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History of the Journal of Legislation, The; Special 25th Anniversary

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Special 25th Anniversary

The History of the Journal of Legislation

I. The Current Journal

The *Journal of Legislation* is a legislative law review focusing on analysis and reform of public policy. The *Journal* is published semi-annually by the law students of Notre Dame Law School and it provides a forum for the debate of timely issues concerning legislation, government administration and public policy.¹ The *Journal* is one of only four law reviews in the United States that focuses primarily on legislative action rather than court decisions.² The *Journal* is financially self-sufficient, independently organized and completely student-run.³

Each issue of the *Journal* contains articles written by experts in their fields who write to change, analyze or propose legislative policies.⁴ Past authors include Senators, Congressmen, Members of Parliament, eminent professors, corporate counsel and private practicing attorneys.⁵ In addition, the *Journal* encourages the publication of student notes.⁶

In an effort to raise awareness among various state legislators, members of Congress, and public interest groups, the *Journal* occasionally hosts symposia and speaker presentations.⁷ Most recently the *Journal* hosted a symposium on campaign finance reform. Among those speakers in attendance were Michael Dukakis⁸, William Marshall⁹ and Craig Engle.¹⁰

II. The Founding & Early Years (1971 – 1979)

In 1965 the students of Notre Dame Law School founded the Notre Dame Legislative Bureau.¹¹ The founders of the Bureau believed that true legal reform could only come from legislatures achieving progressive legislation.¹² Yet, too often burdened by

1. JOURNAL OF LEGISLATION, Member's Manual 1 (1997).

2. JOURNAL OF LEGISLATION, Informational Pamphlet (1988). The others are the *Harvard Journal on Legislation*, the *University of Michigan Journal of Law Reform*, and the *Seton Hall Legislative Journal*.

3. JOURNAL OF LEGISLATION, Member's Manual 1 (1997).

4. Letter from Timothy J. Aluise, Editor-in-Chief, *Journal of Legislation* (1979-80) (On file with the *Journal of Legislation*).

5. *Id.*

6. JOURNAL OF LEGISLATION, Program for Symposium on Campaign Finance Reform (Nov. 14, 1997).

7. JOURNAL OF LEGISLATION, Program for Symposium on Campaign Finance Reform (Nov. 14, 1997).

8. Governor of Massachusetts 1974-86, the Democratic candidate for President in 1988, and currently a professor at Northeastern University.

9. Associate Counsel to the President of the United States.

10. General Counsel to the National Republican Senatorial Committee.

11. Fifteenth Anniversary Report from John T. Nugent, Director, Notre Dame Legislative Research Service (1980) (On file with the *Journal of Legislation*).

12. Memorandum from the Notre Dame Legislative Bureau to potential donors (1972-73) (On file

limited budgets, state and local legislatures could not obtain truly independent analysis and drafting of legislative proposals. The Bureau assisted governmental and private bodies in proposing legislation that was "carefully drafted and considered, especially with regard to practical and legal limitations" enabling the legislature to consider the proposal more adequately.¹³ The Bureau allowed students to develop and use their legal, legislative and writing skills to produce draft bills in the areas of needed legislation. Members of the Bureau could produce bills for any legislative question deserving of their time and talents.¹⁴

The Bureau provided technical services in the preparation and drafting of legislation for governmental and public service groups. The services provided by the Bureau were designed to give the Notre Dame Law student a window into the mainstream of current legal and political activity.¹⁵ It was a free research service that allowed students to assist legislators with their official duties, while at the same time creating valuable contacts with legislators both in Washington and various state capitals.¹⁶

The Bureau provided assistance in the occasionally overlapping areas of legislative research and bill-drafting. With regard to legislative research, the Bureau assisted clients in "compiling information beyond the client's own resources, in analyzing public policy issues, and in interpreting judicial pronouncements regarding contemplated legislative acts."¹⁷ In the bill-drafting area, members of the Bureau assisted in drafting legislation and in providing both legislative and comparative analysis, including the advisability, constitutionality and effects of proposed legislation.¹⁸ The Bureau also prepared bills on its own initiative and presented them for consideration to state legislatures or Congressmen.¹⁹

