Law Society Undergraduate Law Journal

Volume I

2024-2025 Edition

Letter from the Law Journal Publisher

April 28th, 2025

Dear Reader,

It is my honor to introduce Volume I of the *Law Society Journal*. This marks an exciting start to the journal, and it has been a terrific experience working with everyone. This past year we have had the privilege of working with all these talented writers. Through their writing and interest in law they have made unique contributions, contributed ideas and well-rounded and researched opinions to the legal field. Our writers this year have answered complex legal questions and have worked hard to strengthen their writing and analytical skills.

I am so proud of the range of topics that our writers have chosen to focus on for this publication. This volume spans from covering Constitutional Issues to Artificial Intelligence. Every single contributor put immense effort into their articles, and their dedication is evident because of the quality of their work.

I owe a tremendous thanks to the Law Society Journal Editors, Amelia Banasiak and Isabella Cola for their dedication and enthusiasm for the Law Society Journal. I would also like to thank Carson LaFemina and the rest of Law Society's executive board for their continuous work and support in making this journal possible. I am so excited to see future editions of the Law Society Journal!

Sincerely,

Olivia Joyce

Law Society Journal Publisher

Letter from the Law Journal Editors

April 28th, 2025

Dear Reader,

Over the past year, we have had the privilege of working closely with a group of talented writers on submissions covering topics from medical malpractice to the evolving landscape of artificial intelligence regulation. While the work has often been meticulous and demanding, the results have made every moment worthwhile.

We are incredibly proud of the dedication and passion each contributor has poured into making this journal a reality. It has been an honor to be a part of this project and to help share such impressive and thought-provoking pieces with you. This journal marks the beginning of an exciting journey for Law Society, and it would not have been possible without the remarkable efforts of our writers.

We are deeply grateful to Olivia Joyce for her exceptional work in curating this journal and bringing the final product to life. Finally, thank you to the Law Society Executive Board for your unwavering support throughout the year. Your encouragement has made all of this possible. We hope you enjoy reading this edition as much as we enjoyed creating it! Cheers to many more wonderful journal submissions in the years ahead—this is only the beginning!

Sincerely,

Isabelle Cola and Amelia Banasiak

Law Society Journal Editors

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The History of the Reconstruction Era and the Significance of Supreme Court Interpretations

John Guthrie

Graduation: May 2026

Abstract:

This essay provides a literature review of the historical context leading to the adoption of the three Reconstruction Amendments, with a focus on the Fourteenth Amendment and its varying interpretations throughout history. The analysis investigates the structural purpose of the Fourteenth Amendment and explores how it has been misinterpreted over time. I argue that the Supreme Court, while destined to uphold the constitutionality of laws and statutes, has failed in numerous instances. These misinterpretations of granting corporations equal to citizens have resulted in significant consequences, undermining legal statutes and weakening the foundation of our legal system. Additionally, this essay examines the historical events that have shaped many controversial Supreme Court decisions. I contend that by adopting a selective framework that fails to address the true intent of the Amendment, the Supreme Court has repeatedly misinterpreted the Fourteenth Amendment, which has exacerbated inequality and contributed to a growing wealth gap.

The Fourteenth Amendment was created to combat slavery and racism, addressing the deeply ingrained injustices of Antebellum America. Prior to the Amendment's adoption, the United States was built on the cruel and inhumane institution of slavery.[1] During the antebellum period, slavery was the most divisive issue in the nation.[2] Northern states opposed the expansion of slavery into Western territories, while the Southern states staunchly supported it, leading to a stark division that ultimately split the nation. In an effort to maintain balance, a series of compromises, such as the Three-Fifths Compromise and the Missouri Compromise, were implemented. However, these measures were like placing a small bandage on a broken arm. These solutions failed to address the root problem of slavery. Rather than resolving the issue, these compromises merely postponed the inevitable and palpable demise over the institution of slavery, that was tearing the nation apart.

The infamous Dred Scott v. Sandford case represented the culmination of pro-slavery efforts in the United States. Many historians and legal scholars contend that this case pushed the United States past the point of compromise.[3] Decided in 1857 by the United States Supreme Court, the Court ruled significantly against Dred Scott, who was an enslaved African American. The Court also used the power of judicial review for just the second time in United States history, striking down the Missouri Compromise of 1820.

Dred Scott was an enslaved African American born around 1799. He was owned by Dr. John Emerson, an army surgeon. John Emerson traveled extensively throughout the country and brought Dred Scott with him during his travels. As a result, Scott lived in various states across

[1] Sergio Lussana, "Mastering Emotions: Feelings, Power, and Slavery in the United States"
[2] Gilhooley, Simon J. The Antebellum Origins of the Modern Constitution: Slavery and the Spirit of the American Founding.
[3] Meyer, William B. "The Best Answer? Justice Nelson's Concurrence in Dred Scott v. Sandford."

the expanding nation, including free territories such as Illinois and the Wisconsin Territory, where slavery was prohibited by the Northwest Ordinance of 1787 and the Missouri Compromise of 1820. Scott later returned to Missouri, which was a slave state at the time. When Emerson, Scott's owner, passed away, Scott sued Emerson's widow for his freedom. Dred Scott argued that his residence in free territories had made him a free man.[4]

Dred Scott's case took 11 years to reach the United States Supreme Court, and during this time, the case moved through various stages of the legal system. In 1846, Dred Scott first filed a lawsuit for his freedom in a Missouri state court. Scott won his freedom in 1850 in these state courts, but this decision was later overturned by the Missouri Supreme Court in 1852, which reinstated Scott's enslaved status. Finally, in 1856, Dred Scott's case was filed in federal court, where it eventually reached the Supreme Court. The case was decided in 1857, highlighting the long and complex delays of the judicial system at the time on such a contentious issue.

When the United States Supreme Court received this case, they had three main legal questions: First, was Dred Scott a citizen of the United States that could receive legal standing to sue in Federal Court? Second, could Congress restrict slavery in the territories / was the Missouri Compromise constitutional? Third, were African Americans considered citizens with rights under the Constitution? In a 7-2 decision the Supreme Court ruled against Dred Scott and answered *no* to all of the questions posed.

The Supreme Court under Chief Justice Roger B. Taney–who had white supremacist underpinnings, ruled that Dred Scott was not a citizen that could sue in federal court. Taney even argued that African Americans "had no rights to which the white man was bound to respect and

[4] Paul Finkelman, *Dred Scott v. Sandford: A Brief History with Documents*

that the negro might justly and lawfully be reduced to slavery for the white man's benefit."[5] The Court also ruled that residence in free territory did not grant freedom to formerly enslaved people. This ruling saw the court using judicial review to strike down the Missouri Compromise of 1820 as unconstitutional. Taney argued that congress had no authority to ban slavery in federal territories, as doing so violated slaveholders' Fifth Amendment rights to property. Taney stated: "An act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular territory of the United States, and who had committed no offence against the laws, could hardly be dignified with the name of due process of law."[6] The Dred Scott decision indubitably fueled public outcry on the issue of slavery. The Supreme Court utilizing the power of judicial review, became a powerful force in American government. This case had a profound and far-reaching consequence on the nation, eventually fueling the Civil War that took place just four years after this Court's ruling.

When Abraham Lincoln ran and subsequently won the Presidential election of 1860 on a anti-slavery platform, 11 Southern states seceded from the Union and formed the Confederate States of America. This led to the American Civil War, which began in April 1861. After the Civil War and the Union Victory, the Era of Reconstruction took place.

The Thirteenth Amendment which abolished slavery in all territories, was passed in Congress in 1865 when Abraham Lincoln called on Congress to pass the amendment while the Confederate states were still separated from Congress. Because the Confederate states were not a part of the Union during the Civil War, they were not able to represent Congress. This meant the Southern states did not vote on the proposed amendments. Because of this, the Senate approved the Thirteenth Amendment in 1864, but it failed to receive the two-thirds majority required in the

[5] Roger B. Taney, majority opinion in Dred Scott v. Sandford
[6] Ibid.

House for the amendment to pass. After significant lobbying and political maneuvering by Lincoln and his allies, including promises of patronage and political support, the House passed the amendment on January 31, 1865, with a vote of 119 to 56, just over the required two-thirds majority. When the Union states eventually won the Civil War, the Thirteenth Amendment was sent to the Southern states for ratification. The Southern states, which were under Union control and military occupation, were required to ratify the Amendment as a condition for rejoining the Union. One could argue that the Thirteenth Amendment is the most important Amendment in the United States Constitution due its positive and conclusive effect on outlawing slavery, but that would overlook the additional laws explicitly outlined in the Fourteenth amendment that give the power to enforce the Thirteenth Amendment.[7]

After the Civil War with the Union victory, the Reconstruction Era shined bright in America with the passing of the "Reconstruction Amendments" the Thirteenth Amendment, Fourteenth Amendment, and Fifteenth Amendment. The Fourteenth Amendment specifically was meant to give freedom to all people, including formerly enslaved people. Section 1 of the amendment states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."[8] This meant that slave owners, most notably in the South, had lost their right to engage in the practice of slavery. However, over time, the provisions of the Fourteenth Amendment have

[7] Pino, Lisset Marie, and John Fabian Witt. "The Fourteenth Amendment as an Ending: Constitutional Beginnings and the Demise of the War Power."
[8] U.S. Const. amend. XIV, § 1.

been interpreted in ways that have extended its protections to corporations, significantly impacting economic and corporate practices. Because of this, the Fourteenth Amendment eventually led to continued wealth inequality and racial disparities. This was due to the Supreme Court's misinterpretation of the Amendment and failing to show what it was truly ruling on in the case Santa Clara County v. Southern Pacific Railroad Company, in 1886.

