. The analysis of this case provides a perspective on intermediate scrutiny, gender equality, and the economic impact of beer over 3.2 percent. By forcing the SCOTUS to look at gender through a different lense, this case transformed the issue of gender from a narrow law to what would be come a huge step for equal protection.

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Shift of Immigration Law, by Mariana Poncev

From early 2020 to late 2021, the COVID-19 virus severely impacted the United States, not only in public health but also in immigration law. Most notably, the provision and use of Title 42 to expel migrants without standard procedures. These measures, framed as necessary due to public health concerns, shifted immigration law and enforcement during and after the global pandemic.

I. Title 42

Title 42, codified at 42 U.S.C. § 265, originates from the Public Health Service Act of 1944. It was initially enacted in 1944 to grant the government authority to restrict entry into the United States to prevent the spread of communicable diseases. However, this new provision of Title 42 during COVID-19 enabled the federal government to utilize Title 42 differently. In March 2020, the Centers for Disease Control and Prevention (CDC), at the direction of the Trump Administration, invoked this statute to prohibit the entry of individuals at the United States-Mexico border. While originally designed as a health measure, Title 42 was reinterpreted in this way to facilitate mass expulsions of migrants, disregarding previous asylum and immigration laws.

Before Title 42's enforcement, migrants crossing into the United States were permitted to request asylum pursuant to the Immigration and Nationality Act (INA), 8 U.S.C. § 1158. Asylum seekers would undergo credible fear interviews and, in many cases, be released while they waited for their immigration hearing. Under Title 42, however, these protections were bypassed. Migrants were expelled without a hearing or opportunity to seek protection. Between 2020 and 2023, U.S. authorities carried out over 2.8 million expulsions under Title 42 procedures.

II. From Trump to Biden

Title 42 remained in effect well into President Biden's term despite its original introduction by the Trump Administration. The Biden Administration initially attempted to rescind it in 2022, but Republican state governments challenged this attempt in court, arguing that Title 42 remained essential to national security. The courts agreed, keeping the provision in place until the administration declared the COVID-19 public health emergency over in May 2023. While Title 42 was ultimately lifted, its impact continued. After its removal, the Biden Administration implemented more restrictive immigration regulations. For example, migrants caught attempting to cross the border illegally became subject to a five-year reentry ban, with possible criminal penalties.

III. East Bay Sanctuary Covenant v. Barr

Additionally, the Biden administration enacted a rule that denied asylum for those who failed to apply for protection in a country they previously transited through, going back to the "third-country transit ban" previously struck down in the case East Bay Sanctuary Covenant v. Barr. This ban, made by the Trump Administration, denied asylum to migrants who didn't first apply for asylum in another country they passed through. The Ninth Circuit ruled that it violated the Immigration and Nationality Act and did not correctly follow procedure under the Administrative Procedure Act. This case is significant as a similar policy was later passed under the Biden Administration, post-lifting of Title 42, despite the Ninth Circuit previously blocking it. This demonstrates how crises like the pandemic allowed policies once determined to be unlawful to reemerge under different justifications.

IV. Poe v. Mayorkas

The case Poe v. Mayorkas reinforces the idea that public health emergencies were used as a pretext to ignore established immigration protections. The lawsuit was filed by the ACLU (American Civil Liberties Union) in an attempt to highlight that Title 42 was being used not as a legitimate health measure but as a tool for mass expulsion. In this case, plaintiffs challenged the government's continued use of Title 42 to expel families seeking asylum, arguing that it violated both domestic asylum law and international obligations. This connects to the concerns raised in East Bay Sanctuary Covenant v. Barr. The litigation in the case emphasized how emergency powers can be stretched beyond their intent, supporting the idea that COVID-19 allowed for restrictive immigration policies to continue under questionable legal justification.

V. Analysis of Possible Pretext

As scholars have noted, emergencies such as pandemics often provide a political opening to advance restrictive agendas. It is very possible COVID-19 was used as justification for stricter immigration laws to be implemented, as the pandemic created an opportunity for the U.S. government to advance restrictive immigration measures under the cover of public health. As an article from SAGE Open suggests, emergencies like COVID-19 allow policymakers to legitimize pre-existing political agendas, such as border fortification and exclusionary immigration policies, by framing them as necessary for national safety.[3] This pattern highlights how public crises, in this case, COVID-19, can be used to reshape immigration laws beyond their original context.

VI. Violations of Domestic and International Law

The use of Title 42 raised serious legal concerns, particularly concerning international human rights obligations and domestic statutory protections. Under the INA and the 1951 Refugee Convention, incorporated through the 1967 Protocol Relating to the Status of Refugees, the United States is required to assess asylum claims individually and refrain from returning individuals to countries where they face persecution—a principle known as non-refoulement. Title 42 expulsions violated this principle by eliminating access to credible fear screenings, which are codified in 8 U.S.C. § 1225(b)(1)(A). Courts have recognized that even noncitizens possess limited due process rights under the Fifth Amendment. These constitutional and statutory protections were disregarded as certain groups of migrants were blatantly denied entry, often without any assessment of their specific circumstances. As stated before, migrants arriving at the United States border are entitled to seek asylum under the Immigration and Nationality Act (INA). The act states that this entitlement is irrespective of the alien/migrant's status. It essentially establishes the United States's commitment to the 1951 Refugee Convention and its 1967 protocol, both important in outlining the legal protection and rights a refugee is entitled to. Title 42, while only temporarily, ultimately reversed these protections, which raises serious concerns.

Although not every migrant who attempted to cross the border during the pandemic was a refugee, it is important to note the fact that no blanket policy should've overridden the legal obligation to individually assess asylum claims based on international and domestic law; not every migrant came for the same reason. The disregard of these protections during Title 42 enforcement demonstrates the expansive power the executive branch can wield during declared health emergencies, and beyond.

VII. Analyzing the Expansion of Executive Power

Beyond violations of immigration/asylum law, the continued enforcement of Title 42 highlighted the extent of executive power during emergencies. The Administrative Procedure Act (APA), 5 U.S.C. § 553, requires transparent rulemaking and public notice for agency actions. However, the government disregarded these requirements in implementing Title 42 expulsions, leading to lawsuits from immigration advocates. Courts also frequently referred to the executive's framing of the policy as a national security matter, further blurring the line between crisis response and immigration enforcement. Title 42 risks setting a possible precedent in which future administrations may use health emergencies or other crises to impose harsh immigration laws with limited judicial oversight

VIII. Legal Continuity

Even after the termination of Title 42, its legal and policy legacy remains. As stated previously, the Biden Administration's transit ban and other asylum restrictions reflect a

continued shift toward enforcement-heavy responses that once faced judicial disagreement, as the prohibition mirrors earlier Trump-era policies that federal courts struck down as inconsistent with statutory asylum law. Yet when implemented under different circumstances, such policies now enjoy legal viability. The manner in which this policy was reinstated and upheld in a different context shows how COVID-19 reshaped not only enforcement practices but also legal interpretations of asylum law in times of crisis. It is safe to say that the pandemic didn't just justify the temporary Title 42, it slightly shifted the foundation of immigration and asylum law.

Conclusion

In sum, the pandemic was not simply a context for temporary border controls; it redefined what could be considered "acceptable" enforcement in a post-COVID legal landscape. The blending of public health reasoning with immigration law allows for possible precedents that may be invoked in future crises, permanently shifting the way immigration law and policy function in moments of national emergency. Title 42 allowed the executive branch to bypass long-standing protections under U.S. and international law, and its enforcement blurred boundaries between legitimate health policy and immigration control. Moving forward, the use of emergency powers must be carefully scrutinized to prevent temporary crises from redefining legal norms.