In 1970 the Legislative Bureau was restructured on the model of the Harvard Legislative Research Bureau.²⁰ The Legislative Bureau was relegated to very small rooms in the basement of the Law School and given little financial support. Unsurprisingly, drafting assignments were few, and it became obvious in 1970 that the Legislative Bureau was dying unless a new mission was identified.²¹

In the fall of 1970, a small number of members of the Legislative Bureau discussed the formation of a new journal. The concept of a legislative journal grew out of an awareness of the lack of a legal journal concerned with various problems of legislation. The members of the Bureau realized that law journals generally concern themselves with case law, with only occasional forays into legislative concerns. They observed that when a law discussed legislation, its analysis typically focused on retrospective legislative problems, with some discussion of potential reform of existing statutory law.²² The members of the Bureau recognized a vacuum in the area of legis-

with the *Journal of Legislation*).

13. *Id.*

14. Memorandum from the Notre Dame Legislative Bureau on the Purpose of the Notre Dame Legislative Bureau (1973) (On file with the *Journal of Legislation*).

15. *Id.*

16. Interview with David Link, Dean of Notre Dame Law School, in Notre Dame, IN. (Nov. 3, 1997).

17. Fifteenth Anniversary Report from John T. Nugent, *supra* note 11.

18. *Id.*

19. Memorandum from the Notre Dame Legislative Bureau on the Purpose of the Notre Dame Legislative Bureau, *supra* note 14.

20. JOURNAL OF LEGISLATION, Member's Manual 1 (1997).

21. *Id.*

22. Memorandum from Notre Dame Legislative Bureau about *New Dimensions in Legislation*

lative legal writing, demanding a forum for prospective reform of the law in the future and the adaptation of the law to fit future needs. A journal would allow the members of the Bureau to publish their proposed bills, as well as their legislative research. The members of the Bureau believed that producing such a journal for the desk of every Congressman could have a positive effect on legislation, on Notre Dame's reputation, and on their own legal careers. According to Notre Dame Law School Dean David Link, "there was a huge need at that point [for] . . . more than one journal at Notre Dame."²³

As discussions progressed regarding the concept of a journal, disagreement arose about the format of the proposed journal. Some members favored a magazine style format, similar to those used in scientific journals, while others supported a traditional law review format. As the Bureau members began formulating the details of such a journal, they ran into resistance from the University.²⁴

The Law School Administration at the time, under Dean William Lawless, was not very receptive to the idea of a new law journal focused on legislation. During the late 1960's and early 1970's the University limited the creation of new journals. This moratorium was not just on Law reviews but on all scholarly journals.²⁵

After prolonged negotiations, the Administration took the position that a journal could be commenced if it involved no expense to the University, no Legislative Bureau funds were used for its support, and it was clear that it was not an authorized publication of the University.²⁶ As a result, *New Dimensions in Legislation* was born. By removing the name "Notre Dame," the journal was no longer a University publication, and therefore was not limited by the University's rules. The name "New Dimensions" was chosen so that the journal name could be abbreviated as "N.D. Legis," making it obvious where the journal came from and what it was about.²⁷

While the conflict with the Administration had been resolved, the "magazine vs. law review" debate became more intense. Based upon the belief that a law review format was most appropriate and more capable of long-term viability, that format was chosen.²⁸

The first issue of *New Dimensions in Legislation* was published in the Spring of 1971. Volume One was "an experiment to attempt to determine the feasibility of publication," and to "test the potential acceptance of such a journal."²⁹ The first issue came out in an 8-1/2" x 11" format and was typewritten rather than professionally printed. The issue contained bills written individually by student members of the Legislative Bureau.³⁰ Each bill in that issue was written to fit a specific need as expressed by citizens in the designated state, with the intent that the bill "hit the floor of that State

(1973) (On file with the *Journal of Legislation*).