Furthermore, Reconstruction after the Civil War, was a time when the United States was being reunified with the Southern states that previously succeeded. During this time of uncertainty, previous slaveholders exploited and created new unfair systems of labor to maintain a cheap labor force. These slaveholders enforced Black Codes which were laws passed by Southern states immediately after the Civil War to control the labor and behavior of African Americans and ensure their availability as a cheap labor force.[9] The Fourteenth Amendment was passed mainly to address citizenship and civil rights issues that arose after the Civil War, particularly concerning the status and rights of formerly enslaved people.

The Reconstruction Era was unfortunately not long lasting, and, because of its shortcomings, many historians view it as a time of failure. Still, some historians view reconstruction: "In a way like America's second founding."[10] With this period in American history being a great time of triumphant change for freedom and equality for all. Thomas Jefferson famously wrote 86 years before Reconstruction: famously wrote "All Men Are Created Equal" in his 1776 Declaration of Independence. It was almost a full century until that writing proved to be representative of all men.

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[9] Litwack, Leon F. *The Black Codes of the South*.
[10] Rego, Paul M. *Lyman Trumbull and the Second Founding of the United States*.

Throughout the time of Reconstruction, federal troops arrived in the South to make sure that slaveholders were following through with the newly announced constitutional amendments. Of course, during this time there was significant outrage in these majority slave holding states but, with federal troops overseeing everything, and with a failed Confederate war effort, the South had to follow orders.

This all changed in one of the closest Presidential elections of American history. The election of 1876 saw Republican – Rutherford Hayes vs Democrat – Samual J. Tilden. Rutherford Hayes was an advocate for Black Suffrage and Samual J. Tilden ran on the idea that "the country needed a revival of Jeffersonian democracy"[11] Jeffersonian democracy was the idea of states' rights, less government intervention and the management of industries and business to the domain of the individual people. That should sound somewhat familiar to the current day Republican party's various ideologies. It is notable that the Democrat and Republican parties we have today represented completely different ideals decades ago. This seemingly ideological switch is often referred to as "The Two-Party Switch".

In the election of 1876, no clear winner emerged. There were contested results in South Carolina, Florida, and Louisiana. Both parties claimed victory in those states. The Constitution states that the electoral votes be directed to the President of the Senate who was at the time a Republican. Democrats disagreed and argued that the Democratic majority in Congress should decide the outcome. At this point, many people expected fighting to break out – "more people," according to one historian, "than had before anticipated a like outcome to the secession movement of 1860-1861."[12] Business had ceased to operate, the wheels of the industry slowed to a stop, and it seemed like America was plunging back into a second Civil War.

[11] Kelley, Robert. "The Thought and Character of Samuel J. Tilden: The Democrat As Inheritor."
[12] Paul L. Haworth, The Hayes-Tilden Disputed Presidential Election of 1876.

Thankfully a second Civil War did not commence. A compromise was reached on January 29, 1877. The Electoral Commission Act established a commission of five senators (three Republicans, two Democrats), five representatives (three Democrats, two Republicans), and five Supreme Court Justices (two Republicans, two Democrats, and one independent) to decide which votes to count and resolve the dispute. However, the independent Supreme Court justice refused to serve on the commission and was replaced by a Republican justice. This shifted the balance of the commission 8-7 in Republican favor and when it came down to awarding electoral votes the commission voted 8-7 voting along their party lines. In the aftermath, the commission awarded all twenty disputed electoral votes to Hayes. Under the Electoral Commission Act, the commission's findings were final unless overruled by both houses of Congress. Although the Democrat-controlled House of Representatives repeatedly voted to reject the commission's decisions, the Republican-controlled Senate voted to uphold them. Thus, Hayes' victory was finally assured.

However, with the so-called Compromise of 1877 this election signaled the return of the South to "home rule" via the removal of federal troops.[13] With no more federal troops to make sure the South was following through with the new constitutional orders of the Thirteenth, Fourteenth, and Fifteenth amendments; Reconstruction came to an end. The Democratic House of Representatives refused to appropriate money to pay for federal troops in the South, and many believed that it was counterproductive to fight home rule. Rutherford Hayes had little choice but to remove the last of the federal troops in the South. Once those federal troops were gone, Hayes had little power to control the Democratic governments in the South. With the end of the federal government's enforcement of post-bellum equality, takeovers of the Southern legislatures by the

[13] Woodward, C. V. (1991). *Reunion and reaction: The compromise of 1877 and the end of Reconstruction*.

Southern wing of the Democratic Party were quick to occur, often involving fraud and/or violence. These new southern governments, now free from federal control, implementing Jim Crow laws which imposed a system of racial discrimination, reversing the gains of Reconstruction and disenfranchising black people in the South until 1965.

A key Supreme Court case involving the acceptance and continuance of the Southern practice of Jim Crow laws was the case of Plessy v. Ferguson, decided in 1896. This case upheld the constitutionality of racial segregation under the "separate but equal" doctrine. This case set a precedent that segregation was permitted in public facilities and institutions as long as the facilities and institutions were equal among all.

The background of this case revolved around Homer Plessy, who was a mixed-race man traveling in a Louisiana railway car.[14] The recently passed Louisiana law contained a Separate Car Act that was established in 1890. This act was an example of Jim Crow forcing blacks out of white spaces. Homer Plessy violated this Act in 1892 by sitting in a white-only car and was subsequently arrested. Homer Plessy took this case to court and argued that the Separate Car Act violated the 13th and especially the 14th amendment.

The Supreme Court ruled 7-1 against Plessy stating that segregation did not constitute unlawful discrimination as long as the separate facilities were "equal" in quality. This ruling set the precedent of "separate but equal" which was especially in support for Jim Crow laws and allowed them to remain a strong force of racism in the South. This precedent legitimized state laws concerning racial segregation.

The one vote on the dissenting side was Justice John Marshall Harlan, not to be confused with Chief Justice John Marshall, the judge that established judicial review in the Marbury v

[14] Brook Thomas, *Plessy v. Ferguson: A Brief History with Documents*

Madison case in 1803. John Marshall Harlan was the lone dissenter in the Plessy v. Ferguson decision. His dissent is renowned for its powerful defense of racial equity and its forward-looking critique of segregation laws. Harlan stated, "Our Constitution is color blind, and neither knows nor tolerates classes among citizens." Harlan also believed that Plessy was correct that the Louisiana law mandating segregation on railcars under the Separate Car Act of 1890 was unconstitutional under the 13th and 14th amendments. Harlan wrote that this segregation act imposed a "badge of servitude" on African Americans, violating their rights and dignity. Harlan also wrote that this case ignored the fact that segregation had malicious and harmful intent that was comparable to the disastrous Dredd Scott case. "The judgment to this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dredd Scott Case."[15]

Though Harlan's dissent was in the minority opinion in 1896, his arguments were so strong and powerful that they later became a moral and legal foundation for the civil rights movement. This dissent was also a foundation for the removal of the "separate but equal" doctrine in the Brown v. Board of Education case in 1954 that eventually overturned the "separate but equal" precedent.

Still, in the time after the Reconstruction from 1877 to 1965, Jim Crow laws and Black Codes ravished the African American citizen populations down South. Black Americans faced discrimination in employment, housing, education and many black military veterans were restricted from receiving loans granted by the GI bill that would have helped them buy homes. The practice of restricting housing to minority groups in the United States, was extremely evident with the practice of redlining. Redlining was the systemic denial of loans or insurance in

[15] *Plessy v. Ferguson*, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting).

predominantly minority areas, which held down property values. The federal government would create maps of metropolitan areas that were color coded to indicate where it was and was not safe to issue mortgages. Red areas were predominantly Black neighborhoods which were deemed "unsafe" investments. At this point Black Americans were looked at as high risk in housing because of their limited wealth which can be connected to their limited time as citizens. Black Americans especially lacked inheritance, having near to no inheritance to pass down to later generations because of the wealth-stripping that occurred before and after the Civil War. In 1860, the average white American had almost 60 times the wealth of a Black American. Even today a white American has on average 10 times more wealth than a Black American.