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Monopolistic Practices in Big Tech and Their Impact on Small Businesses, By Aaryan Polisetty

Big Tech has personified innovation, convenience, and global digital transformation in the past two decades. These behemoths, such as Amazon, Google, Apple, and Meta, have revolutionized the business environment in all sectors from e-commerce, social media, cloud services, and online advertising. Their dominance in the digital markets, however, has stirred urgent legal and economic questions. While these firms have driven tremendous innovation, their conduct in the marketplace increasingly betrays monopolistic tendencies that threaten the competitiveness and viability of small business. This paper argues that Big Tech's monopolistic practices—from predatory pricing and algorithmic self-preferencing to data hoarding and platform gatekeeping—undermine competition, frustrate antitrust principles, and demand an assertive legal and regulatory response to safeguard the integrity of free markets. That Big Tech firms are prosperous is not the issue itself, but how they have attained market control is what must be examined legally. Amazon, for example, has been accused of predatory pricing in offering products at below cost in an attempt to outmarket and push out smaller sellers. While not a novel strategy in the history of antitrust, the practice has assumed data-driven exactness in the online environment. After achieving market dominance, it becomes feasible for Amazon to raise prices or use its position to promote its products over third-party sellers' products, rendering the platform inhospitable to small businesses.[1] Google's market dominance in online search and advertising also illustrates self-preferencing. U.S. House Judiciary Committee demonstrate how Google consistently prioritizes its own services in search rankings, thereby crowding out competitors and limiting consumer choice.[2] Amazon does much the same by elevating its own in-house brands to the top of marketplace search rankings, to the detriment of independent sellers who rely on visibility to generate sales.[3]

This practice, while not visible to the average consumer, is a deliberate use of algorithms to reinforce market dominance. Apple and Google's control over mobile app distribution is another instance of monopolistic gatekeeping. Apple and Google charge up to 30% fees to developers and have absolute discretion over how visible an app is in their stores. In Apple Inc. v. Epic Games Inc., the court acknowledged Apple's significant dominance in iOS distribution but stopped short of declaring it an illegal monopoly.[4] Nevertheless, the case brought to light how small app developers are constrained by high fees and little choice, choking innovation and entrepreneurship. Big Tech's ability to monopolize data collection also raises legal and moral questions. As Shoshana Zuboff discusses in The Age of Surveillance Capitalism, corporations like Google and Meta commodify user data on a previously unimaginable scale, giving them insights into consumer behavior not available

to smaller competitors.[5] This data asymmetry enables targeted advertising and market prediction with accuracy, entrenching existing monopolies and making the competitive gap even wider. The impact of this monopolistic action on small business is both deep and multifaceted. Third-party sellers on marketplaces like Amazon are exposed to the double danger of algorithmic entrenchment and copycatting by Amazon through its private labels.[6] The very conflict of interest—of being both a marketplace host and a competitor therein—leads to the systemic undermining of fair competition. Furthermore, small businesses that depend on the digital infrastructure of Big Tech platforms are vulnerable to exorbitant fees and less control. Apple and Google's app store fees are a deep cut into margins that makes scaling difficult for startups.[7] Search engine algorithms bury smaller competitors beneath layers of paid or preferred content, decreasing their discoverability.[8] Those that rely upon infrastructure such as AWS or Google Cloud are functionally beholden to the very companies that they also have to compete against.[9]

Real-world legal disputes demonstrate the structural vulnerabilities small businesses face. In 2020, PopSockets testified before Congress, alleging that Amazon had strong-armed them into pricing concessions while allowing counterfeiters and Amazon's own labels to proliferate.[10] This dispute shows how control over a marketplace can be leveraged to extract unfair terms from independent sellers. Similarly, the Epic Games lawsuit brought critical attention to Apple's gatekeeping of its App Store. Though Epic lost on several fronts, the suit exposed the extent to which Apple's control over in-app purchases stifles competition.[11] Google's current fight with Yelp over the rigging of search results illustrates how search bias can divert user traffic and harm businesses that rely on online visibility.[12] These cases show that though there are legal remedies, they typically come after market harm has been widespread. Responding to mounting public and legislative pressure, antitrust enforcers have begun taking corrective action. The Federal Trade Commission's lawsuits against Meta and Amazon foreshadow a renewed commitment to enforcing competition laws against the tech sector.[13] On a worldwide scale, the European Union's Digital Markets Act takes the affirmative step of attempting to prohibit self-preferencing and require data sharing in a bid to level the playing field.[14] In the United States, pending legislation such as the American Innovation and Choice Online Act seeks to prevent major platforms from favoring their own products and services.[15] This type of legislation would, if passed, provide regulators with the tools to address conflicts of interest inherent in vertically integrated digital platforms. These developments reflect a growing recognition that antitrust law will need to evolve to address the intricacies of digital commerce. The way forward needs to begin with a rethink of how legal tests consider market power in the context of data, algorithms, and digital infrastructure. Traditional antitrust methods—

centered on consumer prices—are not suited to an era where harm usually comes in the form of reduced innovation, restricted access, and unfair business terms rather than overt price increases.

To address these challenges, lawmakers must empower enforcement agencies, modernize outdated antitrust legislation, and pass regulations that encourage neutrality in digital markets. Encouraging alternative infrastructures—either through public investment in open-source platforms or support for decentralized networks like Web3—can create possibilities for small businesses to be independent of monopolistic gatekeepers. The ascendance of Big Tech has remade the global economy, but its unchecked dominance has also brought forth profound legal and economic distortions. Through predatory pricing, algorithmic manipulation, and platform gatekeeping, dominant tech firms have systematically injured small businesses and undermined competitive markets. While ongoing antitrust enforcement and legislative proposals are important steps in the right direction, a comprehensive, legally binding framework is necessary to restore fairness and opportunity to the digital economy. Protecting small businesses from monopolistic predation is not only an economic policy issue—it is a legal imperative at the center of preserving democratic market values.

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Discipline and Due Process, by Anya Sinha

School discipline serves as the foundation for maintaining order and inspiring a productive learning environment. However, the intersection of discipline and legal rights raises significant questions about fairness, constitutionality, and long-term consequences. While schools have the authority to enforce disciplinary actions, this power must be exercised within legal boundaries that respect students' constitutional rights. The legal framework governing school disciplines includes guidelines on suspensions and expulsions, protections against violations of students' rights, and the implications of disciplinary practices, particularly concerning the school-to-prison pipeline. School discipline, when enforced under legal guidelines, should focus on maintaining order while respecting students' constitutional rights and addressing systemic issues that disproportionately affect minority students.

School administrators possess the authority to impose disciplinary actions, such as suspensions and expulsions, but this power is not absolute. The legal framework for discipline in schools derives from federal laws, state statutes, and other judicial decisions that decide how schools can respond to student misconduct. The landmark Supreme Court case *Goss v. Lopez* (1975) established that students have a constitutional right to due process before being suspended. The ruling determined that a school cannot deprive a student of education without providing a fair hearing, even in cases of short-term suspensions. This reinforced the principle that students must be given notice of the accusations against them and an opportunity to state their side of the story. However, this principle is often not followed within schools. Expulsions, which involve the removal of a student for an extended period or permanently, typically require even greater procedural protections. Most states mandate formal hearings, where students and their families may provide evidence and question witnesses. Additionally, the Individuals with Disabilities Education Act (IDEA) imposes special protections for students with disabilities, ensuring that disciplinary actions do not infringe on these students' right to a free public education. Schools must conduct a "manifestation determination" review to assess whether the student's behavior was a result of their disability before proceeding with severe disciplinary measures. Despite these legal protections, disparities exist in how these disciplinary actions are administered. Data from the United States Department of Education reveals that minority individuals, especially Black and Latino students, face disproportionately higher suspension and expulsion rates compared to their white peers. These disparities raise concerns about biases in disciplinary decisions and the potential long-term consequences for affected students.

Students do not forfeit their constitutional rights upon entering school grounds. While schools are granted the authority to regulate behavior, they must do so in a manner that respects students' rights, especially regarding the First, Fourth, and Fourteenth Amendments. One of the most contested areas of school discipline involves freedom of speech and expression. The Supreme Court case *Tinker v. Des Moines* Independent Community School District (1969) set a precedent by ruling that students have a right to express themselves as long as their speech does not cause disruptions to their educational environment. This ruling continues to influence cases that involve dress codes, school protests, and online speech. Another crucial constitutional protection involves search and seizure rights under the Fourth Amendment. Unlike law enforcement, school officials do not require a warrant to search students, but they must have "reasonable suspicion" that a student has violated school rules or the law. In *New Jersey v. T.L.O.* (1985), the Supreme Court ruled that while schools can conduct searches, they must be reasonable in scope and justified in inspection. This ruling has led to debates over locker searches, drug testing, and the use of surveillance technology in schools. The Fourteenth Amendment further protects students by ensuring that disciplinary actions do not violate the principles of due process and equal protection. Unequal enforcement of school policies based on race, gender, or socioeconomic status can constitute a violation of this amendment. As schools adopt new disciplinary measures, such as the use of artificial intelligence to monitor students' online activity, legal concerns continue to evolve as many are concerned that these measures lead to potential rights violations.