23. Interview with David Link, *supra* note 16.

24. *Id.*

25. *Id.*

26. *Id.*

27. Interview with Charles Rice, Professor, Notre Dame Law School, in Notre Dame, IN. (Nov. 10, 1997).

28. Letter from Russ E. Boltz, Editor-in-Chief, *New Dimensions in Legislation*, 1971, to Brian H. Holt, Staff Member, *Journal of Legislation* (April 1, 1998) (On file with the *Journal of Legislation*).

29. Memorandum from the Notre Dame Legislative Bureau to potential donors, *supra* note 12.

30. Lee Ford, "From the Editor," 1 N.D. LEGIS. at i (1971).

Legislature to help correct an existing problem."³¹

The cost of creating the first issue was comparatively small, involving only typing charges. Mass mailings using bootlegged lists of Law School alumni and a mailing to "literally every university law school in the United States" garnered a surprising subscription list.³² Within six weeks, circulation reached close to one hundred subscribers, giving the journal a small but tidy profit.³³

In the fall of 1971, the transition to a true law review occurred. Somehow, the staff of *New Dimensions* was able to obtain the services of a compositor on credit who created typeset articles. The staff generated real articles, rather than the text of draft bills produced for the Bureau, read galleys and published "something resembling a real law review."³⁴ *New Dimensions* published a total of three issues during the 1971-72 academic year, including a summer issue. Acceptance of this new publication was highly favorable, and as a result, by the 1972-73 academic year *New Dimensions* had nearly doubled in circulation.³⁵

While *New Dimensions* had survived the University's objections and become a reality, the struggle for day-to-day survival was intense. Without University money, the Bureau had to fund the journal's publication by relying on subscriptions and other outside sources. To cover the publication costs for the 1971-72 issues, the Bureau needed to raise \$2,475. The Bureau used saturation mass mailings to State and Federal Courts, agencies, legislators, and law libraries to fulfill its economic requirements.³⁶ The journal incurred these costs before it had the money to satisfy them, and as the money came in, the costs were, to the relief of the staff, liquidated.

During the spring of 1973 the membership of the Bureau decreased sharply. There were no members of the Class of 1974 working for the Legislative Bureau or *New Dimensions*, so it was up to the rising second-years to keep the organization alive.³⁷ As the only rising second-year on the Bureau staff, Dennis Owens became the head of the Bureau "by default."³⁸ He recruited some friends to help out with the Bureau and though they sent out no solicitations for work, 4-5 requests for the Bureau's services came "from out of the blue." The new members disliked the negative, bureaucratic connotations of the name "Legislative Bureau," so the organization was renamed the Notre Dame Legislative Service.

While rummaging through the Service's office, Dennis Owens discovered the unfinished work that was intended to be the second issue of the third volume of *New Dimensions*. Looking through the unpublished work inspired him to revive the journal and take it in new directions. He approached Professor Charles Rice with the idea, and was told that putting out a publication would be a great challenge because the University would not support it, but if the members were willing to try, they should give it a go.

31. *Id.*

32. Letter from Russ Boltz to Brian Holt, *supra* note 28.

33. Memorandum from the Notre Dame Legislative Bureau to potential donors, *supra* note 12.

34. Letter from Russ Boltz to Brian Holt, *supra* note 28.

35. Memorandum from the Notre Dame Legislative Bureau to potential donors, *supra* note 12.

36. Memorandum from Notre Dame Legislative Bureau about *New Dimensions in Legislation*, *supra* note 22.

37. Telephone interview with Dennis Owens, Editor-in-Chief, *N.D. Journal of Legislation*, 1973-75, from St. Louis, MO (April 10, 1998).

38. *Id.*

Seizing the opportunity, the Service staff began searching for ways to fund a revived journal. The members boldly called advertisers, such as West Publishing, and asked them if they would purchase advertisements in a journal they had never seen. Surprisingly, several sponsors were found, and some money appeared to create a journal.