The wealth gap is so disproportionate between White and Black Americans it is sometimes visible when viewing different neighborhoods. For example, the gap is notable in cities where affluent residents live in upscale areas with well-maintained homes, high-quality schools, and abundant amenities, while neighborhoods with lower-income populations have older housing, fewer community services, and visibly poorer infrastructure. These neighborhoods are often close to each other, creating a stark contrast between the two areas. For instance, in many major cities, hillside neighborhoods tend to be wealthier compared to areas in lower-lying areas, with noticeable differences in housing quality and property values. The results of this disparity aren't just wealth inequality but also health, environmental, and educational inequalities. Previously redlined neighborhoods are known to have limited access to grocery stores and a high proportion of air pollution. On top of that, school systems are often funded by tax revenue that is proportionate to how much a community brings in. This leaves more money for wealthy neighborhoods and less for less wealthy neighborhoods.

The concept of "corporate personhood" represented a major shift in how the Fourteenth Amendment was interpreted by the courts. In the 1886 Supreme Court case *Santa Clara County v. Southern Pacific Railroad Co.*, the Court was asked to decide whether California had violated a railroad company's rights by imposing taxes. Although the Justices did not explicitly rule on the issue of corporate personhood in their formal opinion, the Court reporter added a headnote stating that the Court believed corporations were protected by the Equal Protection Clause. While headnotes are not legally binding, this interpretation quickly gained traction and was cited in later decisions as precedent. This was likely all an accident.[16]

This likely accidental but powerful shift redirected the Fourteenth Amendment's protective power away from individuals, especially Black Americans toward corporations. Over time, corporations increasingly invoked constitutional protections to challenge state regulations, amass legal advantages, and build wealth, while Black Americans continued to face systemic discrimination, economic exclusion, and lack of access to capital. Without this judicial interpretation, it's likely that the legal landscape would have allowed for more progressive regulation of corporate power and potentially lessened the extreme wealth inequality that persists in the United States today.

This case although was not meant to be about "corporate personhood" and in fact was solely a tax issue. The Southern Pacific Railroad Company argued that Santa Clara County California imposed state taxes unfairly along the company's fences that bordered the railroads right of way. The Railroad Company argued that the fact the State was taxing the fences separately from the rest of the property was unfair and out of the state's authority. On top of that

[16] Thom Hartmann, *Unequal Protection: How Corporations Became "People"—and How You Can Fight Back*

California's tax system discriminated against corporations, violating the Equal Protection Clause of the Fourteenth Amendment.

The Case made it to the United States Supreme Court in 1886 and the legal questions the Court asked were: One, did the tax assignments by Santa Clara County violate the U.S. Constitution by unfairly targeting corporations? Two, were corporations entitled to equal protection under the Fourteenth Amendment similar to individuals?

The Supreme Court never explicitly decided on the issue of corporate personhood. Instead, the court resolved the case on narrower procedural grounds, siding with the Southern Pacific Railroad Company because of a California State law interpretation. The part of this case that is often misinterpreted might have been a complete accident. In the cases headnote that was written by a court reporter, stated "The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution, which forbids a state to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are all of the opinion that it does."[17] This court reporter's statement was not part of the Supreme Court's official opinion but was still treated as if the Court affirmed that corporations were "persons under the Fourteenth Amendment." This meant that corporations were entitled to the protection, including equal protection under the law. This set the legal precedent of corporate personhood for later decisions. For example, *Citizens United v. Federal Election Commission.*

Citizens United v. Federal Election Commission expanded corporate rights by allowing corporations to spend unlimited funds on political campaigns. By giving corporations the ability to challenge and often overturn regulations, corporate interests can undermine the Democratic

[17] Ibid.

process and the ability of elected bodies to govern effectively. For example, more money means more advertisements and more expression for certain candidates. This would be okay if it was proportional, but when there is a large unequal discrepancy in who is donating and subsequently "rich" enough to influence politics, it starts to become an issue. The case of Citizens United was ultimately possible because of the Santa Clara v. Southern pacific Railroad Co case. The precedent of corporate personhood still stands and influences Supreme Court Decisions still today.

In conclusion, the legal and financial power of corporations allows them to exploit Constitutional protections in ways that individuals cannot, potentially exacerbating economic and social inequalities. The Fourteenth Amendment is seen as one of the most significant amendments in addressing civil inequalities. The amendment was meant to protect individuals from state actions that discriminated against them or deprived them of their rights, not to empower corporations with the same protections and rights as individual citizens. If the Supreme Court never "interpreted" equal personhood for corporations, or at least removed the corporate personhood precedent that it set in motion either intentionally or unintentionally by the court reporter's headnote, the story of wealth inequality in America would be a totally different story than it is today.

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United States Constitution. Amendment XIV, Section 1.

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A Comprehensive Assessment on Medical Malpractice Matters

Emma Green

Graduation: May 2027

Abstract:

This essay navigates the inequalities between medical malpractice matters involving celebrities versus matters involving average civilians in contemporary American society. Through contrasting the celebrity medical malpractice case of Hulk Hogan, better known as Terry Bollea, to the case of Emily Daley, who is an ordinary citizen, we are able to define differences in financial situation, access to premier legal counsel, and how media coverage affects legal proceedings for medical malpractice plaintiffs. Due to celebrities' high social status, they tend to experience quicker settlements and faster case resolutions. On the contrary, ordinary individuals typically face significant barriers to justice, such as a lack of financial and legal resources and prolonged proceedings. Through this paper, we are able to analyze the ethical implications that come along with these given inequalities. These findings highlight how judicial reforms can improve case outcomes, which is necessary for achieving equality in medical malpractice litigation for all plaintiffs, regardless of their social status.

Medical malpractice cases are intricate legal matters that greatly affect the lives of patients, medical professionals, insurance companies, and healthcare institutions. According to Johns Hopkins, "more than 250,000 deaths every year are due to medical malpractice." [18] This startling statistic shows that whether you are a high-profile celebrity or a member of the working class, anyone can be affected by medical malpractice matters. However, unsurprisingly, a larger amount of attention is typically given to suits involving celebrities. This can be attributed to various unfair factors, such as extensive media coverage that often leads to public opinions being more favorable towards the celebrity. This can in turn cause a biased jury. Media coverage can also put added pressure on defendants, medical businesses and insurance companies to settle these matters quickly in favor of the celebrity plaintiff in order to avoid public backlash. Celebrities also have financial resources that the average individual does not have. This allows celebrities to hire premiere legal counsel which affords them better case outcomes. Medical malpractice cases involving celebrities, compared to average plaintiffs, raise a variety of important inquiries: How does media coverage around medical malpractice cases involving celebrities affect the outcomes of their suits compared to those involving average civilians? Does the socio-economic status of celebrity plaintiffs better enhance the case outcomes and settlements they receive compared to the average plaintiff? To address these inquiries, I argue that the media coverage of medical malpractice cases involving celebrities, coupled with their high socio-economic status, significantly increases the likelihood of positive outcomes, giving them an unfair advantage compared to ordinary plaintiffs.

To understand medical malpractice cases and the socio-economic disparities that come along with them, it is essential to define what medical malpractice exactly is. Medical

[18] Wilson, Michael M. "2023 Medical Malpractice Statistics."

malpractice occurs when a healthcare professional deviates from the standards of proper healthcare, resulting in harm, injury and even death to their patient. Examples include overdosing a patient on morphine, causing medical complications or a surgeon operating without properly washing their hands causing an internal infection. Medical malpractice also falls under a specific category of tort law called negligent torts,[19] which deals with wrongful actions caused by professional negligence. [20] Negligence is also the standard base for medical malpractice cases and lawsuits. In order to prove that medical malpractice has occurred, a plaintiff must demonstrate that their health care provider or doctor's treatment directly caused them to face unnecessary injury, illness, or death. Medical malpractice cases must be filed within a specific statute of limitation [21]which is the maximum amount of time that a patient can wait to take legal actions. [22] However, statute of limitation varies from state to state as medical malpractice is traditionally not dealt with at the federal level.[6] For example, in Connecticut the statute of limitation is two years from the time of the instance of medical malpractice or two years from when you discovered that it occurred, known as the "discovery rule".[23] Alternatively, in New Mexico, the statute of limitation is three years after the medical malpractice occurred.[24] Once a medical malpractice case is proven, the court will determine the financial compensation to be afforded to the patient. The court will take various factors into account such as loss of income, medical costs, and the pain and suffering that the plaintiff has endured.

[19] Matzuslawdev. "What Type of Tort Is Medical Malpractice?"
[20] Bal, B Sonny. "An Introduction to Medical Malpractice in the United States."
[21] McCranie, Finch. "How Long Do You Have to Sue for Medical Malpractice?"
[22] Johnson, Kennedy. "What Is the Time Limit for Filing Medical Malpractice Case?: Kennedy, Johnson, Schwab & Roberge, P.C."
[23] Harleston, Jerome. "OLR Research Report."
[24] Griselda, S. "New Mexico Medical Malpractice Statute of Limitations."

