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Introduction to Volume 54

Welcome to Volume 54, Issue One of the *Loyola University Chicago Law Journal*. With each publication, the *Law Journal* seeks to promote thoughtful and pioneering legal scholarship that advances ideals valued by our communities—and we are proud to present this Issue as a continuation of that mission. Issue One focuses on the analysis and discussion of consequential legal issues that have found themselves at the forefront of our national discourse, as well as some that are lurking beneath the surface. These topics range from issues of federalism and the separation of powers to the history and future of First Amendment protections. The ensuing articles provide a rich and earnest study of these cardinal principles and their impact on our legal system and our way of living.

Issue One begins with a foreword from Attorney Jim Noonan and Judge Patrick Stanton about the significant impact that COVID-19 has had on the day-to-day function of the legal system. Mr. Noonan and Judge Stanton provide the perspective of two distinguished Chicago lawyers who have spent decades in court. They muse over the many positive changes that have come about in the aftermath of the pandemic, as well as the more subtle consequences that will shape the ways and means of the law.

Our first article, written by Loyola's own Professor Barry Sullivan, examines the COVID-19 pandemic from a constitutional lens. Professor Sullivan's article takes an objective delve into the shortcomings of our political leaders in addressing the pandemic, and how these shortcomings were shaped and influenced by our constitutional system. Professor Sullivan's article goes beyond a mere critique, however; it methodically analyzes our constitutional scheme in responding to a national emergency and discusses how the COVID-19 pandemic can be used as a lesson in answering a societal crisis. It also serves as a warning for the consequences of failure.

Dean Amy Gaudion of Penn State Dickinson Law continues this theme of caution and warning in her article addressing the cyber capabilities of the United States military and the stark lack of oversight regarding their use. Dean Gaudion holds that the expansion of executive power in this realm continues to weaken Congress's constitutional authority over warfare, and that the unchecked ability of the executive to conduct cyber warfare has clear and unsettling

implications. Dean Gaudion proposes a straightforward solution to this growing flaw in the separation of powers between the executive and legislative branches that seeks to preserve the oversight functions the two branches have over one another.

Shifting to the First Amendment, Professor Doris Brogan of Villanova University's Charles Widger School of Law addresses the conversation surrounding the *Sullivan* standard of defamation law and its importance amid increased scrutiny. Professor Brogan welds this important concept of the First Amendment together with the ever-increasing impact that dis- and mis-information have on our discourse, and provides a guide for the protection of our constitutional concepts provided by the First Amendment.

Professor Samantha Barbas of the University at Buffalo School of Law takes up the First Amendment mantle with a historical look at the evolution and wisdom of the First Amendment and its protections, specifically as it pertains to hate speech laws that arose during the middle of the twentieth century as a response to fascism and antisemitism. Professor Barbas tells a sweeping story of why these laws were thought necessary in the first place, why they were eventually abandoned, and the lessons we can glean from this prescient and tumultuous chapter of First Amendment history.

The *Law Journal* would like to thank our authors for presenting their engaging scholarship to our publication. The Executive Board would also like to extend its deep thanks to the *Law Journal* staff, whose hard work and diligence made this publication possible.

Paul W. Kucinski
Executive Editor, Lead Articles
Loyola University Chicago Law Journal