

Saint Louis University Public Law Review

Volume 35
Number 1 *The Thin Blue Line: Policing Post-Ferguson* (Volume XXXV, No. 1)

Article 3

2015

Foreword

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Recommended Citation

Rogers, Meredith M. and Wherle, Alicia N. (2015) "Foreword," *Saint Louis University Public Law Review*. Vol. 35 : No. 1 , Article 3.
Available at: <https://scholarship.law.slu.edu/plr/vol35/iss1/3>

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FOREWORD

The *St. Louis University Public Law Review* was established in 1981 as a specialty journal to address legal issues of public interest and public policy. The purpose of the *Public Law Review* is to provide an open and uncensored forum to legal scholars, practicing attorneys, legislators, and public interest advocates for debating current topics that are significant in the area of public interest law. Since its establishment, the *Public Law Review* has become well known for its annual symposia, which address pressing public policy issues that affect both the local community as well as broad segments of society.

During our symposia, it is our goal to discuss issues and events that directly affect the St. Louis community, and nothing in our city's recent past has affected our community quite like the events that took place in Ferguson, Missouri on the night of August 9, 2014. The death of 19 year-old Michael Brown at the hands of police officer Darren Wilson sparked what has become years of civil unrest, vigorous debate, in international scrutiny.

The 2015 *Public Law Review* Symposium addressed the legal and societal challenges placed on the justice system in our world post-Ferguson. Today's law enforcement officials face new hurdles in an era marked by social media, smart phones, a 24-hour news cycle, citizen journalists and a growing divide between local police and the people they are called to serve. With the world's attention turned on Ferguson, critique of law enforcement procedure, tactics and subsequent prosecution procedures is at an all-time high. Through hosting panels on Policing the Protests and Policing the Police, "The Thin Blue Line: Policing Post-Ferguson" identified legal challenges that face law enforcement on the streets today. This event brought together academics, law enforcement officers and practitioners to engage in a candid discussion of the changing environment in which our justice system is closely examined.

For our Symposium Issue, the *Public Law Review* wanted to broaden our focus to not just law enforcement, but the criminal justice system at large. We wanted to examine the contemporary issues that arise not only with the police who enforce the laws, but also the Legislatures that create the laws, and the Court who interpret the laws. We wanted to take this opportunity to look for answers from the entirety of the legal and law enforcement community to determine how and why the events such as those in Ferguson occur, and what can be done to prevent them from occurring again.

Inside this Edition are seven varied articles, five of which discuss the evolving criminal justice system. Steven G. Stransky delves into the

controversial and hotly debated issue of the collection of cellphone metadata in light of Fourth Amendment considerations. Marcia McCormick discusses the recently developed and largely unexamined topic of public sector police unions and the responses of these organizations in cases such as the one that occurred with Darren Wilson and Michael Brown. Edward R. Maguire offers a closely detailed review of protest policing in the United States, and then offers suggestions for improving how law enforcement officers should prepare for and respond to protests and demonstrations. Chad Flanders analyzes what is often considered *the* use of deadly force case: *Tennessee v. Garner* and examines which states still hang on to the common law rule in their statutes on deadly force, 30 years after *Garner*. Finally, Bradley Raboin offers a unique and innovative look at the concept of *habeas corpus* by investigating the 2004 United States Supreme Court decision of *Rasul v. United States*, and then rewriting the decision in light of the historical developments of *habeas corpus* in English and American jurisprudence.

We are also proud to feature works by two of our *Public Law Review* editors in this issue. First, in her article on Titles IX and Sexual Violence on College Campuses, Keri Smith argues that the interpretation of Title IX of the Education Amendments of 1972 is ambiguous and has left universities with too much breathing room in determining how they handle claims of sexual violence. Next, in her casenote discussing *Templemire v. W&M Welding*, Alicia Wherle analyzes recent changes to the workers' compensation retaliation laws in Missouri and criticizes the changes as negatively altering nearly thirty years of precedent in Missouri case law.

This edition sought to fulfill the *Public Law Review's* purpose of providing an open and uncensored forum to discuss the most current topics relevant to our community in the area of public interest law. We hope that in reading the following edition, readers will not only be able to learn from the articles, but that they will also be inspired to be advocates for or against the topics discussed by our authors in ways that exemplify the mission of the *Public Law Review*.

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