One of the most significant concerns in school discipline is the school-to-prison pipeline, a term used to describe how harsh disciplinary practices increase the likelihood of students entering into criminal activity. Policies such as zero-tolerance rules, which mandate severe punishments for specific violations despite circumstances, have been criticized for greatly affecting minority and low-income students. The expansion of school resource officers (SROs) – police officers stationed in schools – has increased the characterization of student behavior as criminal. Minor violations of school conduct that were once handled by school administrators, such as class disruptions or dress code violations, are now leading to arrests and juvenile court involvement. Research shows that schools with a strong police presence tend to have higher arrest rates for minor misconduct, pushing more students into the legal system at an early age. Legally, challenges to these practices have emerged in the form of lawsuits and policy reform. Civil rights organizations have argued that disproportionate disciplinary actions violate the Equal Protection Clause of the Fourteenth Amendment. In response, some schools and state districts have implemented restorative programs as an alternative to harsh discipline. These programs focus on rehabilitation rather than exclusionary practices, reducing suspension rates and improving school environments. Efforts to dismantle the school-to-

prison pipeline also include legislative changes. The Ending PUSHOUT Act, introduced in Congress in 2023, aims to address discriminatory discipline practices by providing funding to schools to implement non punitive disciplinary strategies. Similarly, state-level policies have sought to limit the presence of law enforcement in schools and place an emphasis on mental health support rather than criminalization.

The legal aspects of school discipline are complex, requiring a precise balance between maintaining school order and protecting students' rights. While schools have the authority to punish their students, legal frameworks such as due process, constitutional rights, and anti-discrimination laws ensure that disciplinary actions remain fair. However, persistent disparities continue to be present in these measures, particularly regarding minority students, highlighting the need for reform. By fostering an environment that upholds students' rights while maintaining discipline, schools can create a system that supports the success of their students instead of pushing them toward the criminal justice system.

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The Lack of Accessibility to the Justice System for Low-Income and Immigrant Families, by Yael Fishman

There is an ongoing crisis regarding accessing the justice system in the U.S. This major issue impacts low-income and immigrant families who either get exploited or bluntly denied legal assistance.

The justice system is flawed, and although there has been progress, such as the actions of the Warren Court, namely Gideon v. Wainwright; when the Supreme Court rightly instituted that all states are obligated to provide legal counsel regardless of the punishment at hand (prior, many states only required counsel in cases of capital punishment). But when it comes to large issues and unfair circumstances, is this enough? Getting "proper" legal help is very expensive; there are a multitude of hefty fees from court fees, to hiring private attorneys, and the bail system. The justice system has been founded on the concept of fairness and equality; however, families that carry financial burden, especially new immigrants who aren't familiar with the U.S. justice system, suffer in silence.

Prominently, low-income families are constant targets of inaccessibility to the justice system. Serious legal cases regarding eviction, child custody, divorce, debt, and forms of domestic violence are often not met with any legal help due to low-income clients who are unable to access enough resources or any resources at all. This puts a disadvantage on low-income families who are yearning for justice but cannot fully receive it due to their inability to financially support proper help. It was reported by Legal Services Corporation (LSC) that roughly 87% of low-income Americans receive insufficient legal help, with some receiving absolutely no legal help in desperate legal situations that are life-changing. This lack of legal support can lead to unjust outcomes like parents losing custody of their children, wrongful house evictions, and intense situations where victims don't get protection against their abusers. Not everyone can access the support they need, and does the Justice System still symbolize the supreme role of ensuring protection and equality when those who don't have financial prominence are treated completely differently?

Certain solutions have been implemented. Legal aid centers and lawyers provide more affordable care and support to those in need. However, the ratio between clients in need and legal aid lawyers is at an outlandish contrast. It depends on the state, but as it is reported by the American Bar Association in 2023, there are a insufficient 2.8 civil legal aid attorneys per 10,000 Americans who are low-income living in poverty. This puts many civil disputes and cases left alone without adequate support due to the polarity between those who offer accessible help and those that need it greatly. This apparent issue is also very

prominent in civil legal disputes, where one individual will have a private attorney and another individual who doesn't have as much financial freedom does not.

Nevertheless, the issue goes beyond just financial needs. Legal literacy and lack of English competence contribute to the struggles certain demographics and immigrants who come to the U.S. face when in dire need of legal assistance. The PIAAC Assessment of the Competencies of Adults in the United States reported that approximately 40% of immigrant adults lacked just basic literacy in English. This struggle manifests in the capability of finding accessible legal assistance with proper interpreters and supportive English and legal literacy programs. The American Immigration Council has also divulged that only 37% of immigrants successfully got legal representation, which doesn't include the 14% of detained immigrants who received legal representation for their cases. Moreover, these statistics vary depending on the national location. Immigrants in larger cities are four times more likely to obtain legal counsel than those who reside in smaller cities due to different jurisdictions. The lack of legal representation and accessibility that low-income and immigrant families face is catastrophic, extending to legal and English literacy.

However, some effective solutions and improvements must be implemented to secure a better future for the next generations. Establishing strategies that allow all Americans regardless of ethnic background or financial status to receive the support and legal help they need is fundamental to making our Justice System truly about getting Justice.

This isn't something that is limited to a certain set of individuals. Therefore, it should be a top priority for all. Some great strategies include supporting legal aid funding. The LSC has announced that 92% of civil legal cases were not met with legal help for low-income individuals. This is just one set of frightening statistics that reveal the utter truth behind the lack of legal accessibility. Some definitive ways to help may be to invest money and funding for organizations that provide legal aid and allow more support to be given.

On top of that, legal literacy programs and English proficiency support are also very beneficial and needed. It is vital to provide those who do not speak English or lack legal literacy support when it comes to accessing the Justice System. As an immigrant myself, when I came to this country, I was very young and had the privilege to excel in my ability to learn English and navigate my interests within the Justice System. However, I understand that with this interest, many corrupt features must be improved. Understanding the complexity of this issue and pondering on the most productive ways to diverge from it are essential to all, especially those who are from immigrant families or of low-income status.

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Foreign Influence in US Elections, by Eshal Hameed

The primary legal issue is whether current U.S. laws and enforcement mechanisms effectively prevent foreign nationals, foreign entities, or foreign-influenced corporations from improperly influencing U.S. elections, and if not, what legal gaps need to be addressed to preserve election integrity and national sovereignty.

U.S. federal law explicitly prohibits foreign nationals from directly or indirectly contributing to, donating money to, or participating in decision-making related to federal, state, and local elections. This prohibition is codified in the Federal Election Campaign Act (FECA), particularly 52 U.S.C. § 30121, which bans contributions and expenditures by foreign nationals. Additionally, the Bipartisan Campaign Reform Act (BCRA) prohibits foreign nationals from engaging in political contributions or expenditures. Title 18 U.S.C. § 594 criminalizes interference or conspiracy with foreign agents to influence elections. The Prevention of Foreign Interference with Elections Act of 2019 (S.1469) proposed enhanced sanctions for conspiracies with foreign entities. The Federal Election Commission (FEC) enforces these rules, including restrictions on participation by foreign nationals in election-related decision-making processes. Executive Order 13848 declares a national emergency related to foreign interference, underscoring the government's stance on protecting election integrity. Corporate political spending is regulated, but the Supreme Court's Citizens United v. FEC (2010) ruling allows unlimited independent expenditures by corporations, creating challenges for foreign influence regulation, especially via foreign ownership in U.S. corporations. Furthermore, state laws vary, and recent bills like the Preventing Foreign Interference in American Elections Act seek to close loopholes, particularly regarding ballot initiatives and indirect foreign funding.