Historically, medical malpractice lawsuits began in America around the 1800s. American medical malpractice law and jurisdiction has roots within English common law, with changes made due to state jurisdiction. However, noteworthy reforms did not occur until the 1960s. Prior to then, lack of legal resources, shortages of medical documentation, as well as medical professionals' high status in society, made medical malpractice cases not only scarce, but ineffective as well.[25] Moving towards the 1970s and 1980s, medical malpractice lawsuits vastly increased. This resulted in various "malpractice crises" such as huge increase in medical malpractice insurance premiums making it difficult for many hospitals and doctors to find insurance coverage in the 1970s.[10] Therefore, multiple states established tort reforms, such as caps on damages. For example, California's Medical Injury Compensation Reform Act placed a $250,000 cap on noneconomic damages.[26] In our modern American society, debates over medical malpractice suits and reforms are still ongoing. Movements such as the Patient Safety Movement work tirelessly in order to decrease medical errors and improve healthcare safety for all. [12]

Regardless of these efforts, medical malpractice cases are still prominent. According to medical malpractice attorneys Ronald V Miller Jr. and Laura G. Zois, 2024 medical malpractice statistics show that, "nearly 20,000 medical malpractice lawsuits are filed annually".[27] The fact that such a large number of medical malpractice lawsuits are annually filed clearly shows us that medical errors are still a prominent issue. This raises a variety of concerns regarding the safety of the patients and the care they are receiving. Reforms are essential not only to lessen these cases but to also improve how malpractice cases are handled. In regards to healthcare, efforts

[25] Bal, B Sonny. "An Introduction to Medical Malpractice in the United States."
[26] Micra. "Consumer Attorneys of California."
[27] Miller, and Zois. "2024 Medical Malpractice Statistics."

should concentrate on avoiding unnecessary mistakes through enhanced training for medical professionals and using more advanced medical technology. Additionally, reforms could include making safer reporting systems that promote greater transparency. Legally, as mentioned earlier, we can continue to advocate for tort reforms such as caps on damages. Overall, the goal of reforms is to not only improve patient safety, but to additionally ensure a fair and just legal system when dealing with medical malpractice matters.

Hulk Hogan is a professional wrestling legend legally known as Terry G. Bollea, he is famous for his confident persona and his championships in the world of wrestling. However, in 2009, Hogan began suffering from chronic back pain. This led him to seek treatment from the Laser Spine Institute located in Tampa Florida. This institute specializes in spinal surgeries that are minimally invasive.[14] While seeking treatment, his physicians at the institution encouraged him to undergo multiple endoscopic surgical procedures instead of the traditional spine fusion that was previously recommended to him by other physicians. They claimed that these minimally invasive surgeries would alleviate his pain and allow him to continue his career.[28] After six procedures over the span of nineteen months, his pain was still prominent.[29] Hogan claimed that the procedures from The Laser Spine Institute worsened his injuries and negatively impacted his career, as the unnecessary procedures caused him to miss professional opportunities such as a match with fellow wrestling costar John Cena. According to Hogan, "I called (WWE owner) Vince McMahon and said, "Main I'm good to go, let's do this deal.' So we started planning, then suddenly I was like "Ah, ah, my back', that put the deal on hold".[30] Hogan also claimed that the institute used his name and fame for advertising and monetary purposes without

[28] Chisholm, et al. "Hulk Hogan Says Medical Mistake Ruined His Ability to Earn Millions." CHH
[29] Ibid.
[30] Bhagwat, Pratik. "Hulk Hogan Reveals How a Surgery Prevented His Return."

asking permission. Hogan filed a medical malpractice suit seeking $50 million in loss of past and future earnings.[31] The outcomes and details of this case are minimal as it was settled privately and the exact monetary compensation is unknown.[32] However, he has fully recovered with the help of other medical professionals, undergoing the traditional spine fusion he was initially recommended.

Through my research on this topic, I found a similar case that affected an ordinary civilian named Emily Daley, a 42-year-old American citizen who resides in Washington State. Ever since her years as a teenager, she has struggled with scoliosis. However, her pain intensified in July 2011, so she consulted with Dr. Michael Thomas from Cascade Neurosurgical Associates on her condition. After their consultation, he decided that surgery would be the best treatment plan. He performed scoliosis surgery on Daley in order to help resolve and alleviate her pain.[33] At first, the surgery did supply some relief. However, according to multiple testimonies from medical professionals the surgery caused Daley to suffer a severe forward and left lean. Additionally, Dr. Thomas did not supply her with the proper post-surgery care. As a result of the inadequate care and the complications she faced, she decided to file a medical malpractice case against Dr. Thomas in June 2015. While going through this process, she faced a lengthy court process. Her case not only went to trial six years after the incident and two years after filing, but her trial was also seven days long.[34] Hogan, however, was able to get a quick and efficient

[31] Firm, SBWD Law. "Hulk Hogan Squares off with Clinic in Medical Malpractice Claim."
[32] Brenton, David. "Pro-Wrestler Hulk Hogan Files $50 Million Malpractice Lawsuit - Personal Injury Lawyers, Watertown CT: D'Amico & Pettinicchi, LLC."
[33] TNTL. "Jury Awards $1.2 Million to Patient Injured during Spinal Surgery."
[34] Eisner, Walter, and Name. "Jury Awards $1.2 Million after 'Negligent' Spine Surgery: Orthopedics This Week."

settlement. After seven long days, the jury ended up ruling in favor of Daley and she was awarded $1.2 million in damages.[35]

After summarizing and analyzing both of these medical malpractice cases, we can evidently see how different the experiences are for a celebrity plaintiff versus an average plaintiff when going through the process of a medical malpractice suit. For example, as mentioned previously, Hulk Hogan is a noteworthy public figure. Whenever something exciting or new occurs in his life, he makes major headlines, and the media is fixated on him. When dealing with a medical malpractice matter, this attention can cause negative effects for the medical institutions and professionals involved as they may receive public backlash or negative press. Therefore, we can infer that this caused the doctors and businesses involved with his suit to want to quickly settle in order to avoid more public dissent and negative media attention. However, regarding Emily Daley, her case was not plastered throughout the media as she is not a famous individual. Therefore, the doctor she was suing did not receive this type of bad press and therefore, Daley had to wait over two years just for a trial date. Whereas Hogan's case privately settled in under two years.[36] While going through any court processes and especially a medical malpractice one, there are many additional fees that plaintiffs have to pay. For example, on top of paying your legal team or attorney, plaintiffs also have to pay hefty court fees such as service of process, medical expert witness fees, hearings and motion fees and many more.[37] We can assume that Daley had to rack up all of these extra fees due to the state of her case. In addition to monetary ideals, due to Hogan's celebrity status, he is in a financial state where he can afford premiere legal counsel. We can reasonably assume that this allowed him to have access to an

[35] TNTL. "Jury Awards $1.2 Million to Patient Injured during Spinal Surgery."
[36] Rosenberg, Minc. "Hulk Hogan Sues Spine Clinic after Undergoing Unnecessary Surgeries..."
[37] Import, Content. "What's the Average Cost of a Medical Malpractice Lawsuit?"

exceptional legal team, likely why he was able to have such a quick settlement. For most individuals just like Daley, the feasibility of exceptional lawyers and attorneys is due to their high fees which causes a disparity in outcomes based on socioeconomic status. Thus, reforms need to be implemented in order to prevent this from occurring.

Equality in all aspects of law is essential in order to ensure that justice is being served for all plaintiffs regardless of their socio-economic status, especially regarding medical malpractice matters. Therefore, as a society we must advocate for our state legislators to implement a range of reforms to promote equity within our society. One reform we can lobby to establish includes improving and expanding access to high-quality affordable legal counsel. When brainstorming, at first, I thought an efficient resolution could be to implement tax incentives to large premiere legal corporations for partaking in a certain percentage of pro-bono work to civilians who cannot afford premier legal counsel. However, this in a sense can feel like a lottery system. After further brainstorming I came up with a better solution: we can implement a more structured reform based on the same ideas. For example, each state could offer tax incentives to their top twenty legal firms that promise to handle a certain amount of malpractice cases for low- and middle-class plaintiffs every year. The more cases these firms take on, the greater they benefit. Plaintiffs can find out if they qualify for this counsel through filling out free online applications. This strategy would ensure a consistent route to excellent legal counsel, which would help even out the playing field between ordinary citizens and famous plaintiffs. Simultaneously, it would give participating legal firms tax benefits, which would in turn promote a long-lasting impact.

In summary, this paper emphasizes the inequities that are apparent between medical malpractice suits filed by celebrity plaintiffs compared to those including average plaintiffs. The contrasting cases of Hulk Hogan and Emily Daley further highlights how a celebrity's high

social status, financial resources, and access to premier legal counsel cause faster settlements and better case outcomes overall. On the contrary, regular plaintiffs such as Daley face lengthy cases, a plethora of legal fees, and often experienced delayed proceedings. This can be attributed to their lack of financial resources and media coverage. The moral and ethical effects of these disparities calls us to lobby for systematic changes in order guarantee equal access to justice for all plaintiffs, regardless of their socio-economic status. By legally securing equal access to premium legal counsel, we can start to build a more fair judicial system that upkeeps justice for all types of plaintiffs.