By 1974 the work on the legislative journal had subsumed the work of the Service. As the students' interests shifted towards the journal's scholarly work, they sent out fewer and fewer requests to legislatures asking for assignments. As a result of the drop in requests, the number of legislative projects dramatically declined.³⁹ The volume of the work changed and the focus of the organization became publication of the journal. Legislative research was still done as a "nice thing to do" but was no longer the focus of the organization.⁴⁰

In 1955, the *Notre Dame Lawyer* had published an article by Reed Dickerson entitled "How to Write a Law,"⁴¹ which the staff of the new *N.D. Journal of Legislation*⁴² felt would be an appropriate lead article for their "new" publication.⁴³ The *Notre Dame Lawyer* gave the *Journal* permission to reprint the article, and volume one was underway. Other articles began to come in, including one from Notre Dame Law School Professor Robert Rhodes and one from Congressman Richard Bolling.⁴⁴

The use of the name "Notre Dame" in the title appears to have slipped by the University for the first two years of its publication. With the third volume (1975-76), the name was changed to its current title: *Journal of Legislation*. The University continued to be displeased with the existence of the *Journal*, but because it was a wholly student run organization it was accepted. While the name of the *Journal* changed, the focus of the publication remained the same: it actively sought materials that had an impact in the public arena.⁴⁵ The *Journal* continued to provide a forum for the exchange of ideas concerning legislation, government administration and public policy, while not being committed to any political, religious or ideological purpose.⁴⁶

After compiling the contents for the first issue of the *N.D. Journal of Legislation*, the members realized they had insufficient funds to cover the cost of printing and mailing the issue. After several failed fund raising attempts and desperate for money, the staff turned to the Student Bar Association and requested that they create an additional student fee, the proceeds of which would be used for publication of the *Journal*. The resolution passed, and the student funding kept the *Journal* alive and allowed the publication of future issues.

Despite funding difficulties, the first issue of the *Journal* was a success. At the outset the subscription list consisted of legislators and alumni, but after a saturation mailing to every law school library in the United States, forty law schools subscribed, the first of which was Brooklyn Law School. The first issue also brought the *Journal*

39. Interview with David Link, *supra* note 16.

40. *Id.*

41. 31 N.D. LAWYER, (1955).

42. This was not an "officially" sanctioned name change, but one that appeared to come about when Dennis Owens had some stationary printed up that said "Notre Dame Journal of Legislation."

⁴³ Interview with Dennis Owens, *supra* note 37.

44. 1 N.D. J. LEGIS, 2 (1974).

45. Letter from Timothy J. Aluisse, Editor-in-Chief, *supra* note 4.

46. *Id.*

recognition and publicity when the American Bar Association's *Student Lawyer* reprinted Dennis Owens' article, "High Crimes and Misdemeanors."⁴⁷

During its first year under its new name, the *Journal* began to attract attention from the student body. Students began wandering into the Service's office because they were intrigued by the staff frantically running about in an attempt to put the *Journal* together. The other students had also heard that there was another law journal. As a result, the 1974-75 academic year brought a sizeable influx of new members.⁴⁸

The Legislative Service benefited from the increased attention the *Journal* was receiving. During the 1974-75 academic year, the Service reached its greatest strength, involving over two dozen students from all three classes.⁴⁹ The staff produced seven draft bills that year, including ones on Open Meetings Laws in Iowa, zoning, and public utilities in Indiana. One bill, known as the "drunken student bill," was adopted by the Indiana state legislature and became law.⁵⁰ The Service continued to turn out 6-8 draft bills a year for the next several years, bits and pieces of which were enacted by various states.⁵¹