Non-Citizen Voting and Voter Registration

Federal law prohibits non-citizen voting. However, enforcement is often lacking due to poor election administration and loopholes in voter registration processes. While the National Voter Registration Act requires attestation of citizenship status when registering to vote, proof of citizenship documentation is frequently not mandated. Studies reveal instances where non-citizens have registered and voted, even though only a handful of states verify citizenship with national databases. Automatic voter registration policies have increased the risk of non-citizen registrations, especially when combined with state policies allowing non-citizens to obtain driver's licenses without citizenship verification. The Safeguard American Voter Eligibility (SAVE) Act is a legislative attempt to close enforcement gaps by requiring proof of citizenship and granting states tools to prevent non-citizen voting.

Instances and Evidence of Non-Citizen Registration and Voting

Empirical studies and state audits confirm that non-citizen registration and voting do occur but are relatively rare. For example, a comprehensive Brennan Center study of over 23 million votes in 2016 found only 30 suspected cases of non-citizen voting, while the Heritage Foundation's database identified just 23-80 cases over multi-year periods. Other academic studies, such as the 2014 Old Dominion University research, estimated that the number could be higher in certain election cycles, but even these reports acknowledge that most registrations and votes are lawfully cast by citizens. Deterrents such as harsh penalties, risk of deportation, and lack of significant benefit deter most non-citizens from attempting to vote.

Foreign Money and Contributions to Elections

The prohibition on foreign contributions extends not only to donations to candidate campaigns but also to political parties, political action committees (PACs), and electioneering expenditure. The FEC rules bar foreign nationals from any involvement in election financing, including decision-making roles. However, foreign nationals can funnel spending through foreign-owned or influenced U.S. corporations, which under the current legal framework are not fully covered by the foreign national ban if they are incorporated in the U.S. and principally managed domestically. The Citizens United ruling further complicated these restrictions by recognizing corporate political spending as protected speech, resulting in increased political expenditures via corporate treasuries and super PACs, including unknown beneficial foreign owners. Approximately 35% of U.S. corporate stock is owned by foreign investors, many of whom exert influence on corporate managers who owe fiduciary duties to these foreign owners, thereby indirectly shaping political spending. Cases such as donations funneled through shell corporations or LLCs demonstrate active foreign attempts to influence elections. Enforcement is hindered by the lack of transparency in beneficial ownership and low staffing at the FEC.
Because federal law does not require disclosure of donors to certain tax-exempt nonprofits (often used as "dark money" vehicles), it can be extremely difficult to trace the origin of funds used to influence elections, especially when routed through layers of non-transparent entities. This lack of transparency allows foreign-influenced corporations—or their U.S. subsidiaries—to channel funds through nonprofits, trade associations, or shell companies without meaningful accountability, thus bypassing both the spirit and, arguably, the letter of the law.

Foreign Influence in Ballot Initiatives

Unlike candidate campaigns, state and local ballot initiatives often lack explicit bans on foreign contributions. The FEC interprets the foreign spending ban as applying only to candidates and political committees, allowing foreign nationals to influence domestic policy through financial contributions to ballot initiatives. Foreign billionaires and entities have spent substantial sums on campaigns to sway ballot measures, circumventing the spirit of the laws. Ohio's HB 1 (2024) and other state measures seek to address this loophole by banning foreign money in ballot initiatives.

Legal Precedents and Constitutional Considerations

The landmark case Bluman v. FEC affirmed the constitutionality of banning foreign nationals from making political contributions in elections. The court recognized the government's compelling interest in preventing foreign influence over democratic self-government. This decision, summarily affirmed by the Supreme Court, rested on the long-standing tradition that foreigners are excluded from participatory rights integral to democracy, such as voting and political spending. Yet, legal scholars highlight tensions between this precedent and broader First Amendment protections for foreign speech, emphasizing the need for narrowly tailored laws to avoid overbroad restrictions.

Foreign Interference Tactics and Recent Incidents

Russian, Chinese, and Iranian interference operations have targeted U.S. elections through disinformation, cyberattacks, hacking, and covert influence efforts. Russian actors used state media and social media bots to amplify divisive content, support particular candidates, and sow distrust. Iran conducted hacking operations against campaigns and sought to disseminate stolen information. China focused on influencing down-ballot races and engaged in sophisticated cyber espionage. Legal outcomes include fines and prosecutions for foreign nationals and actors attempting to illegally influence elections through financial contributions or cyber activities.

Policy and Legislative Efforts

Efforts to strengthen the legal framework include bills like the Preventing Foreign Interference in American Elections Act, which seeks to refine definitions, prohibit indirect contributions, and broaden enforcement standards, particularly related to corporations with foreign ownership. State governments are increasingly taking initiative by enacting

voter registration reforms, banning non-citizen voting, and prohibiting foreign money in local ballot initiatives. Federal executive actions emphasize the need for paper ballots, improved cybersecurity, and transparency. However, enforcement challenges at the FEC and limitations posed by Supreme Court precedents have slowed progress.

State-Level Verification Practices and National Databases

Only a limited number of states—such as Arizona and Colorado—actively cross-check their voter registration lists with national databases, like the Systematic Alien Verification for Entitlements (SAVE) operated by U.S. Citizenship and Immigration Services, to confirm citizenship status for new registrants. However, the SAVE program is not a comprehensive list of citizens, and most states do not require proof of citizenship documents as part of the registration process for federal elections. Instead, most rely on the honesty of the attestation and periodic audits using state or federal data, which sometimes results in errors or the need to reinstate wrongly flagged voters

Explicit Bans on Indirect Funding and Ballot Measure Spending

A key feature of this new legislative approach is the explicit targeting of indirect funding. Prior to these reforms, foreign actors could exploit U.S.-based intermediaries, such as nonprofits or shell entities, funneling resources into the electoral process in ways that avoided direct violations of campaign finance law. The Act criminalizes not only direct contributions, but also attempts to circumvent prohibitions through instructions, designations, or the use of intermediaries acting on behalf of foreign donors. Furthermore, by extending the coverage to ballot measures, the law closes a notorious gap that previously allowed foreign nationals to fund ballot initiatives and referenda, which were not classified as "elections" for federal campaign finance purposes and thus remained largely unregulated against foreign spending.

The SAVE Act: Documentary Citizenship for Voter Registration

The SAVE Act (Safeguard American Voter Eligibility Act) represents another legislative pillar in this modern campaign against foreign influence. Unlike past practice, where self-attestation of citizenship was often sufficient, the SAVE Act mandates that individuals registering to vote produce documentary proof of U.S. citizenship, such as a valid passport, a REAL ID-compliant license with citizenship designation, or a certified birth certificate with a matching government-issued photo ID. This provision is intended to block non-citizens from participating in U.S. elections at the registration stage—an issue that, while

rare according to many studies, has loomed large in public discourse around election integrity. The SAVE Act's requirements fundamentally reshape the process by ending remote or online registration without in-person documentation, posing challenges for citizen access but addressing perceived gaps in existing verification systems

State Laws on Foreign-Influenced Corporate Political Spending

Beyond federal action, many states have enacted or proposed laws that prohibit political contributions and expenditures by corporations that meet defined thresholds of foreign ownership. These thresholds are typically as low as 1% for a single foreign shareholder or 5% aggregate foreign control, and are intended to address the indirect influence of foreign money through U.S.-incorporated entities, particularly in the wake of Citizens United and related developments. States such as Minnesota, New York, Colorado, and several large cities like Seattle have implemented such restrictions, requiring corporations to certify compliance and preventing foreign-influenced companies from providing campaign support—even indirectly—for candidates, parties, and increasingly for ballot initiatives.

U.S. laws firmly prohibit foreign nationals and foreign entities from direct participation in or funding of U.S. elections. However, enforcement gaps, administrative loopholes, and significant legal complexities undermine the full effectiveness of these rules. The limited requirement for citizenship verification in voter registration and allowance for foreign-owned corporations to spend in elections create substantial vulnerabilities. The legal precedent from Bluman v. FEC supports exclusion of foreign election-related spending but leaves room for debate regarding the scope of First Amendment protections, especially concerning issue advocacy and non-citizen speech. Rising foreign interference tactics, including cyber operations and disinformation campaigns, exacerbate these legal challenges. Closing loopholes through legislative reforms, enhanced enforcement, transparency measures, and technological improvements is essential to safeguarding American democracy and national sovereignty from foreign influence.