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Is the Use of Artificial Intelligence (AI) in Music Legal?

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Graduation: May 2028

Abstract:

This essay examines the rise of artificial intelligence (AI) in the music industry from a copyright perspective, focusing on the 'input' of copyrighted material into AI algorithms compared to the 'output' of AI-generated music and its copyrightability. I argue that there is currently insufficient precedent or legislation to determine the legality of AI usage in the music industry concerning copyright infringement or placement, primarily due to the novelty and recency of AI's introduction.

In April of 2023, music listeners everywhere excitedly awoke to a new release by Canadian rapper Drake featuring American pop star The Weeknd. However, as many would soon realize, this new track, titled "Heart on My Sleeve," was posted not under the artists' names but instead by a user going by the name "Ghostwriter977." The song, as it turned out, was just as new to Drake and The Weeknd as it was to their millions of fans. Why? Because the song was made entirely by Artificial Intelligence.[38] Despite being quickly taken down by Drake's music label, Universal Music Group (UMG), the track was still able to garner millions of streams across Spotify, Instagram, and TikTok. This song, which mimicked Drake and The Weeknd's vocals flawlessly, has since brought up discussion on the future of the music industry and how it will be shaped in new ways by AI.[39] As such, it brings up the question, if AI music is here to stay, is any of it legal?

The creation of "fake songs" is hardly a new phenomenon, with musical hoaxes going all the way back to the 19th century. For example, the Austrian-American violinist Fritz Kreisler once claimed that they'd discovered long lost manuscripts of famous composers like Pugnani and Vivaldi before being exposed as fakes that Kreisler himself created.[40] Even more recently, iconic duo Milli Vanilli were exposed in 1990 for lip syncing and not actually singing or writing their own songs, culminating in them having to return their 1990 Grammy for "Best New Artist."[41] However, what makes the 2023 example striking is that unlike in the past, no human had a hand in the creation of this fake song. As such, questions have arisen as to who, if anyone, is at fault for the piece. Is it Ghostwriter977 for prompting the AI? Is it the AI company itself for creating the program? Or, since it was a completely original composition, is it all completely legal? These

[38] Reynolds, Matt. "Ai-Generated Music Is Everywhere; Is Any of It Legal?"
[39] Ibid.
[40] Lai, Hermoine. "10 Incredible Classical Music Hoaxes, Forgeries, Frauds & Pranks."
[41] Partridge, Kenneth. "The Great Milli Vanilli Hoax: The Truth behind the Music Scandal That Rocked the 1990s."

questions highlight the general concerns that many in the legal field have with regards to the usage of AI in creating songs, with emphasis often being placed on two particular problems: how AI is trained to make music (its input), and how AI generated music is interpreted (its output).[42]

AI models require massive amounts of information from databases in order to form their responses, which in turn require massive amounts of data, mostly taken from the internet. As a result, these databases often include large amounts of copyrighted material, including that of song lyrics.[43] In a lawsuit by Universal Music Publishing (the publishing arm of Universal Music Group, or UMG) against the AI company Anthropic, Universal alleged that Anthropic had used copyrighted song lyrics in training its chatbot Claude.[44] Were this the case, it would mean that Anthropic had engaged in copyright infringement, in which copyrighted material was used without authorization. To prove this, Universal highlighted examples in which when asked to reproduce the lyrics to some of its songs (for example, “I Will Survive" by Gloria Gaynor), Claude was able to deliver the words verbatim, which is considered copyright infringement because Anthropic did not own the rights to reproduce those lyrics.[45] Furthermore, they asserted that even when not asked directly to reproduce a song, but merely suggested to, Claude also reproduced copyrighted song lyrics. For example, when asked to write a tune about the death of Buddy Holly, Claude disseminated the lyrics to Don Mclean’s “American Pie.” As such, Universal demanded that Anthropic pay a licensing fee to access their protected material for purposes of future AI training.[46]

[42] Tschmuck, Peter. “Ai in the Music Industry – Part 14: AI and Copyright Infringement.”
[43] “Navigating the Legal Implications of AI-Generated Music & Copyright: Unchained Music.”
[44] Dietrich, Sammi. “UMG V. Anthropic: Can International Copyright Laws Guide U.S. Law?”
[45] Ibid.
[46] Dietrich, Sammi. “UMG V. Anthropic: Can International Copyright Laws Guide U.S. Law?”

Anthropic responded to these allegations with a few of their own claims. First, they asserted that Claude never delivered full transcriptions of lyrics and instead warned users about potential copyright infringement. Second, they stated that Claude's responses fell under the "fair use" doctrine, which states that copyrighted material can be used without permission for specific purposes, such as education, which it claims was what the chatbot was using the lyrics for.[47] However, with no clear verdict or change in legislation, it still remains unclear as to whether the input of copyrighted song material into AI databases is considered copyright infringement or not.[48] In fact, Anthropic isn't the only case of an AI company being sued for how they collected data for their models, as other startups like Suno and Uncharted Labs have also been attacked by music industry giants like Sony and UMG, meaning that until there is clear legal precedence set, music publishing firms will likely continue going after AI companies for what they view as being copyright infringement.[49]

Under current U.S. copyright law, only works created by humans can be copyrighted, meaning that AI-generated content doesn't automatically qualify for copyright protection.[50] Returning to the earlier case of "Heart on My Sleeve," the song was only taken down by UMG because it used the copyrighted producer tag of producer Metro Boomin, not because it infringed on any of Drake or The Weeknd's works.[51] In fact, the song can be considered less of a copy and more of a derivative, that is, a work in the style of an artist. As Intellectual Property expert Louis Tompros explains, "If I, as a person, listen to a whole bunch of Drake music and write my own

[47] Ibid.
[48] Baer, Jeff. "The Copyright Implications of AI-Generated Music."
[49] Rivaux, Shani, Macerena Ferreira Fink, and Catherine Perez. "Legal Riffs: Music Industry Alleges AI Is out of Tune."
[50] Reynolds, Matt. "Ai-Generated Music Is Everywhere; Is Any of It Legal?"
[51] Reed, Rachel. "Ai Created a Song Mimicking the Work of Drake and the Weeknd. What Does That Mean for Copyright Law?"

song, having been inspired by him, but I don't use the same lyrics or the same music, everybody would agree that's not a copy. Why wouldn't the same standard apply to an AI?" Matthew Sag, a law professor at Emory University, went further, explaining how "[AI training] is a process of deriving abstractions from the data. Those abstractions are not meant to be copyrightable, … as long as the outputs don't look too much like inputs, then this is fair use under U.S. law."[52] In essence, so long as the song created by AI bears nothing identical to its input/source material, its existence is completely unique and therefore not in violation of any copyright, no different than an artist writing a song in the musical "style" of another artist.

However, Tompros instead argues that AI songs that imitate artists present an issue of publicity, not copyright, citing the example of a 1988 California case between musician and actress Bette Middler and Ford. In the case, it was found that Ford's use of a Bette Middler impersonator in one of their advertisements violated Middler's right to her publicity, as she had not given Ford the right to use the distinct likeness of her voice for commercial purposes.[53] However, in the case of AI generated music that doesn't impersonate someone, it is still unclear as to who, if anyone at all, can claim copyright. Some artists argue that AI is just another tool in the process of making music, and that the inputs given to AI machines are all that is needed to qualify a piece as copyrightable. They argue that simply the "idea" of a song itself is enough for it to be considered an original creation. However, the U.S. copyright office disagrees, stating in a March 2023 guidance that "users do not exercise ultimate creative control over how [AI] systems interpret prompts and generate material."[54] And so, until clarifying legislation is passed, the copyright status of music generated by AI will continue to remain murky.

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[52] Reynolds, Matt. "Ai-Generated Music Is Everywhere; Is Any of It Legal?"
[53] Ibid.
[54] Reynolds, Matt. "Ai-Generated Music Is Everywhere; Is Any of It Legal?"

It is evident that AI is here to stay, whether we like it or not, and that everything from school essays to hit records will be influenced by it in one way or another. How much the music industry will change is still unknown. However, what is known is that until more clear legislation is passed on the legality of using AI in music, we will continue to exist in a "wild west" of sorts, where everything from new databases to artist imitations will continue to give legal teams all across the music business headaches for years to come. It is clear that action is needed now, either within legislative bodies or the court system to determine how much AI usage is legal with regards to making music, so as to prevent any further mishaps or misinterpretations from happening, and to ensure the most seamless transition of the music industry into the age of Artificial Intelligence.

