

2022

## Introduction to Issue 3

Follow this and additional works at: <https://lawcommons.luc.edu/lucj>

---

### Recommended Citation

*Introduction to Issue 3*, 53 Loy. U. Chi. L. J. ii ().

Available at: <https://lawcommons.luc.edu/lucj/vol53/iss3/2>

This Prefatory Matter is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Loyola University Chicago Law Journal by an authorized editor of LAW eCommons. For more information, please contact [law-library@luc.edu](mailto:law-library@luc.edu).

## Introduction to Issue Three

Welcome to Volume 53, Issue Three, of the *Loyola University Chicago Law Journal*. The *Law Journal* seeks to foster dialogue on compelling legal issues both within the law school and in the broader legal community. This Issue introduces four innovative articles and embodies months of hard work on the part of both our authors and staff members. We are excited to present scholarship that offers unique research contributions, highlights underexplored legal topics, and considers timely debates. With these articles, the *Law Journal* endeavors to fulfill its mission to promote the development of the law through well-reasoned analysis and persuasive argument.

This Issue commences with Professor Roy S. Gutterman's compelling analysis of the constitutional status of mask requirements and the conflict between public health, masks, and the First Amendment. Gutterman surveys the doctrinal landscape surrounding First Amendment rights, wearables, and symbolic speech, offering a framework for removing the First Amendment as a barrier to reasonable public-health regulations during times of crisis.

Next, Professor David R. Katner examines the enforcement limitations of international and domestic law with respect to human-rights violations committed in the course of detainee interrogation following September 11, 2001. In search of accountability, he contends that the physicians, psychologists, and lawyers who lent their expertise and imprimatur of authority to the use of torture by the United States should, at the very least, have their licenses revoked for engaging in conduct that violated the ethical values and standards of their respective professions.

David Konarske Jr then provides a fascinating exploration of one reason Amtrak's on-time record is so poor: failures to enforce the preference U.S. law gives passenger trains vis-à-vis the freight trains whose tracks they share. Ultimately concluding that Congress should give Amtrak a private right of action to enforce the passenger preference, this article serves as a strong foundation for larger conversations about independent litigation authority and regulatory enforcement, as well as sustainable transportation solutions.

Issue Three concludes with a student Comment, written by Lillian Mobley, that discusses the cultural defense, a controversial legal strategy that has never been formally recognized by courts or legislatures, leading to its inconsistent and ad hoc application. Mobley argues that instead of formalizing the cultural defense, courts should incorporate it into the sentencing phase as a mitigating factor and view it through an intersectional lens to effectively balance cultural needs, defendants' rights, victims' rights, and the parameters of the criminal-justice apparatus.

The *Law Journal* offers its sincere thanks to each of our contributing authors for their incredible contributions, and for the pleasure it has been to work with them. Lastly, the Executive Board thanks the staff members of the *Law Journal*, whose tireless commitment and dedicated contributions to Issue Three brought this publication to life.

Emily J. Binger  
Executive Editor, Lead Articles  
*Loyola University Chicago Law Journal*