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Legal Issues in Crypto, by Jaquelyn Toriz

Over time and especially nowadays, we've seen societal norms become more digital throughout the years. This goes along with how we use our money and where we store it, which is often known as cryptocurrency. This has created Bitcoin and multiple industries used daily in our lives. Although it appears to be a great, easier way to store money and a good way to invest, there are still many legal issues that can occur when using cryptocurrency.

This article brings up the contractual issues, stating that "A smart contract automatically pays the other party when they perform their contractual duties"(Freeman 1), this makes it a unique yet complex way of the legal work lawyers have to go through. However, it also creates difficulty when smart contracts aren't necessarily written in the legal language, making it harder to learn technical codes and work with developers to understand what the contract is and does. This goes along with how cryptocurrency is also relatively new and not well-known in the legal world. New cases, new laws, and loopholes make a difficult environment for lawyers in this field. Changing regulations while crypto is evolving is quite difficult, especially when presented to the judge since it doesn't have a physical location, it's not traditional, and they are anonymous.

This is a huge concern when it comes to frauds and scams such as Ponzi, pyramid schemes, and money laundering. In the article, the author states, "This criticism stems from cryptocurrency traders' ability to remain totally anonymous. Indeed, cryptocurrencies have been used for "dark-market sites," where criminals can buy and sell illegal items with little chance of being identified"(Freeman 1). These scammers have nothing to lose as they are promised high returns and no risk while they also receive all the profit. Along with that, these scams operate globally, making it hard to regulate and recover funds for the victims. This goes hand in hand with tax implications and the purpose of cryptocurrency. In the article, the author states, "However, US taxpayers are obligated to report transactions involving cryptocurrencies in US dollars on their annual tax returns. This requirement means that US taxpayers should determine their cryptocurrencies' fair market value (by converting the virtual currency into US dollars) on each transaction date"(Freeman 1). Making each individual report back the currencies that are digitally recorded. They still have to note take everything since it can also lead to fines and criminal charges if you fail to report a transaction.

In conclusion, many of these legal issues we've seen before will likely be more obvious. However, this can be improved through time and patience, especially knowing that it's a

newer topic in law. Nonetheless, we still have to be alert about how we treat cryptocurrency and newer technology along the way.

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Family Law, by Megan Seybold

Family law is an important yet controversial topic. Family law involves an array of issues surrounding the subject, including: divorce, child support, marriage, adoption, and what could be argued as most important, child custody. Child custody is when the court determines how a child will split their time with their parents, who are presumably divorced in a situation. There are many forms of child custody in a situation like this. There is physical custody, sole custody, joint custody, and legal custody, and they all have their issues. Physical custody is with whom a child of divorce will spend most of their time. Legal Custody is the ability to legally make decisions on a child's behalf. Solo custody is when one parent gets sole custody of a child or children, and Joint custody is usually when both parents are involved in the child's life and get joint time with said child. All of these options include a child whose life will be impacted forever, a nd usually, in this situation, the child involved usually does not get an opinion on how this works. Usually in a custody arrangement, the court will base its decision on the child's 'best interest', which usually involves stability and their well-being. Considering that this is the standard that the court makes its decisions on, it can be heavily flawed. Sometimes people can mask their situation to seem better than it is, which can result in a child getting put in the wrong situation that can potentially cause them bodily or emotional harm. If a child is put into a situation that can harm them either emotionally or physically, this can cause trauma for the child, especially if they are you,g guiltyand also can cause distrust in the legal system because in many eyes they 'failed' the child. This 'failure' happens more often than not because children are not given an opinion when custody is involved. Without children being able to voice their opinion about a situation that they are physically in, this can lead to mistakes that could potentially be harmful. This is why child reform is necessary. If there can be changes to the system that take the child's best interest from the child that is in the situation, fewer mistakes may arise, and it may work out in a better way.

Child reform could happen in different ways to address different situations regarding the legal system in family law. It could address the issues regarding children not being able to make decisions in their custody arrangements. It could also address the trauma that is usually ignored that children get while being in a custody battle, as well as children in foster care. Children in custody battles have an increased rate of having problems adjusting to a new custody arrangement. These problems can include struggling in school, participating in risky or unhealthy behavior out of school as a way of coping, and depression or mental illnesses (D'Onofrio & Emery, 2019). A child reform option would be to let the child decide, especially if they are a teenager or in their older youth years, what they want in the scenario. Leaving the decision up to them fully is not the greatest option, but giving them an opinion and making sure they feel heard and that their opinion is taken into great

consideration can significantly lessen these problems. These problems would lessen considering that a child or a teenager is in an environment that they want to be in and that they feel comfortable in.

This solution can work hand in hand with children in foster care. The limitations may be limited considering the number of foster families, but foster care can produce several issues, including heavy trauma. This trauma can stem from being thrown from home to home and never having something stable or from being put in foster care in the first place when there were other options, like being put with a family member. Studies show that every one in four children will experience PTSD because of the foster care system (Brito, 2024). If courts did not jump straight to foster care and instead looked into other family members that may be able to take the child or give custody to someone who knows the child or has experience with the child then the child may have a better chance of experiencing less trauma and living a life that is close to what they know without much change.

People who experience a custody battle or have to go through a custody arrangement are potentially very uneducated on the topic and what they are about to experience. If there were people or a group that specializes in helping people through custody arrangements and helping people after the outcome of the custody arrangement, then people would feel less scared and more prepared about going forward after a custody arrangement. Increased access to legal resources can help everybody in the situation feel better and at ease in the situation. If there were resources that could help children feel better about the situation, such as a therapist or just someone bluntly explaining what is happening, then they would feel safer and more informed about what is happening in their own lives. There are many resources outside of the courtroom or the legal field where parents have helped other parents in a situation like this, such as a resource group called Parents Helping Parents. These resources could also help make the transition to a custody arrangement easier for the child or children involved.

The Marriage of Maclain is an example that illustrates the complexities of custody arrangements. In this custody arrangement, the court had to decide who to give custody to between two parents who had two completely differing views on how to raise the child. In this situation, the court decided to grant joint custody, which allows the child to see both parents. This is an example of how joint custody should be more normalized than sole custody and how it can be more useful and successful for the child than sole custody. In joint custody, it allows the child to see both parents often and spend time with both parents. This can allow the child to have less of a transition after the court decision and the

custody battle, and also allow the child to have a semi-normal upbringing, as well as potentially less trauma involved in the situation. The Marriage of Maclain case is a demonstration of how the court can work in the child's best interest and lead to a normal upbringing. This case can also provide insight into how other custody arrangements can affect the child if a case does not go as smoothly.

Davis v Davis is a case that highlights why children should have input into a custody agreement. Davis v Davis is a case that involved two parents who went back to court after having already agreed to joint custody. The father in this case had broken their custody agreement, which led them back to court. In this case, the court ruled in favor of the mother, but before this case went back to the court, the child involved could have experienced trauma that they could not have experienced if given an opinion in the case. The child in this situation may have had to experience their parents in an argument and had to experience being in court multiple times without their voice heard on what they wanted, given the scenario. Experiencing these situations could lead to potential trauma later in life that could have easily been avoided if the child had been given an opinion in the case. If the child were given an opinion in this case, then potentially the parents would not have needed to go back to court, and sole custody would have been granted in court the first time.

These examples and studies are reasons why child reform is needed and what the benefits of it are. If child reform were heavily acted on in multiple scenarios, it could give the children involved in the court system a voice and potentially protect them from any harm that would be in their way if they had not given their input. Sometimes, children are the best way to get the truth because people lie to get their way and especially when it comes to their children. If children give their opinion on who or what they want based on their experience in the situation, then potential harm could be prevented. Alongside the prevention of harm in custody, it also extends to the foster care system. The foster care system has always been an issue, especially with children dealing with trauma and not getting a voice. If these children who are battling the system were able to get a voice, then potential harm could be prevented, as well as the need to give children a normal life and the life they deserve, because that's the whole point, right?

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Affirmative Action: Equality in Education, by Ridhima Bhat

Affirmative action refers to a set of government policies aimed at creating greater opportunities for minorities. First enacted by President John F. Kennedy in 1961 to prohibit employment discrimination, it is mostly seen in college admissions today. However, this has been a topic of controversy for years, as some believe that colleges will pick minorities solely for their race, therefore closing up spots for academically high-achieving students. In June of 2023, the Supreme Court ruled in a 6-3 decision on the unconstitutionality of the use of affirmative action and prohibited colleges from using race-based admissions.