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The Persistence of Authoritarianism in the MENA Region

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Graduation: May 2027

Abstract:

The end of the colonial period left the region of the Middle East and North Africa (MENA) with the opportunity for self-sovereignty. This newfound independence, however, did not elicit an automatic transition to liberation and a democratic system of governance. The legacy of colonialism significantly hindered the state-building process in the region, in addition to the colonizing nations' refusal to relinquish their control over the MENA region. The colonial powers put in place puppet governments to exploit the resources of the region and maintain basic order and stability who were not opposed to the use of violence and coercion to achieve these goals.[55] The authoritarian nature of these systems of government led to the establishment of tyrannical regimes which have persisted to the present day. The ubiquity of authoritarian regimes in the Middle East and North Africa has been so tenacious that extensive amounts of research have been conducted for the purpose of investigating the roots of their formation and the reasons for which they continue to persist.[56] The theories that have been devised as explanations are varied and include factors such as the economic state of the nations, the prevalence of "Political Islam", the intervention of international forces, the dynamics of each regime type, and the coercive state apparatus. Despite each of these theories playing their respective roles in contributing to the persistence of these regimes, some have more influence than others and are thus more pivotal in keeping the regimes alive. This paper will explore some of the potential

[55] Yara Asi, "The Colonial Legacy in the Arab World: Health, Education, and Politics."
[56] Ibid.

theories and ultimately make a case for which is the most significant contributor to the prevalence of authoritarianism.

Scholars have found a significant link between the presence of poor economic conditions in the MENA region and the persistence of authoritarian regimes in the area.[57] The prominence of corruption has been attributed to the relative lack of industrialization and dependence on natural resources, which in the case of this region is most likely oil, as a single source of income.[58] The hyperfixation on the resource keeps the regime from making an effort to diversify the economy and invest in any industries besides natural resource extraction.[59] This phenomenon can be explained as the "resource curse," a paradox in which countries with an abundance of natural resources tend to suffer from a lack of economic growth and development.[60] The volatility of the revenue from this industry, particularly when it operates as a sole source of profit, provides the ruling elite with an incentive to maintain authoritarian control over the population in order to protect their own interests.

Economic factors as a contributing element to the enduring authoritarian systems extend to the ways in which the wealth generated from oil exports are spent and utilized. Power is consolidated through the creation of extensive patronage networks where economic benefits earned from the oil reserves are enjoyed by those who pledge their political loyalty to incumbents.[61] As a result, the ruling elites build a steady support base and maintain control over key sectors of society. This support base is further protected through the investment of the revenue into the expansion of security forces, which allow for the defeat of opposition through

[57] González, "Oil Rents and Patronage: The Fiscal Effects of Oil Booms in the Argentine Provinces"
[58] Ibid.
[59] Brownlee, Masoud, and Reynolds, "Tracking the "Arab Spring": Why the Modest Harvest"
[60] Ibid.
[61] Ibid.

repressive tactics. Tobias Thiel's article, "The Middle East Despot's 13-Point Guide to Longevity and Prosperity," drew upon the regime of Zine El Abidine Ben Ali in Tunisia to affirm the existence of this practice. Thiel described Ben Ali's strategy of delineating shares of his rentier income to a small circle of powerful elites and in exchange forging an informal agreement to share political power. He explicitly warned dictators in his article against distributing revenue shares amongst themselves and family, expressing that greed would cost them a loss of protection from angry dissidents.

This phenomenon was similarly reiterated in the article: "Tracking the Arab Spring: Why the Modest Harvest?". In the authors' attempt to answer why the MENA region faced a relative lack of regime change, they found that monarchical regimes that did not generate significant sums of oil revenue succumbed faster to domestic uprisings.[62] The article emphasized the idea that oil wealth bestowed upon rulers from exports provides them with the resources to more effectively contain opposition to the regime, and that civilians were sufficiently compliant in the face of brutal repression.

The last widely theorized component of the proposed economic explanation involves the "authoritarian bargain." The extensive amount of revenue from an oil boom provides the opportunity for this phenomenon to occur, a process in which economic prosperity, security, and stability are promised to civilians in exchange for the acceptance of limited political freedom. [63] This is ultimately a tradeoff of individual liberty for a strong central authority, maintained once again through a repressive security apparatus.

Another widely accepted explanation to the perseverance of authoritarian systems in the MENA region are the respective regime types which are present in each state. Two specific

[62] Brownlee, Masoud, and Reynolds, "Tracking the "Arab Spring": Why the Modest Harvest"
[63] González, "Oil Rents and Patronage: The Fiscal Effects of Oil Booms in the Argentine Provinces"

examples of regimes which are commonly found in the region include monarchies and republics, both of which are observed to enable authoritarian rule. Monarchies consolidate power into a single person and as a result are able to maintain tighter control over civilians in comparison to other systems.[64] The centralization of power allows for a swifter and fiercer response to dissent, while hereditary succession eliminates significant threats to the possession of power. The institutionalization of succession within the system lessens the presence of power struggles, common in unstable systems like military dictatorships, and provides an element of stability making it more organized and efficient in maintaining control of the population.[65] Additionally, scholars have credited the distance held by monarchs from everyday politics as an advantage to helping them evade smaller bouts of unrest and stay in control.

A large number of the republics formed subsequent to colonial rule possessed a sense of legitimacy and justification to possessing control at the time of their establishment.[66] They took on the notion "Sovereignty of the People" to provide enough distance for civilians from the state's monarchical and colonial past, and held elections with an air of democratic legitimacy.[67] These elections, however, were marred with fraud and corruption and restricted a number of oppositional candidates to ensure the ruling party remained in power.[68] The arbitrary nature of this system was preserved through the act of disguising its true intentions. With the restriction of speech, assembly, and press, along with the act of co-opting oppositional groups to guarantee their loyalty, the republics in the MENA region are dependent on the facade of stability and political pluralism to garner domestic and international support and maintain authoritarian rule.

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[64] Asi, "The Colonial Legacy in the Arab World: Health, Education, and Politics."
[65] Ibid.
[66] Ibid.
[67] Daniel Baissa and Melani Cammett, "External Support and Persistent Authoritarianism in the Middle East"
[68] Daniel Baissa and Melani Cammett, "External Support and Persistent Authoritarianism in the Middle East"

Hosni Mubarak's regime in Egypt was a key example of an authoritarian agenda carried out under the guise of a republic. The documentary *Absolute Power: The Arab Awakening* detailed the tactics utilized by multiple Arab dictators to acquire and maintain power, including those of Hosni Mubarak. Mubarak followed a strategy of appeal in which he attempted to understand the economic and political desires of the public and advocate for them, particularly when he was initially gathering support.[69] He played into the wishes of opposing parties in order to maintain appeasement on both sides, appointing members of the Muslim Brotherhood to Parliament according to urges from civilians. Simultaneously, he painted them as enemies to the United States and pretended as though he intended to combat the Islamist agenda.[70] Though Mubarak created an illusion of giving heed to the interests of civilians, in actuality he had implemented a facade to carry out his own agenda.

The prevalence of Islam in politics in the MENA region is also another hypothesized explanation as to the prevalence of authoritarianism. The consolidation of power is significant to this theory as a strong central authoritative structure can be formed with power held by one religious figure or council under the guise of promoting the faith and integrating religious principles into their rule. With religion as an innate component of the political institutions of the state, little room for contestation is left, as religion and politics have no degree of separation. Dissenters can simply be labeled as immoral and enemies of Islam though the religion itself is not explicitly being challenged. When Islam is promoted through the form of the government, it is typically through a narrow interpretation of the doctrine, which consequently excludes a number of voices in the political field and ostracizes anyone who attempts to spread democratic

[69] Al Jazeera, "Absolute Power | The Arab Awakening"
[70] Ibid.

principles.[71] This leads political opponents of the ruling regime to be easily persecuted and marginalized, which is yet another form of strict oppression that prevents challenge to the ruling regime and allows for it to persist.

Scholars have additionally identified the presence of immense support directed towards Islamists in Middle Eastern politics that allow them to hold an advantage in acquiring support and power. The article "Is there an Islamist Political Advantage?" detailed the widespread appeal Islamists hold among a variety of social classes due to the dominant Muslim population in the area, whether it be the "young urban poor" or the "devout bourgeoisie".[72] This allows them to more effectively generate and mobilize mass support than their opposing groups, and if desired, wield it in an authoritarian context.

The support of international powers for the authoritarian regimes in the Middle East and North Africa is one of the most dominant explanations as to their persistence. External factors, particularly powerful foreign governments, can encourage these regimes through the bolstering of their fiscal and, as a consequence, their coercive capabilities. The reason for the extensive support offered to these authoritarian states is the region's geographic proximity to areas which provoke significant Western involvement, such as international shipping routes, along with its abundance of oil and gas reserves.[73] This involvement has only deepened following the oil price shocks of the 1970's, as well as the War on Terror following the 9/11 attacks.[74]

With regard to external support for dictators, there are three main categories: fiscal support, diplomatic support, and coercive assistance.[75] Exchanges between global powers and

[71] Melani Cammett and Pauline Jones Luong, "Is There an Islamist Political Advantage"
[72] Cammett and Luong, "Is There an Islamist Political Advantage."
[73] Baissa and Cammett, "External Support and Persistent Authoritarianism in the Middle East."
[74] Ibid.
[75] González, "Oil Rents and Patronage: The Fiscal Effects of Oil Booms in the Argentine Provinces"

incumbents in the MENA region which involve arms transfers, military aid, and joint intelligence operations only strengthen the security apparatus and further prevent any civilian retaliation.[76] Fiscal support also contributes to the investment in improving the repressive capabilities of the security system through funding the salaries of the police and other organizations and agents designated to repress political dissent, while simultaneously improving the government performance as a whole.[77] With an increase in the government's economic capacity, rulers are able to improve the civilians' satisfaction with the regime through investing in state capabilities and providing a sense of economic stability and security, ultimately presenting the public with benefits and tampering with the support held by oppositional political parties.

