

INSTITUTE FOR LEGISLATIVE AND GOVERNMENTAL AFFAIRS

SUMMARY OF EVENTS FOR FALL 2014



During the fall 2014 term, the Institute for Legislative and Governmental Affairs presented several significant programs: Candidate debates for Hampden County District Attorney and for the senatorial district of the First Hampden and Hampshire District, the annual Constitution Day and Citizenship Day program, the 19th annual Supreme Court Review Conference, and the swearing in of new citizens.

- **District Attorney Debate** With the retirement of Hampden County District Attorney William Bennett after 20 years of dedicated service, the open position encouraged four candidates to enter the race. Three of them were graduates of our School of Law: Shawn Allyn '99, Hal Etkin '84, and Anthony Gulluni '03/L'07. Brett Vottero was the fourth candidate.

The Institute sponsored a debate among the four Democratic candidates in advance of the primary on September 9, where Attorney Gulluni prevailed. Because no Republican or unenrolled candidate entered the race, Attorney Gulluni was elected District Attorney on November 4.

- **Constitution Day** On September 17, the Institute sponsored the University's annual commemoration of "Constitution Day and Citizenship Day," a congressionally declared celebration of the signing of the Constitution on September 17, 1787, and Congress' recognition of the importance that citizenship plays in our constitutional democracy.

This year the Institute assembled a distinguished panel of faculty from the University to discuss "Ferguson and the Constitution." Focusing on the shooting of an unarmed young black man by a white police officer in Ferguson, MO, the featured panelists: Professor of History John Baick, Professor of Law Bridgette Baldwin, and Professor of Law Matthew Charity, explored the historical and contemporary context of police

misconduct against members of the African American community. Professor of Law Bruce Miller served as the moderator. This spring the School will conduct a follow-up conference to examine further this timely and important subject.

- **Supreme Court Review** For the first time in its 19-year history, the annual Supreme Court Review Conference was held over two days in mid-October. Professor Emeritus Leora Harpaz, who founded this conference in 1996, began by examining the Court's "Conservatizing the First Amendment." Among other cases, she discussed the Hobby Lobby decision which interpreted the Federal Religious Freedom Restoration Act to create an exception from the obligations of the Affordable Care Act so that closely held corporations cannot be required to provide their employees with insurance coverage for contraception if they object for religious reasons.

Professor Jennifer Levi followed with a discussion of the implications for same-gender marriage of the Supreme Court's denying certiorari in cases presenting the constitutionality of state bans on such marriages. She suggested that because of the increasing number of lower court decisions invalidating such prohibitions, the Court would have to accept for review a same-gender marriage case.

True to Professor Levi's prediction, the Court will hear four cases in April, with decisions expected in June, addressing the

validity of such state laws. Despite the Court's grant of review in these cases, it has refused to stay judgments in lower courts ordering state officials to grant marriage licenses to same-gender couples.

Professor Bruce Miller, a panelist at this Conference from its beginning in 1996, analyzed the recent racial discrimination cases involving affirmative action. In *Schutte v. Coalition to Defend Affirmative Action*, 2014, the Court upheld a Michigan ballot proposition, which amended the state's constitution to make affirmative action illegal in public employment, public education, and public contracting.

Earlier precedents would seem to indicate, Professor Miller noted, that such singling out of racial minorities for special and disadvantageous treatment would violate the Equal Protection Clause of the 14th Amendment. The Court, however deferred in this decision to the Michigan electorate, which adopted the restriction through a voter initiative petition.

The Conference concluded with the audience and the panelists discussing a variety of topics relating to the work of the Court. This included the important decisions of its 2013-2014 term, and the cases it might decide in the current term (2014-2015), including the same-gender marriage controversy.

- **Naturalization Ceremony** For the past several years, the Legislative Institute has worked with the immigration authorities in the Department of Homeland Security to arrange naturalization ceremonies in the Pellegrini Moot Court Room. On October 24, the Institute once again had the honor of conducting a swearing-in of new citizens here at the Blake Law Center. The School of Law was honored to have Judge Mark Mastroianni '89, the newly

installed Federal jurist in Springfield, to preside over the ceremony; it was his first. The swearing-in is held in formal session before the Court. The intimacy of the moot court room gives the event a special meaning for the new members of the nation.

This year's ceremony had several poignant speeches, including Judge Mastroianni and Dean Gouvin's comments about citizenship and its importance for the survival and advancement of our democratic values. Senator Gale Candaras '83 served as the keynote speaker, recalling her childhood as a first generation American. Her father had come to the United States from Greece, where he was not allowed to board the ship in Athens to the U.S. until he bought a pair of shoes. Practically every day of her life, Senator Candaras recalled, her father, who had been naturalized, reminded her what a privilege it is to be an American citizen.

- **State Senate Debate** The Institute rounded out its fall program with a debate, in the week preceding the election, between Democrat Eric Lesser (Longmeadow) and Republican Debra Boronski (East Longmeadow), candidates for the State Senate. The Senate seat for the First Hampden and Hampshire District was open because of the retirement of Senator Gale Candaras, who served for 18 years in the State Legislature, the last eight in the Senate. The University will honor Senator Candaras for her outstanding and dedicated public service by awarding her an honorary degree at the commencement on May 17, 2015. Attorney Lesser won the election on November 4. ♦

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We were very pleased to welcome as a new citizen Mrs. Silvia Pickrell (center), an employee of the University, pictured here with Senator Gale Candaras '83, and Professor Art Wolf.