The idea for the name *Journal of Legislation* came from the Law Librarian, Kathleen Farmann. She suggested that the publication did not need the name "Notre Dame" at all. She questioned why this journal had to look like it was just another journal from another law school by tagging the name "Notre Dame" into the title. Without the University in the title, it was still impressive. She further suggested that the *Journal* join the National Conference of Law Reviews. Once that was done, the publication would be one that every law librarian in the country would want for their shelves.⁵²

The staff of the *Journal* took various steps to join the National Conference of Law Reviews, the first of which was having such a move approved by the faculty. Through various maneuverings, the notion that the *Journal* should become an official law review came before the faculty during the 1976-77 year, and was approved. Shortly after approval, the *Journal* submitted its application and was admitted to the National Conference. The *Journal* was now an official law review, and not just a journal of publication.⁵³

The *Journal* next decided to set up a board of advisors to add to its growing credibility. Members of the *Journal* wrote to the heads of various organizations, notable professors, and every member of Congress who was an alumni of Notre Dame, paying no attention to which party they represented. The letters asked for the right to use their names on the board, and included a promise that the *Journal* would not solicit them for money, and would not use their names for fund raising purposes.⁵⁴ By setting the board up this way, it was not a controversial subject to those they asked, and as a result the *Journal* created an impressive looking board.

47. 1 N.D. J. LEGIS. 107 (1974). The article discussed the definition of an impeachable offense in the face of the Watergate scandal.

48. *Id.*

49. Dennis Owens, *Report of the Executive Director, 1974-75*, 2 N.D. J. LEGIS. 1 (1975).

50. See IND. CODE § 7.1-5-7-8 (1975).

51. Telephone interview with Fredrick Carlin, Editor-in-Chief, *Journal of Legislation*, 1977-78, from White Plains, NY (April 10, 1998).

52. *Id.*

53. Interview with Fredrick Carlin, *supra* note 51.

54. *Id.*

Publicity for the *Journal* continued to grow. The fourth volume featured an article by Barry Goldwater entitled, "Can a Free Press Survive Its Postal Nightmare."⁵⁵ This was not a conservative piece, but a pro-free press article about how postal rate increases will hurt a free press by making distribution more expensive.⁵⁶ The Goldwater article was picked up and reprinted by the *Washington Star*, *Time*, and *Newsweek*. All three publications had wide circulation and gave credit to the *Journal*.⁵⁷

The following year the *Journal* published a piece on immigration law reform dealing with restrictions on undocumented aliens. The article argued the same position as that held by the National Conference of Catholic Bishops, who subsequently reprinted the article in their own publication, giving credit to the *Journal*.⁵⁸

In 1977, volume four saw another innovation in the *Journal's* format. That year the "Comment and Correspondence" section was introduced. The staff brought articles that had been published in the previous issue to the attention of individuals who might have an interest in them, with the hope that they would write a response to the article.⁵⁹ The staff was hoping that an influx of letters from important and influential people would imply a greater level of readership, thereby increasing the *Journal's* reputation.

That year the *Journal* published a note discussing the deregulation of the telephone industry, and specifically addressed the break-up of AT&T.⁶⁰ The staff sent a copy of the note to the Chairman of AT&T and asked if he would like to respond. The following issue carried a lengthy and detailed response from the Head Counsel for AT&T.⁶¹

The chairman of the British Parliament's Committee on the Preparation of Legislation joined the *Journal's* board in 1978. Sir David Renton was touring the United States, and was invited to come give a lecture at Notre Dame on British legislative drafting. The staff of the *Journal* took the opportunity to ask several calculated questions about the speech, and impressed Sir Renton so much that he allowed the *Journal* to reprint his remarks. He enjoyed working with the *Journal* on the project of rewriting his speech so much that he became a member of the board and began to have some involvement with the law students in London.⁶²

While the reputation and quality of the *Journal* continued to grow, the financial situation remained precarious. Although the *Journal* did contain advertisements at the time, these did not bring in very much money, and the *Journal* could not sell enough subscriptions to cover its financial needs. The back stock of the *Journal* was sold to William S. Hein & Company, of Buffalo, New York for between \$300-\$400.⁶³ Even with the addition of student fees and the time to time unrestricted donations steered to

55. 3 J. LEGIS. 1 (1976).