Diplomatic sponsoring is the third, yet most subtle form of foreign backing. It provides the incumbent authoritarian ruler with support through signaling that they will be backed by global powers.[78] This is often completed either indirectly or through military intervention, legislative declarations, or official statements.[79] Threats from powerful external actors are effective in deterring opponents from mobilizing against the regime and encourage and embolden the authoritarian regime to continue its repressive tactics.

The coercive state apparatus is another proposed explanation to the persistence of authoritarianism in the region. Political scientist Eva Bellin discusses the dynamics of state power in her article "Reconsidering the Robustness of Authoritarianism in the Middle East: Lessons from the Arab Spring", emphasizing the role coercion plays in ensuring the regime's survival. Bellin specifically focuses on the ways in which coercion is used as a tool and carried

[76] Ibid.
[77] Ibid.
[78] Ibid.
[79] Baissa and Cammett, "External Support and Persistent Authoritarianism in the Middle East."

out through different institutions such as intelligence agencies, paramilitary organizations, and the police system. These methods include arbitrary arrests, censorship, and the utilization of torture and extreme violence to exert control over society.[80] The regime is heavily reliant on these tactics to crush opposition and any signs of progress toward democratic transition.[81] Bellin explains how the authoritarian regime's lack of legitimacy and popular support calls for the need to use the coercive state apparatus as a mechanism to establish dominance over the population.

Some accounts and examples of coercive tactics are narrated firsthand in Hisham Matar's *The Return*. Matar describes the various instances of torture and psychological manipulation his father was forced to endure at the hands of the Qaddafi regime in Libya following his abduction. During his time in Abu Salim, one of the Qaddafi regime's most notorious prisons, Matar's father was subjected to starvation, frequent intimidation, and violent interrogation.[82] Any attempts towards retaliation made on the part of the prisoners at Abu Salim were met with repercussions as dire as massacre.[83]

The explanation which seems the most plausible to account for why authoritarianism is still so rampant in the Middle East and North Africa is the coercive state apparatus. The remainder of the theories that have been devised as explanations all share the common factor of repression and serve as a mechanism through which coercive tactics can be enforced to maintain control. The integration of Islamic principles into politics serves as a method to garner support and consolidate power into a strong central authority to more effectively suppress dissent. Economic prosperity that is gained from oil revenue and fiscal support from foreign powers

[80] Eva Bellin, "Reconsidering the Robustness of Authoritarianism in the Middle East: Lessons from the Arab Spring"
[81] Ibid.
[82] Hisham Matar, *The Return*
[83] Matar, *The Return*.

provide the regimes with the resources they need to invest in institutions that will forcefully and violently shut down opposition. Similarly, different regime types such as monarchies and republics serve as systems for carrying out coercive tactics whether under the guise of a democratic system or through explicitly fierce retaliation to movements of opposition. None of these factors, however, are remarkably necessary for an authoritarian system to exist and operate with the exception of the coercive state apparatus. Yemen is a prime example of an unstable country with poor economic, political, and social conditions with a fierce repressive system.[84] Despite being plagued by civil war and widespread poverty, the state has maintained a flourishing coercive state apparatus with a security force that has been repeatedly documented to inflict arbitrary arrests and acts of torture upon civilians.[85]

Iran serves as an example of a country with limited foreign support that still manages to maintain a strong security apparatus that utilizes coercive tactics to oppress civilians. Iran's tense relationship with Western countries and aggressive foreign policy has led to hesitancy on the part of many countries to build strong alliances with the state.[86] This, however, has not deterred the Iranian government from maintaining tight control over its citizens through a combination of repression and propaganda; its coercive state apparatus has managed to function effectively despite these setbacks.[87]

In conclusion, though the persistence of authoritarianism in the Middle East and North Africa may be attributed to a large range of factors, the coercive state apparatus that is utilized by most governments in the region seems to be the element which is most responsible. Each of the aforementioned explanations could not have effectively contributed to the creation and

[84] González, "Oil Rents and Patronage: The Fiscal Effects of Oil Booms in the Argentine Provinces"
[85] Ibid.
[86] Asi, "The Colonial Legacy in the Arab World: Health, Education, and Politics."
[87] Ibid.

maintenance of a tyrannical regime without actively engaging in coercive tactics to repress civilians and keep efforts for shifting to a democracy at bay. Additionally, the apparatus can be observed in every state that is identified to have an authoritarian system. Though many scholars continue to disagree as to the most significant contributing factor to the prevalence of regimes in the region, each bit of research conducted on the topic is equally important. Attempting to understand the common factors that are present in the dynamics of these regimes is essential to assisting with the lives of millions in the region who are direct victims of these authoritarian systems.

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Political Violence in The United States

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Graduation: May 2025

Abstract:

This essay analyzes the multifaceted causes behind political violence, including increasing political polarization, economic inequality, cultural and identity-based tensions, and the rise of extremist groups. The role of media and technology, especially the impact of disinformation and radicalization through social media, is also examined as a catalyst for modern political violence. The January 6, 2021, Capitol attack serves as a case study of how digital platforms can facilitate real-world political unrest. Addressing political violence requires a holistic approach: implementing legislative reforms to regulate online extremism, promoting civic education and media literacy, rebuilding trust in democratic institutions, and encouraging cross-ideological dialogue. Comparative analysis with other nations further suggests that reconciliation and community-based strategies can help mitigate violence. Ultimately, this paper argues that sustained collective action is essential to preserving democratic integrity and preventing further political unrest in the United States.

Political violence is defined as acts of violence committed with political motivations, designed to achieve political objectives, or disrupt political processes.[88] Violence has shaped the course of nations throughout history, taking the form of assassinations, riots, terrorism, and state repression. In the context of the United States, political violence has been a persistent issue, sometimes taking extreme forms, such as the assassinations of key public figures, and other times manifesting in riots or domestic terrorism. While the U.S. has prided itself on its democratic values, the persistence of political violence challenges the stability of the nation's institutions, the safety of its citizens, and the integrity of its political system. Understanding the causes of political violence, its effects, and potential solutions is crucial to addressing its damaging impact on the U.S. political landscape.

Historically, political violence in the United States has included notorious acts such as the assassinations of Presidents such as Abraham Lincoln and John F. Kennedy, civil rights leader Martin Luther King Jr., and Senator Robert F. Kennedy. These events highlight the extreme measures that individuals or groups are willing to take to alter the political landscape of the nation. Lincoln's assassination in 1865, committed by John Wilkes Booth, was motivated by Southern resistance to the abolition of slavery and the end of the Civil War. Kennedy's assassination in 1963, attributed to Lee Harvey Oswald, occurred amidst the Cold War tensions, particularly surrounding U.S. involvement in Vietnam. King's murder in 1968 by James Earl Ray was rooted in the growing resistance to the Civil Rights Movement and his efforts to dismantle systemic racial inequality. Similarly, the assassination of Robert F. Kennedy in 1968 by Sirhan Sirhan, while he was campaigning for the presidency, stemmed from political opposition and dissatisfaction with U.S. foreign policies. These acts of political violence destabilized the

[88] Kleinfeld, Rachel. "Polarization, Democracy, and Political Violence in the United States: What the Research Says."

political system and contributed to an era of fear and mistrust in public institutions. The motivations behind these assassinations underscore the deep divisions in U.S. society, where ideological conflicts led to the targeting of political figures who were seen as threats by certain factions of the population.

When comparing political violence in the U.S. to that in other parts of the world, it becomes apparent that democratic systems can still experience political violence, though the nature and frequency of such violence differ from authoritarian regimes. In authoritarian countries, political violence is often state-sponsored, and acts of repression are used to maintain control over the population. In contrast, political violence in democracies like the U.S. is typically perpetrated by individuals or small groups acting outside the bounds of formal political institutions.[89] Despite these differences, both types of political violence share the same ultimate goal: to disrupt the political order.[90] However, in the case of the U.S., political violence, particularly assassinations and domestic terrorism, has more often been driven by ideological extremism, such as racial animus or anti-government sentiments.

