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Foreword

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FOREWORD

Living in a post-9/11 world, we as Americans go about our daily lives. However, what does it mean to go about daily life in the wake of one of the most abominable tragedies to befall our great nation? Our outlook on the world around us has forever changed. We can no longer accompany a loved one to the airport gate to wave goodbye as he boards the plane. Instead, we wave as he nervously enters the security-patrolled line to remove his shoes and pass airport police barefoot. We have become accustomed to the colorful spectrum that is the terror alert system. We feel the presence of “Big Brother” more than ever.

One cannot turn on the television or open a newspaper without hearing the latest on the war on terror—from the rest of the world’s opinion on American foreign policy, to the incessant political chatter on the American news stations; from the controversial Patriot Act, to the grinning photographs of American soldiers at Abu Ghraib prison with naked, bound and gagged Iraqi prisoners in the background—as a nation we are constantly bombarded with images of war. What is the impact of the war on us as citizens of America, as individuals living daily life?

In Jennifer Elrod’s article entitled “Academics, Public Employee Speech, and the Public University,” the author examines freedom of expression by those who teach in public colleges and universities. Professors are paid not only to teach, but also to think and express their ideas in an academic setting. When professors are asked to censor their teachings, they hinder the academic learning experience by holding back their thoughts and opinions from those who seek to learn. Elrod traces the history of the ability of college professors to speak freely both inside and outside of the university setting. Through her analysis, it is apparent that the higher education learning experience becomes compromised when professors in public colleges and universities are stifled and unable to freely express themselves.

Post-9/11, it is important that students gain exposure to a wide spectrum of ideas and theories. If students are not given the opportunity to ask questions and debate the answers, the educational process is weakened. The questions that students may

have for their professors are more important than ever at present. A professor should be able to freely express herself and her ideas in order to promote discussion about the state of the war on terror; otherwise the public is left with university graduates schooled in ignorance.

Timothy K. Kuhner discusses poverty as an international phenomenon in his article entitled "International Poverty Law: a Response to Economic Globalization." Kuhner argues that poverty law should become internationalized in order to have an effect on reducing inequality and facilitating empowerment of the poor. Economic globalization occurs when free-market capitalism spreads across nation-states and is incorporated into the domestic socio-political structure, thereby polarizing the discrepancies between the rich and the poor on an international level. Kuhner calls for the advocacy of a new area of law termed "international poverty law." Poverty is not limited to domestic issues and it affects the people of the world on an international level, therefore it should be treated at the international level.

While our country fights poverty on a domestic level by tending to crumbling inner city schools, our country has also involved itself in matters of international poverty by invading and potentially rebuilding Iraq. Instead of various experts dealing with these problems separately, international poverty lawyers could provide useful assistance by handling domestic and international poverty issues in one arena. International poverty lawyers should be utilized to reconcile the relationship between assisting the impoverished at home and abroad.

Author Donald W. Driscoll's article, entitled "Garrity v. New Jersey and its Progeny: How Lower Courts are Weakening the Strong Constitutional Protections Afforded Police Officers," addresses the constitutional rights of police officers while they are on-duty. Driscoll recognizes the impact of a Supreme Court decision on how an officer's choice made in the line of duty affects the public. A conflict of interests arises when the officer must take action against a civilian suspect, and Driscoll considers the interests and rights of the officer, the officer's department, the political entity which maintains the department, the civilian suspect, the family of the suspect, and the public at large.

Kevin M. Powers analyzes the Religious Land Use and Institutionalized Persons Act in his article entitled "The Sword and the Shield: RLUIPA and the New Battle Ground of Religious Freedom." Powers outlines the history of RLUIPA and how claims are brought by those who have standing under the Act. The author recognizes the strength and constitutionality of RLUIPA as a vehicle for religious institutions to challenge adverse zoning laws, as it was enacted to counteract the unchecked authority that zoning boards and municipalities have wielded over religious groups.

Animosity towards certain religious institutions has become apparent at zoning board hearings, where members of communities have fought to keep religious groups from practicing in their neighborhoods. Unfortunately, in the wake of 9/11, ignorance has led to discrimination against some Islamic groups in America. Innocent religious institutions who have been under attack since the events of 9/11 may find RLUIPA to be a useful tool if they seek to establish and express themselves freely in their communities. Further, prisoners wishing to practice their Islamic faith may also find solace in RLUIPA.

In her article entitled "Is the End of the War in Sight: an Analysis of Canada's Decriminalization of Marijuana and the Implications for the United States 'War on Drugs,'" Kara Godbehere Goodwin examines the relaxing of drug laws in Canada and the effect it has had on the "war on drugs" in America. The author concludes that the United States should follow Canada's lead and respond to the international movement toward decriminalization of marijuana by loosening its current drug laws.

The author suggests that ignoring the current trend toward decriminalization of marijuana will harm the United States, especially in light of the close trade relationship that the United States shares with Canada. In tough political times, when the United States does not have a favorable reputation abroad, the United States may want to carefully consider how it treats its neighbor to the North.

The authors featured in volume XXII of the *Buffalo Public Interest Law Journal* have recognized public interest issues facing our society that deal with law and the rights of citizens; whether the citizens are teachers, police officers, criminal suspects,

religious practitioners or impoverished individuals, we all have rights worthy of protection.

Jamie R. Dyce