

TILTED SCALES: PURSUING JUSTICE AMIDST UNJUST LEGISLATION

Journal of Legislation Editorial Board

I. ABOUT THE 2008 JOURNAL OF LEGISLATION SYMPOSIUM

On April 17, 2008, the *Journal of Legislation* held its annual symposium at Notre Dame Law School. We were privileged to spend the day listening to presentations by our featured speakers, followed by a panel discussion focused on the topic of unjust legislation.

We selected unjust legislation as a topic because we felt that it would be of particular interest to the students at Notre Dame, given the institution's strong Catholic identity and commitment to social justice. It is our hope, however, that this topic is also of interest to all students entering the legal profession. Two of our speakers, Father Theodore Hesburgh and Mr. Thulani Mabaso, spoke about their firsthand experiences working to change racially discriminatory laws in the United States and South Africa respectively. Our other speakers, Professor Bridgette Carr and Professor Paolo Carozza, then shaped the discussion by offering their insights from the perspective of the legal profession. Collectively, the symposium explored the challenges and difficulties that we, as future lawyers, may face as we strive both to uphold the rule of law and to ensure that the laws we are upholding are just.

II. FEATURED SPEAKERS

Rev. Theodore M. Hesburgh, C.S.C.

*Longest-running President of the University of Notre Dame
and*

Charter Member of the U.S. Commission on Civil Rights from 1957-72

The Rev. Theodore M. Hesburgh, C.S.C. is considered to be one of the twentieth century's most influential figures in the field of higher education. He served as President of the University of Notre Dame from 1952-1987, the longest tenure at that time among active presidents of American colleges and universities. At Notre Dame, Father Hesburgh has created the Notre Dame Law School Center of Civil and Human Rights, the Notre Dame Kellogg Institute for International Studies, and the Kroc Institute for International Peace Studies.

During his lifetime, Father Hesburgh has addressed many of the most significant social issues of our time. He has held sixteen presidential appointments. His policy work was extremely influential during the civil rights movement, and his public service has also addressed topics as varied as the peaceful use of atomic energy, Vietnam-era

campus unrest, Third World development, and immigration reform. Father Hesburgh has served four popes, and he holds the world record for most honorary degrees (150 degrees from colleges and universities around the world). His autobiography, "God, Country, Notre Dame," was published in November 1990 and became a national best seller.

A great deal of Father Hesburgh's public service has dealt with unjust legislation in the context of the civil rights movement. In 1957, Father Hesburgh became a Charter Member of the U.S. Commission on Civil Rights. In 1969, he was elevated to Chairman of the U.S. Commission on Civil Rights—a position that he held until 1972.

In July 2000, the nation formally honored Father Hesburgh for his public service when he became the first person from the field of higher education to be awarded the Congressional Gold Medal.

Mr. Thulani Mabaso

Former Robben Island political prisoner during South Africa's apartheid era

Mr. Thulani Mabaso was a political prisoner on Robben Island (Cape Town, South Africa) during South Africa's apartheid era. The apartheid government imprisoned him for sixteen years, brutally torturing him, along with fellow prisoner Nelson Mandela and others within the Robben Island facility.

After he was released in 1990, Mr. Mabaso participated in the "Truth and Reconciliation" process led by his friend, Archbishop Desmond Tutu, where he encountered some of his former captors. One of his former tormentors even approached him to apologize.

Mr. Mabaso now works on Robben Island, where he leads tours. He meets with visiting dignitaries and other visitors and speaks about the power of reconciliation, forgiveness, and the need for unity in South Africa. In his own words: "We need to make sure that what happened to us never happens to future generations."

Professor Bridgette Carr

Notre Dame Law School Associate Clinical Professor of Law

Professor Carr is an Associate Clinical Professor of Law at Notre Dame Law School. She graduated from the University of Notre Dame in 1998 with a B.A., *cum laude*, and earned her J.D., *cum laude* from the University of Michigan Law School in 2002. During law school she was a Michigan Refugee and Asylum Law Fellow with Amnesty International.

Professor Carr comes to Notre Dame Law School from the faculty of Ave Maria School of Law, where she was an Assistant Professor of Law and Director of the Asylum and Immigrant Rights Law Clinic. Before joining the faculty at Ave Maria, she was an associate at Miller, Canfield, Paddock & Stone.

Professor Carr's research and teaching interests focus on human rights, immigration, and international refugee law. Her previous scholarship and clinical work has centered on the plight of asylum seekers, battered immigrants, and victims of

human trafficking. She is on the Board of Directors of Freedom House (Michigan) and is a member of the Human Trafficking Taskforce (Michigan).

Professor Paolo Carozza

Notre Dame Law School Associate Professor of Law

and

Chairman of the Inter-American Commission on Human Rights

Professor Paolo G. Carozza joined the faculty of the Notre Dame Law School in 1996. He is actively involved in the activities of the Notre Dame Center for Civil and Human Rights, and is the Director of the Law School's J.S.D. program in international human rights law. At the University of Notre Dame, he is also a fellow of the Kellogg Institute for International Studies, the Kroc Institute for International Peace Studies, and the Nanovic Institute for European Studies.

Professor Carozza earned both his A.B. and J.D. degrees from Harvard, and pursued graduate studies at Cambridge University and at Harvard Law School as a Ford Foundation Fellow in Public International Law. After law school, he served as a judicial law clerk for the Supreme Court of the Federated States of Micronesia. He then worked as an associate at the law firm of Arnold & Porter in Washington, D.C.

Professor Carozza teaches regularly at the Post-Graduate School of Economics and International Relations of the Catholic University of the Sacred Heart in Milan, Italy, and he has also offered courses at various other universities and institutes in the United States, Europe, and South America. In 2004 he was a Fulbright Senior Lecturer at the University of Milan.

On March 3, 2008, midway through his four-year term, Professor Carozza was unanimously elected 2008-09 Chairman of the Inter-American Commission on Human Rights.