Why is it important?

According to the Census's American Community Survey, among Black residents of 25 years or older, 22.6% had earned a bachelor's degree or higher, which falls short of the national rate of 32.9%. Disparities in minority and ethnic neighborhoods, particularly among African American or Hispanic communities, significantly limit access to quality education. As a result of blockbusting, redlining, or other gerrymandering tactics, ethnic exclaves were formed—a direct consequence of the government's inability to support minorities. These neighborhoods are neglected and underfunded to this day. According to UNCF, students of color are often concentrated in schools with fewer resources, and schools with 90 percent or more students of color spend $733 less per student per year than schools with 90 percent or more white students. In fact, in 2011-12, only 57 percent of black students had access to a full range of math and science courses necessary for college, compared to a 71 percent of white students. The abolishment of affirmative action is simply against the Equal Protection Clause of the Fourteenth Amendment, which guarantees equality to all. Through affirmative action, an underperforming student who shows great promise could be allowed to attend a top-rated college. As a result, this gives that student a chance for a better life, or it could end generational poverty. Affirmative action also creates greater diversity on campuses. It wasn't until the Civil Rights Act of 1964 that people of color were allowed to attend colleges and universities with White students. Even today, students of color remain underrepresented on college campuses and will continue to be if affirmative action remains banned by the Supreme Court.

Fisher v. Texas

In 1997, the state of Texas established a law citing that any student who was in the top 10% of students in their Texas high school, must automatically be admitted into the University of Texas (UT). In 2004, the university realized that this policy does not do a good job in establishing diversity and providing a greater education to marginalized groups. They established a new policy, in which kept the top ten percent of admissions, which accounts for 75% of the students, but for the remainder of in-state class freshman, UT would now

consider race as another factor in their admission. However, it was clearly established that ethnicity, race, and socioeconomic status were simply a part of an application that they explored, along with extracurriculars, SAT and ACT scores, service, and academic performance.

Abigail N. Fisher, a White female from Sugar Land, Texas, with a dream to attend UT like her father, was denied admission in 2008. It is important to note that Fisher was not a part of the top ten percent of her class, and therefore her application was placed with the rest of the in-state class freshman, where race was a considered factor. Believing she was wronged, Fisher filed a lawsuit against the University of Texas, proclaiming that their race based admissions was a violation of the Equal Protection Clause of the 14th Amendment. She went to the district court and the court of appeals–both times Fisher lost, and the Court upheld UT's decision. Then, she successfully petitioned to have the Supreme Court review her case.
In 2013, in a 7-1 decision, the Supreme Court ruled that the circuit courts did not apply a " sufficient strict scrutiny" (Oyez 2013) in their cases. They then vacated the two previous rulings established by the lower courts, and remanded the case back to the circuit courts. Essentially, no decision was made on whether affirmative action was constitutional or not. In 2016, the case reached the Supreme Court once again, in *Fisher II,* in which the court decided in a 4-3 ruling that University's admission policy was not unconstitutional and it was not in violation of the 14th Amendment. However, this decision did receive backlash, and many believed that this left non marginalized groups, especially White people, at a disadvantage.

Although it was later revealed that some of the people of color who got into UT in the same year Fisher did not, had a lower academic performance than her, Fisher was not aware of the score of her peers during the trials. Fisher had a slightly above average GPA and SAT score. She played the cello. Her father was an alumni. And she felt she was a victim of "reverse racism". Fisher completed her bachelor's degree at Louisiana State University, her second choice. Today, she is one of the leaders for Students for Fair Admission. Her rejection from UT did not put an end to her opportunities. Affirmative action does not limit non-minorities to succeed. Rather, it gives those who struggle a real opportunity to grow.

Grutter v. Boillgner

Another landmark case in the debate over the constitutionality of affirmative action was *Grutter v. Bolinger*. In 1997, Barbara Grutter, a white Michigan resident applied for the University of Michigan's Law School. Her stats were above average: a 3.8 GPA and a 161 LSAT score. She, too, alleged that this was a violation of the 14th Amendment. Many law

schools, including the University of Michigan, are dedicated to having diversity and inclusivity within their students. Once again, race was simply another factor this institution considered. Grutter felt as if people of color had a greater chance of admission over their White counterparts.

The federal district court ruled in favor of Grutter, but the appellate court upheld the admissions policy (Ahluwalia 2024). In a 5-4 decision, the Supreme Court ruled that race based admissions with the intent to increase educational diversity, is constitutional. Justice O'Connor wrote, "in the context of its individualized inquiry into the possible diversity contributions of all applicants, the Law School's race-conscious admissions program does not unduly harm nonminority applicants"(Oyez 2019).

For decades, affirmative action worked. It provided equity for groups that struggled financially and academically. Despite many the protests, the Supreme Court always held the same decision—affirmative action is not unconstitutional. That is, until 2023.

Students for Fair Admissions v. Harvard

Many believe that race based admissions discriminate against Asian Americans specifically. In 2014, an anonymous group of Asian Americans who had been rejected from Harvard University. They believed that their rejection was a violation of Title VI of the Civil Rights Act of 1964, which outlaws racial discrimination, and that this university favored whites. Harvard uses the same holistic approach that the University of Texas did with their admissions, having race and socioeconomic status be one part of the traits that admission officers look at. The plaintiffs proclaimed that many Asian Americans had better applications (higher test scores, GPAs, more extracurricular activities) than any other race applying to Harvard. However, there had been a recent depression in the number of Asians who had been admitted into the university. These allegations against Harvard were paired with the same allegations against the University of North Carolina (UNC).

On June 29th, 2023, in a 6-3 decision, the Supreme Court ruled that both Harvard and UNC's race based admissions went against the Equal Protection Clause of the 14th Amendment—going against the ruling established in *Fisher II* and *Grutter v. Boillinger*. In a majority opinion, the Court ruled that college admissions must be race-neutral and that affirmative action went directly against the Equal Protection Clause and Title VI of the Civil Rights Act.

Reactions and Implications

Did it really change anything? Yes. And no. In August of 2024, MIT was the first to release their ethnic makeup of students. The following table shows their racial composition of both the class of 2027 and 2028.

Race	**Class of 2027 (Pre SFFA v Harvard)**	**Class of 2028 (Post SFFA v Harvard)**
White	38%	37%

Asian 40% 47%

Black	15%	5%
Hispanic	16%	11%
Total	109%[f]	100%[g]

MIT had an increase in Asians enrolled, along with a decrease in Black and Hispanic groups. In Harvard, there was also a significant drop off of Black and Hispanic students in their admissions, but no change in Asian Americans. At Yale, the Black and Hispanic population remains relatively the same, but there was a drop in Asians. The court cases did not have a direct implication on Whites and Asians in college admissions. Yet, Black and Hispanic populations faced consequences.

People from these marginalized communities now urge colleges to adopt DEI policies (Diversity, Equity, and Inclusion), which involves implementing accessible systems for people of color and making them feel represented on campus. But now, President Trump's new policies combat DEI. In his first week in office he declared : "We will terminate every diversity, equity, and inclusion program across the entire federal government." (The White House 2025) He believes that jobs, admissions, and opportunities should be based on

merit solely. This significantly limits the opportunities not only for people of different races, but gender, sexuality, disabilities, and more.

Conclusion

Affirmative action is often misconstrued and seen as an unfair advantage. Some argue that academic merit should take precedence over factors like race in college admissions. The people who advocate for this view often advocate for legacy, which refers to an increased likelihood of a student being accepted into a college due to their familial connection to an alumni. While legacy is based on one's privilege and wealth, affirmative action does the opposite, creating opportunities for people of color who are impoverished. Affirmative action should be constitutional and will continue to be one of the best ways to better America's education system and lower the inequality that millions face on a daily basis.

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***Obergefell v. Hodges: A Landmark Case in LGBTQ+ Rights and Legal Equality*, by Yaur Bungudi**

In Obergefell v. Hodges, the U.S. Supreme Court upheld the fundamental right of same-sex couples to marry under the Equal Protection and Due Process Clauses of the Fourteenth Amendment, holding that state prohibitions on same-sex marriage were unconstitutional.