56. Goldwater argued that increases in postal rates by the government could be viewed as a restriction on free press, and a violation of the 1st Amendment.

57. Interview with Fredrick Carlin, *supra* note 51.

58. *Id.*

59. *Id.*

60. M. Kathleen Curran, Note, *Competition in the Telephone Industry: What Will Congress Permit*, 4 J. LEGIS. 132 (1977).

61. John F. Preston, *Competition in the Telephone Industry*, 5 J. LEGIS. 203 (1978).

62. Interview with Fredrick Carlin, *supra* note 51. Also see 4. J. LEGIS. 7 (1978).

63. The Hein Company continues to have the back stock of *Journal* issues to this day.

the *Journal* by Dean Link, the financial scene remained bleak.

When examining the early years of the *Journal* and its struggle for survival, one is struck at how it really was a “guerrilla” publication. If one trait is present in all of the editors who moved the *Journal* forward, it was the willingness to take action without permission. Most of the big steps made by the *Journal* were done with no, or only tacit approval. Almost without exception, if the editor knew that they would not get approval for their actions, they just did not ask for it. The *Journal* seemed to live by the phrase, “it is easier to get forgiveness than permission.”

III. Association With the White Center (1980 – 1985)

In the Spring of 1980, an idea arose that the *Journal* should merge with the Thomas J. White Center for Law, Government and Human Rights. Thomas White funded the White Center for the purposes of researching public policy issues. At that time, Governor John Gilligan was the Director of the White Center. Governor Gilligan had a long and distinguished career in public service. He had been a Congressman, Governor of Ohio, and was appointed by President Jimmy Carter to head the Agency on International Development. Governor Gilligan came to Notre Dame Law School as the Director of the White Center and one of the courses he taught focused on legislation. In the Spring of 1980, Professor Rice stepped down from his position as advisor to the *Journal*, and Governor Gilligan was the natural choice to replace him.

As the White Center grew it became clear, as it had with the Legislative Bureau, that the Center should publish its findings in journal form.⁶⁴ At that time the *Journal* was still struggling with financial instability, and the Center was looking for a place to publish its findings. Because Governor Gilligan was the advisor to the *Journal* and the Director of the White Center, everyone assumed that the *Journal* and the White Center would merge under his leadership and both sides would have their needs met.⁶⁵

During the Summer of 1980, Lorie Masters, the Editor of the *Journal*, and Governor Gilligan negotiated a deal that formalized relations between the two groups.⁶⁶ Under that deal, the White Center paid the “printing” costs for the *Journal*. The Governor was “quite sure . . . that funding [would] not be a problem.”⁶⁷ The White Center ended up supplying two-thirds of the *Journal*’s revenue.⁶⁸ The staff of the *Journal* agreed to the “merger” because the financial difficulties facing the *Journal* were so severe that they had reached crisis proportions. The editors had a choice, take the money from the White Center or go out of existence; the editors chose to take the money.⁶⁹

On the cover of volume eight, published in 1981, were the words: “Journal of Legislation: Published Under the Auspices of the Thomas J. and Alberta White Center

64. Interview with David Link, *supra* note 16.

65. *Id.*

66. Letter from Lorelie S. Masters, Editor-in-Chief, *Journal of Legislation*, to John J. Gilligan, Director, White Center for Law, Government and Human Rights (June 22, 1980) (On file with the *Journal of Legislation*); Letter from John J. Gilligan, Director, White Center for Law, Government and Human Rights, to Lorelie S. Masters, Editor-in-Chief, *Journal of Legislation* (July 8, 1980) (On file with the *Journal of Legislation*).

67. Letter from John J. Gilligan to Loreli S. Masters, *supra* note 64.

68. Letter from Thomas R. Marek to Theodore M. Hesburgh, President, University of Notre Dame (July 26, 1984) (On file with the *Journal of Legislation*).

