

By Professor Arthur D. Wolf, Director

INSTITUTE FOR LEGISLATIVE AND GOVERNMENTAL AFFAIRS

SUMMARY OF EVENTS FOR FALL 2012



Superior Court Clerk Debate

The Legislative Institute had a full plate of events during summer and fall 2012. The programs included a forum of the Massachusetts Gaming Commission, a candidates' debate for Superior Court Clerk of Hampden County, the annual Constitution Day/Citizenship Day commemoration, and the 17th Annual Supreme Court Review Conference.

- **On August 8**, the Institute and the Pioneer Valley Planning Commission cohosted the Massachusetts Gaming Commission (MGC), which held an educational forum for members of the public. The forum agenda included experts in community mitigation, workforce development, and tourism. Elected officials also participated, including State Senator Gale Candaras '82, the Senate Chair of the Joint Committee on Economic Development and Emerging Technologies, and State Senator Stanley Rosenberg, formerly Senate President Pro Tempore and currently its majority leader.

Alumni were well represented at the **August 9** Hampden County Superior Court Clerk debate. Three of the four candidates were graduates of the University: Attorney John DaCruz '94, Law Office Administrator Linda Stec DiSanti G'88, Attorney Laura Gentile '91, and Springfield City Councilor Tom Ashe. Attorney Jeffrey Poindexter B.S.B.A. '91 of the Bulkley Richardson law firm, and Attorney Marie Grady '10 comprised the panel asking questions of the candidates.

- **On September 13**, Western New England University Professor of History Jonathan Beagle presented the address to commemorate our annual celebration of Constitution Day/Citizenship Day. Professor Beagle is the most recent recipient of the University's Excellence in Teaching Award. His remarks, "Shades of 1787: Shays' Rebellion, the Constitution, and the Civil War" explored the relationship between Shays' Rebellion (1787) and the Civil War (1861-1865), pointing out how the North and the South used the earlier rebellion to support their positions on the later conflict.



Professor of History
Jonathan Beagle



Professor of Law and
Institute Director Art Wolf

- **On October 7**, the Institute sponsored the 17th Annual Supreme Court Review Conference. Western New England University School of Law Professors Leora Harpaz, Art Leavens, Jennifer Levi, Bruce Miller, and myself participated. Among other decisions, Professor Harpaz addressed the Patient Protection and Affordable Care Act of 2010 (Obamacare), explaining the intricacies of the statute and the Court's upholding its constitutionality. She noted especially the unusual majority sustaining its validity, with Chief Justice Roberts writing for the Court.

The Jones case was the focus of Professor Leavens' remarks, where the Court invalidated the use of a GPS tracking device. "By attaching a GPS device to Jones' car and then monitoring the car's movements for four weeks, the police 'searched' that car within the meaning of the fourth amendment, a search that was unreasonable because it was not justified by a valid search warrant," he noted.

Professor Levi discussed "Federal Marriage Discrimination," as embodied in the Defense of Marriage Act and the California law prohibiting same gender marriage. United States Courts of Appeals have invalidated both laws on a variety of grounds. The Supreme Court is deciding both cases at time of publication.

I looked at the *Arizona* decision in which the Court addressed the scope of state authority to regulate immigration, over which the federal government has almost plenary power. The Court invalidated much of the Arizona statute on pre-emption grounds, but upheld on its face the so-called "show your papers" provision, leaving open later challenges to that provision as applied. Professor Miller joined the others on the closing panel, examining the current term, the future of the Court, and the opportunities to appoint new justices. ♦