What is same-sex marriage?

Encyclopedia Britannica defines same-sex marriage as "the practice of marriage between two men or between two women." The legal and social reactions to same-sex marriage have ranged from celebration to criminalization, even though it is regulated by law, religion, and custom in the majority of countries worldwide (Encyclopedia Britannica 2025).

The Supreme Court Decision

In a 5-4 ruling, the Supreme Court declared that state prohibitions on same-sex unions were unconstitutional. "The Constitution promises liberty to all within its reach, a liberty that includes certain specific rights that allow persons, within a lawful realm, to define and express their identity," wrote Justice Anthony Kennedy in his majority opinion (Justia 2015). He emphasized their fundamental right to marry, and by denying them this right, the states violated the Fourteenth Amendment.

Chief Justice John Roberts, on the other hand, contended in his dissent that the court had overreached itself, saying, "But this Court is not a legislature. Whether same-sex marriage is a good idea should be of no concern to us." Under the Constitution, judges have power to say what the law is, not what it should be." Roberts maintained that the decision improperly took the issue of marriage away from the states and the democratic process (Justia 2015).

The Social and Legal Impact

The Supreme Court's decision in Obergefell v. Hodges not only changed marriage laws but also had a significant impact on the well-being of LGBTQ individuals. According to a study by The Williams Institute, titled "The Impact of Obergefell v. Hodges on the Well-Being of LGBT Adults", the ruling led to improvements in mental health, economic stability, and legal security for same-sex couples.

Before the Supreme Court's decision, 84% of LGBTQ adults reported feeling happy, compared to 89% of non-LGBTQ adults. After the ruling, the happiness level for LGBT adults increased to 87%, while the level for non-LGBTQ adults remained at 89%.

The study also examined happiness levels among adults living in different marriage policy environments.Those residing in the 37 states and the District of Columbia, where marriage equality was already legal before Obergefell, and those in the 13 states that gained marriage rights through the Supreme Court's ruling.

Among LGBTQ adults in states where marriage equality already existed, 83% reported feeling happy "a lot of the day" before Obergefell, compared to 89% of non-LGBTQ adults. In the two weeks following the decision, happiness levels among LGBTQ adults in these states increased to 87%, while the happiness level for non-LGBTQ adults remained steady at 89% (Flores, Mallory, and Conron 2020).

The Supreme Court's decision significantly reduced disparities in life satisfaction between LGBTQ and non-LGBTQ adults. In the two-week period before the decision, 58% of LGBTQ adults ranked themselves above the median life satisfaction score, compared to 68% of non-LGBTQ adults. In the two weeks following the ruling, life satisfaction among LGBTQ adults increased to 62%, while the percentage of non-LGBTQ adults decreased slightly to 67% (Flores, Mallory, and Conron 2020).

The decision had a greater impact on life satisfaction among LGBTQ adults living in states that had not recognized marriage equality before Obergefell v. Hodges. In those 13 states, only 46% of LGBT adults ranked themselves above the median life satisfaction score before the ruling, compared to 67% of non-LGBT adults. In contrast, in states that had already legalized same-sex marriage, 60% of LGBT adults and 68% of non-LGBT adults ranked above the median life satisfaction score. This suggests that marriage equality had a particularly strong positive impact in states where same-sex couples previously faced legal discrimination (Flores, Mallory, and Conron 2020).

Beyond its effects on individual well-being, the Supreme Court's ruling in Obergefell v. Hodges also had significant legal and societal implications. According to Boston University's Analysis in 'The Impact of the Supreme Court Same-Sex Marriage Decision, 'the ruling "reinforced the constitutional principles of equality and dignity, and shaped future legal debates on LGBTQ+ rights."

In the Obergefell v. Hodges decision, the Supreme Court upheld same-sex couples' fundamental right to marriage under the Equal Protection and Due Process Clauses of the Fourteenth Amendment. Denying same-sex couples the opportunity to marry was a violation of their equality before the law and dignity, according to Justice Kennedy's majority opinion (Barlow 2015).

The ruling influenced court cases pertaining to adoption rights, workplace discrimination, and transgender protections, laying the groundwork for future LGBTQ+ rights cases. It reinforced the claim that discrimination based on sexual orientation is unconstitutional (Barlow 2015).

The question of whether religious organizations, corporations, or public officials could reject same-sex marriages was one of the many legal arguments about religious liberty that Obergfell triggered. Several states responded by proposing 'religious freedom' laws that allowed exemptions from recognizing same-sex unions (Barlow 2015).

Due in large part to the ruling, same-sex relationships are now more socially acceptable. Research showed that stigma has decreased and that LGBTQ+ relationships are more widely represented in the media, in the workplace, and policymaking (Barlow 2015).

Obergefell v. Hodges stands as a landmark case that solidified the right to same-sex marriage. The case underscores the principle that there should be no restrictions on whom an individual can marry, regardless of gender. One of the most striking aspects of the ruling is Justice Kennedy's majority opinion, which reflects a deep understanding of the struggles faced by same-sex couples. His argument highlights that denying them the right to marry violates their dignity and equality before the law. While major ongoing struggles related to marriage equality are not as prevalent today, potential challenges may arise due to political shifts, particularly under leaders like Trump.

Beyond its legal significance, the case reinforces the importance of constitutional protections for same-sex couples. It serves as a reminder that legal rights should remain safeguarded against potential threats. The ruling also exemplifies the broader role of constitutional law in ensuring equality, dignity, and fundamental rights for all individuals. Obergefell v. Hodges represents more than just a legal victory; it is a testament to the power of legal advocacy in securing civil rights.

The Supreme Court's decision in Obergefell v. Hodges was a turning point in the fight for LGBTQ+ rights, affirming that same-sex couples have the fundamental right to marry. This ruling not only granted legal recognition to same-sex marriages but also had profound social and psychological benefits for LGBTQ+ individuals, improving happiness, life satisfaction, and overall well-being. Beyond marriage, the case reinforced the principles of equality and dignity under the law, setting a precedent for future legal battles concerning LGBTQ+ rights. While marriage equality is now protected, it is important to remain vigilant

against potential challenges that could threaten these hard-won rights. The legacy of Obergefell v. Hodges serves as a powerful reminder that progress in civil rights is possible and that the fight for true equality must continue.

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The Armenian Genocide: The Struggle for Legal Recognition, by Edward Galusi

April 24, 1915, was the day that shaped thousands of lives. This was the day of the Armenian Genocide, one of the most tragic and controversial chapters in our history. Between 1915 and 1923, the Ottoman Empire conducted a series of ethnic cleansing, targeting the Armenian, Greek, and Assyrian minorities. It is estimated that 1.5 million Armenians lost their lives to the mass killings. Even despite its damages, the Armenian Genocide still isn't fully recognized in the political scene. In fact, Adolf Hitler famously stated, "Who, after all, speaks hoy of the annihilation of the Armenians?" Using the argument that if society forgot about the Armenian Genocide, they would forget about the Holocaust, too. (Armenian-genocide.org) For countless people, the Armenian Genocide isn't just a part of history; it's a deeply personal story.