69. Telephone interview with Lorie Masters, Editor-in-Chief, *Journal of Legislation*, 1980-81, from Washington, DC (April 3, 1998).

for Law and Public Policy." Although the White Center was covering the *Journal's* financial needs, and some of the White Scholars were also members of the *Journal*, the two groups never really identified with each other. White Scholars did not receive any automatic right to publish in the *Journal*. Rather, the White Scholars were treated like any other student writer and had to submit their articles like everyone else.⁷⁰

During this period of time, the *Journal* continued to produce impressive work. It published articles by Melvin Beli, Walter Mondale, Jack Kemp, Tom Daschel, Adlai Stevenson and others. Stories also floated back to the *Journal* about how staffers of Senators and Congressmen at both the state and federal level truly valued the publication. It was clear that the *Journal* had gained respect in legislative circles.⁷¹

This arrangement continued smoothly until the Spring of 1984 when Governor Gilligan resigned as the Director of the White Center to become the head of the Peace Institute.⁷² At that time both the *Journal* and the White Center received new faculty sponsors. Under its new leadership the White Center expanded its membership markedly and proposed major changes in its program. The White Center recognized a need to create a publication addressing a narrower range of issues consistent with its goals and purposes.⁷³ At that time negotiations began for a formal merger of the two groups.

Due to fundamental ideological differences between the two groups, the negotiations never made significant progress. The White Center wanted a more complete outlet for the publication of the results of its research.⁷⁴ The *Journal*, on the other hand, wanted to maintain its commitment to provide all students of the Law School with the opportunity to write and publish a scholarly research paper on a topic of the author's choice and to work as an editor, staff member, or research assistant on a student journal.⁷⁵ Although there were other differences, the main sticking point was who would have ultimate editorial decisions regarding publication.

By February of 1984, it became clear that the two groups were not going to reach an agreeable solution. Beginning with the 1984-85 academic year, each organization published its own independent journal.⁷⁶ Dean Link agreed to provide supplemental funding to the *Journal* over the following two years to "insure a smooth transition by the *Journal* to its former status as a self-supporting student publication."⁷⁷ Though this supplemental funding (\$4,000 a year) would keep the *Journal* in business, it would only allow for the publication of one issue a year.

The *Journal* formally reverted to its independent status as a student sponsored journal with its financial resources independent of University sponsorship. The *Journal* retained its office space and other facilities at the Law School and Dean Link's promise to help with funding for the following two years was kept.⁷⁸

70. *Id.*

71. *Id.*

72. Interview with David Link, *supra* note 16.

73. *Id.*

74. Memorandum from David Link, Dean, Notre Dame Law School, to Faculty and Students of Notre Dame Law School (Feb. 27, 1984) (On file with the *Journal of Legislation*).

75. Letter from Executive Editorial Board, *Journal of Legislation*, to all former members of the *Journal of Legislation* (April, 1984) (On file with the *Journal of Legislation*); Announcement from the Editorial Board, *Journal of Legislation*, to Faculty and Students of Notre Dame Law School (1984) (On file with the *Journal of Legislation*).

76. Memorandum from David Link to Faculty and Students of Notre Dame Law School, *supra* note 72.

77. *Id.*

78. Letter from David Link, Dean, Notre Dame Law School, to James Cline, Editor-in-Chief,

IV. Struggling Towards the Future (1984-)

Following the *Journal's* return to its independent status, it suffered from lack of financial resources and would have surely faltered had it not been for the support it received from the student body. While producing the *Journal* was financially difficult, it remained rewarding and continued without notable difficulty until 1990.

The 1990 academic year found the *Journal* staff engaged in numerous non-*Journal* activities, the result of which was that the staff could only produce one issue that year. It fell to the following year's staff to complete the second issue of the previous year's volume. For several years the *Journal* staff spent half of its time finishing the previous year's work and only the other half preparing their own material.