My family's roots trace back to a small village in northwestern Armenia, Gyumri, a target of the Ottoman Empire's plans. Due to this event, life in Gyumri was difficult. Citizens were constantly in a state of fear and poverty. My great-grandmother, a beacon of strength, owned a Middle Eastern headdress adorned with sterling silver coins. She would trade each coin within her village for necessities, such as potatoes, flour, and even salt. Each fleeting coin represented a thread in the tapestry of the damages done during this historical period. Just before all the coins on the headdress were traded away, her life was taken by an Ottoman soldier. As the village was raided, my great-grandfather was preparing to flee to the capital of Armenia, Yerevan. To keep his family's valuable jewelry safe from the soldiers, he wore it all. Head to toe, he was decorated with silver and gold traditional Armenian necklaces, bracelets, and rings, while he kept multiple pairs of earrings in his pockets. As he left his small house, he was killed and tortured by an Ottoman soldier, and all the jewelry he dedicated to protect was taken along with his life. Despite the Armenian cultural heritage nearly being erased, the nation rebuilt their lives and passed on their traditions. The Armenian diaspora is one of the most prominent examples of the resilience and cultural preservation of the Armenians. As a result of the genocide, many Armenians were forced to flee their ancestral homeland, ending up in countries such as the United States, Lebanon, Syria, France, Argentina, and Palestine, to name a few. Despite being scattered across the globe, they have managed to maintain a strong connection to their roots, whether that is displayed through food, music, or art. Charles Aznavour, a renowned singer and songwriter, was born in France and was the son of parents who had escaped the genocide. Despite separating from the country, he spoke and sang in Armenian, never forgetting his roots. (Songhall.org)

The Armenian Genocide has had a very complicated and complex legal history. To this day, many countries, including Azerbaijan, Turkey, Pakistan, Israel, and various other nations

don't recognize this event. Even despite the powerful denial of these countries, the truth stays true. April 24th, 2021 was the day that shook the legal atmosphere surrounding the Armenian Genocide. President Joe Biden had formally recognized the atrocities done against the nation, after American lawyers had been trying to bring attention to this topic for the past 100 years. For example, in 2013, Varoujan Deirmenjian and other California residents filed a class action lawsuit against Deutsche Bank's operation in Turkey as a response to the German bank's allegedly withholding money from Armenian accounts as a result of the genocide. The court worried that their decision would harm U.S. relationships with Turkey, which resulted in the government defeating a bill that would recognize the genocide. (Baghdassarian) The recognition of the Armenian Genocide by the United States was noted as a step towards restoration and awareness.

Today, even more efforts are being made in the legal scene in hopes to bring attention to this topic. On April 1st of 2025, Rep. Dina Titus lead the introduction of the Armenian Genocide Education Act, aiming to promote awareness about this event. This bill would introduce the Armenian Genocide to school curricula across the country. Rep. Titus stated that "this bill is a commitment to truth [and] justice," showing the importance of an informed youth in regard to this topic. (titus.house.gov)

All in all, the Armenian Genocide stands as a pivotal event in our history. Despite its complicated legal journey, it is deeply embedded in the nation's culture. More and more efforts to bring light to this event are being made across the U.S., proving that legal accountability is in process.

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Op-Eds

Abortion Laws, by Ella Higgins

Laws surrounding abortion, which have become the worldwide lightning rod for public debate, are most commonly framed around women's reproductive rights and bodily autonomy, though this has led to the blatant dismissal of the most vulnerable, defenseless member involved; the fetus. Whilst it can be collectively decided that the main aims of the legal system should be to promote social justice and protect the rights of all individuals, these seem to be disregarded when it comes to fellow human beings in the early stages of life. Over the past 57 years, over 10 million abortions have been performed in England and Wales alone since the Abortion Act came into play in 1968. With around 73 million annually, abortion has become the leading cause of death worldwide, surpassing the estimated combined death toll of all wars recorded in history. It is key to identify where bodily autonomy begins and ends, which, in our laws, seems to be at the expense of others' rights and interests. For example, child neglect is "an offense for any person who has responsibility for a child under 16 to willfully neglect the child in a manner likely to cause unnecessary suffering or injury to health.", or corporate negligence occurs when a breach of duty "causes harm to someone and when that harm could have been foreseen", the common thread being that some kind of serious harm has been committed.

When we look at murder, we have two key components; an intention to kill or an intention to cause "grievous bodily harm", both of which are the main aims of an abortion, the outlying principle being that the fetus is not yet a "person". When we take a brief look at history, it is clear that whenever a human being has not been regarded as a "person", this has led to absurdities and human rights going unrecognized, instead being determined by appearance, race, religion, and more. For example, the slave trade, the Holocaust and the countless other recorded genocides were carried out under the principle that some human beings deserve more rights than others, and moral worth and protection is to be exclusive or chosen, a luxury rather than something ubiquitous.

A common argument may be that the life of the fetus will be more harmful or impose more suffering than death, the highest level of deprivation and harm. This is seen repeatedly throughout our legal systems, murder sentences tending to be longer than those for domestic violence, let's say. The idea is simple; the complete deprivation of a life poses far more harm than breaking an arm or a life in poverty or a foster home, for instance.

Overall, there is no doubt that abortion, no matter your personal views on the topic, contradicts not just our ethical ideologies and morals, but also our laws. The legality of

abortion has only been rolled back in 4 countries, consisting of Poland, El Salvador, Nicaragua and the United States, whilst more than 60 countries over the past 30 years have liberalized their abortion laws, such as India, Brazil and Ireland to name a few. However, in the coming years, we should strive for the equal rights of all human beings, whether for 20 weeks or 20 years.

Artificial Intelligence and Its Legality, by Shayla Mol

I know you've probably had a long day and then started to doomscroll on social media, such as TikTok or Instagram. You probably also stumbled across a video that depicted something like fruit or chicken nuggets that turned into little puppies and wondered, "How did that happen?". Or maybe you've stumbled upon one of those cat photos where you have to squint to read the secret message and wondered, "How did they get those cats to stay in those exact positions?". Then, upon further investigation in the comment section, you realize it was fake, or rather, that it was artificial intelligence. AI is everywhere. According to National University, 63% of organizations intend to adopt AI globally within the next three years, demonstrating to us it's intense and fast-paced growth. However, AI has also become a major topic on the issue of legality within the past couple of years. We must update our current policies to reflect the growth of AI, ensuring its proper use by addressing topics such as AI's role in intellectual property conflicts and its potential bias and discrimination.

AI raises questions on intellectual property conflicts, such as copyright infringement. According to Texas A&M University, artificial intelligence has sparked a debate about the future of copyright protection. Currently, the Copyright Office and courts agree that no copyright protection is given to the creators. Since this happens, it also leads to how people, like artists and authors, may become discouraged from producing any new/original work. As of August 2023, the U.S. Copyright Office's stance on AI-generated content was that it could not receive copyright protection because there was no human authorship which was validated by a district court in Washington D.C. when ruling on the Thaler v. Perlmutter case (USC). Nevertheless, this still does not address all the aspects of intellectual property conflicts that involve AI. It fails to address the separation between computer-generated ideas and human authorship. A proposed bill was introduced in 2024 and it is known as the Generative AI Copyright Disclosure Act. This act would require companies to disclose their datasets used to train their AI systems which would ultimately increase transparency between the creator and consumer. I believe that this is a crucial step forward in addressing the legal issues surrounding AI. In the present circumstances, you can use AI-generated images legally because the AI content itself is not copyrightable. However, if the generated image contains copyrighted material, then you are eligible to face legal issues. By updating our current policies to make the separation between human authorship and computer-generated ideas clear, we ensure that people know the full legal risks of using AI when they're using it.

People have worked relentlessly to try and gain equal rights for everyone. The Civil Rights Act was finally passed in 1964, which means that it has been over 60 years since we prohibited discrimination based on color, sex, national origin, race, gender identity, etc. However, artificial intelligence has opened a new can of worms that brings back the same discrimination and bias that civil rights activists have fought hard to get rid of. This is not a small issue that may happen here or there. If AI isn't trained correctly, then bias and discrimination will be deeply rooted within its system. As reported by Chapman University, bias often originates in the collection of data. Biases within AI's system will emerge if the data used to train the algorithm isn't diverse. If we continue to use these biased AI programs then we are authorizing companies to take a short cut with situations like hiring and indirectly hurting qualified applicants who may not fit the "ideal" standard. This demonstrates how we cannot fully trust AI until there are strict policies in place that make sure it is being trained to account for under-representative groups. When there are laws in place to make sure AI is trained properly before use, this would eliminate the inherited bias and discrimination that have already been outlawed in society.

In summary, artificial intelligence has been shown to cause conflicts when it comes to intellectual property, specifically copyright infringement, and it has also shown to exhibit discrimination patterns. I believe that it is crucial to not only consider what kind of data we use to train AI systems but also to not blindly trust anything we see. EVen though AI is seen to be a quicker solution for answers, it is just like normally Googling answers where we should check our sources. By enforcing policies that are strict on the data used to train artificial intelligence then we ensure that both the intellectual property and discrimination problems are taken care of. Hopefully next time you start scrolling on your phone, you'll think twice about the type of media you are consuming.

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