Although the early 1990's were a time of difficulty for the *Journal*, it also saw the inception of the legislative review section of the publication. In an effort to provide the Congress of the United States with recommendations for legislative change, the editorial board and staff for the twentieth volume of the *Journal* introduced the Legislative Reform Section. The purpose of this new section was to examine splits in the circuit court of appeals and to recommend how Congress can resolve conflicting interpretations.⁷⁹ The section contained short pieces which identify statutory language which the circuit courts of appeals have interpreted differently. The authors of the pieces present the different interpretations and the reasoning by which the courts arrived at their decisions. Each article in the Legislative Reform Section include recommendations from the author as to how Congress could resolve the conflict by amending the statute.⁸⁰ The Legislative Reform Section quickly became one of the most popular parts of the *Journal* and it is now considered a standard part of each issue.

After many years of trying to organize a symposium, the *Journal* held one on asset forfeiture in 1995.⁸¹ Among the panelists for that discussion were G. Robert Blakey,⁸² Miriam Krinsky,⁸³ Stefan Cassella,⁸⁴ and moderated by Jimmy Gurulé.⁸⁵ Through lots of hard work, the *Journal* staff pulled off "a smashingly-successful symposium."⁸⁶

The pattern of printing the previous staff's second issue and only one current issue continued until the 1995-96 year when Editor-in-Chief Bradley Wiskirchen gave the *Journal* what its advisor Professor Jay Tidmarsh called a "great, great gift."⁸⁷ That year Bradley was dedicated to catching up on the previous year's backlog and evening out publication. Through tireless work that year's staff put together three issues, the previous year's second issue and two of their own. While Bradley's staff did not pub-

Journal of Legislation (Feb. 26, 1985) (On file with the *Journal of Legislation*).

79. Foreword, 20 J. LEGIS. 1 (1994).

80. *Id.*

81. See Symposium, *Federal Asset Forfeiture Reform*, 21 J. LEGIS. 155 (1995).

82. Former Chief Counsel for the Subcommittee on Criminal Laws and Procedures in the United States Senate; Special Attorney for the Organized Crime and Racketeering Section of the U.S. Department of Justice; and current Professor at Notre Dame Law School.

83. Chief of the Criminal Appellate Section, U.S. Attorneys Office, Los Angeles.

84. Deputy Director of the Asset Forfeiture Office, U.S. Department of Justice, Washington D.C.

85. Former Assistant Attorney General, Los Angeles; and current Associate Dean of Notre Dame Law School.

86. Letter from Bradley Wiskirchen, Editor-in-Chief, *Journal of Legislation*, 1995-96, to Brian Holt, Articles Editor, *Journal of Legislation*, 1998-99 (April 12, 1999).

87. Interview with Jay Tidmarsh, Professor, Notre Dame Law School, advisor to the *Journal of Legislation*, 1990-99, in Notre Dame, IN (Nov. 4, 1997).

lish all three during the 1995-96 year, the issue was ready to go to print at the beginning of the 1996-97 school year.

The 1998-99 academic year saw several changes with the *Journal*. In an attempt to alleviate some of its nagging financial woes, the *Journal* became an official student organization of the University of Notre Dame. As a student organization, the *Journal* was able to take advantage of some of the benefits the University offered. One of these benefits was the opportunity to raise money through various student-run activities, including selling food during home football games and joining student groups throughout the University. In the fall of 1998, the *Journal* raised enough money during one home football game to pay for the entire publication of its first issue. In the future, the *Journal* hopes to expand its role as a student organization in an effort to increase its funding and ultimately become a more financially stable journal.⁸⁸

As the *Journal* enters the twenty-first century, its goals are to grow as a well-respected national journal, continue to publish articles that influence state and federal legislation, and help solve some of the major issues of our time.

Brian Haynes Holt

88. Interview with Jeffrey Matura, Editor-in-Chief, *Journal of Legislation*, 1998-99, in Notre Dame, IN (April 12, 1999).