The causes of political violence in the U.S. are complex and multifaceted. One of the primary factors is the increasing polarization of American politics. Over the past few decades, the political divide between the left and the right has deepened, fueled by ideological extremism and partisanship. Media outlets, particularly those catering to specific political ideologies, have exacerbated these divisions by reinforcing biased narratives that fuel resentment and mistrust of political opponents.[91] Social media platforms further compound this problem by creating echo

[89] Dallek, Matthew. "Was 1968 America's Bloodiest Year in Politics?"
[90] Kleinfeld, Rachel. "Polarization, Democracy, and Political Violence in the United States: What the Research Says."
[91] Schleimer, J.P., Reeping, P.M., Robinson, S.L. *et al.* Social network size and endorsement of political violence in the US.

chambers where individuals are exposed to only like-minded viewpoints and disinformation. The rise of partisan media outlets and the spread of misinformation has contributed to the normalization of political violence, with many individuals perceiving acts of violence as a legitimate means of advancing their political views or opposing their adversaries.

Another significant factor contributing to political violence in the U.S. is economic inequality.[92] As the gap between the rich and poor has widened, many Americans feel increasingly disconnected from the political system. Marginalized groups, particularly communities of color, often feel that the government is indifferent to their needs, which breeds frustration and anger. Economic disparity can fuel the rise of extremist ideologies, where individuals or groups, feeling disenfranchised, turn to violence as a means of asserting their demands.

Cultural and identity-based tensions also play a crucial role in political violence. Issues related to race, religion, and immigration have long been sources of conflict in the U.S. The Black Lives Matter movement, for instance, has been met with resistance from those who view it as a threat to the status quo, and this resistance has sometimes led to violent clashes between protesters and law enforcement. Similarly, immigration issues, particularly those concerning Latin and Muslim communities, have been a flashpoint for political violence, as nativist and antiimmigrant sentiments have been weaponized by extremist groups.[93] These tensions, rooted in grievances and fears about changing demographics in territories, countries, and political spectrums, provide fertile ground for political violence to take hold.[94]

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[92] Kleinfeld, Rachel. "The Rise of Political Violence in the United States."
[93] Kleinfeld, Rachel. "Polarization, Democracy, and Political Violence in the United States: What the Research Says."
[94] Dallek, Matthew. "Was 1968 America's Bloodiest Year in Politics?"

Extremist groups, both domestic and international, have also played a significant role in fostering political violence in the U.S. White supremacist groups, militia movements, and radicalized left-wing groups have engaged in violent acts to promote their ideologies. In recent years, the U.S. has witnessed an alarming rise in domestic terrorism, including mass shootings, bombings, and attacks on government facilities. The influence of online radicalization has made it easier for individuals to join extremist groups and organize violent actions. The storming of the U.S. Capitol on January 6, 2021, is a stark and unprecedented example of how extremist ideologies, amplified and mobilized through social media, can culminate in direct acts of political violence. This event, in which supporters of then-President Donald Trump sought to overturn the results of the 2020 presidential election, represented a breakdown in democratic norms and a violent attempt to disrupt a peaceful transfer of power. The rioters, many of whom were influenced by conspiracy theories such as QAnon or the false claim that the election had been "stolen," were radicalized in part through online echo chambers that reinforced their beliefs and dehumanized political opponents. Social media platforms played a critical role in both the spread and organization of the insurrection. In the months leading up to January 6, misinformation about election fraud circulated widely on Facebook, Twitter, Parler, and other platforms, often going unchallenged or even being promoted in the algorithm. Hashtags, viral videos, and private group chats created an environment in which violence was not only anticipated but viewed as necessary by some participants. These digital spaces provided logistical support, ideological reinforcement, and a sense of collective identity to individuals who might otherwise have remained on the political fringes.[95]

[95] Schleimer, J.P., Reeping, P.M., Robinson, S.L. *et al.* Social network size and endorsement of political violence in the US.

The role of media and technology cannot be overstated in understanding the social climate that contributes to political violence. The spread of disinformation and conspiracy theories through social media platforms has fueled political polarization and stoked fears that violence is a legitimate means of political protest. Platforms like Facebook, X, and YouTube have been used to organize violent actions, such as the January 6 Capitol insurrection, where conspiracy theories about the 2020 election result were propagated online and used to incite violence.[96] Social media also enables individuals to find and connect with like-minded extremists, creating an online cycle of their destructive thinking that reinforces violent ideologies and actions.

Beyond the immediate impact of media and technology, the U.S. is also grappling with a historical legacy of racial and political violence. The enduring effects of slavery, segregation, and the civil rights struggle continue to shape political and social tensions, often in violent ways. The normalization of political violence, particularly in times of heightened partisanship, further exacerbates these tensions. Political violence is often framed as a natural or inevitable response to perceived threats, whether from the government, other political groups, or society at large. This normalization of violence in political discourse creates a dangerous environment where violent actions are more likely to be accepted or justified by certain factions of the population.

Furthermore, there has been a breakdown in civic engagement in the U.S., which has contributed to political violence. Trust in public institutions has been declining, and voter turnout and participation in democratic processes have waned in recent years.[97] This decline in civic engagement leads to feelings of disenfranchisement, with some individuals turning to violence as an alternative to formal political action. When individuals believe their voices are not being

[96] Ibid.
[97] Kleinfeld, Rachel. "The Rise of Political Violence in the United States."

heard or that the political system is incapable of addressing their concerns, they may be more likely to resort to violence as a form of protest.

Addressing political violence in the U.S. requires a multi-faceted approach. Legislative measures, such as the regulation of extremist content on social media platforms, are critical in reducing the prevalence of political violence. These regulations, however, are sometimes seen as a polarizing policy amongst left and right wing extremists battling over the first amendments "freedom of speech" doctrine.[98] Education and awareness programs also play a crucial role in addressing political violence. Promoting critical thinking, media literacy, and an understanding of historical injustices can help to reduce the impact of misinformation and prevent the radicalization of vulnerable individuals. Strengthening community and institutional trust is equally important. Encouraging dialogue between political opponents, reforming law enforcement practices, and rebuilding trust in public institutions can help to address some of the root causes of political violence.[99]

Finally, international cooperation and learning from other nations that have successfully reduced political violence can provide valuable insights. Countries like South Africa, which implemented reconciliation processes after apartheid, and European nations that have dealt with terrorism, offer models that can be adapted to the U.S. in hopes of remedying their recent struggles with political violence.[100] Engaging in global initiatives to combat extremism and terrorism can help to address the transnational nature of political violence and create a more coordinated effort to address the issue.

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[98] Schleimer, J.P., Reeping, P.M., Robinson, S.L. *et al.* Social network size and endorsement of political violence in the US.
[99] Schleimer, J.P., Reeping, P.M., Robinson, S.L. *et al.* Social network size and endorsement of political violence in the US.
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Driven by factors such as polarization, economic inequality, cultural tensions, and the influence of extremist groups, political violence threatens the stability of U.S. democracy. However, by enacting legislative reforms, promoting education and media literacy, and fostering dialogue across ideological divides, the U.S. can begin to address the underlying causes of political violence and build a more just and peaceful society. The importance of collective responsibility and social change cannot be overstated, as it is only through these efforts that the U.S. can hope to mitigate political violence and safeguard the integrity of its democratic institutions.

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The Impact of Chemical Agents Within Juvenile Detention Facilities Across the Nation

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Graduation: May 2028

Abstract:

This essay conducts a literary review focused on analyzing the issue of chemical agents among juvenile detention facilities across the United States. I argue that the reliance on chemical agents, such as pepper spray, serve as an ineffective measure that solely continues to drive high recidivism rates among youth. Basing this review on the findings of de-escalation strategies and mental health support research, I expand upon how such alternative approaches are an improved method towards long-term benefits supportive of youth and positive behaviors. Chemical agents have been strongly proven to hold adverse physical and mental health effects among individuals, serving as a punishment rather than supporting lower recidivism rates. By eliminating the use of chemical agents from juvenile detention facilities across the nation and instead providing rehabilitation-based tools, juvenile legal systems will more effectively achieve their original purpose of supporting both youth and local communities as a whole.

Across the United States, chemical agents are actively being utilized against children confined within juvenile detention facilities. As stated by a report published by the American Civil Liberties Union (ACLU), across the span of three years, chemical agents had been used over 5,000 times within juvenile detention facilities.[101] Three of the more common chemical agents being used include: pepper spray, tear gas, and mace. As concern grows over their increasing use in juvenile detention facilities in Connecticut, the debate over alternative practices continues. Chemical agents harm both the physical and mental health of an individual, with potential for trauma to develop as a result of such distressing experiences. Moreover, the use of such agents has been found to discourage a reliance on other de-escalation tools relating to conflict management. For instance, conflict resolution is an approach that is focused on discovering peaceful solutions between two disagreeing parties. However, this method is often overlooked with the use of punishment-based chemical agents continuing to be used throughout the nation. Many of the faculty members working in these types of facilities have become dependent on the use of chemical agents, using it as a common form of punishment. The effectiveness of using chemical agents against children remains highly controversial, raising significant concerns about both the justification of state intervention and the need to prioritize de-escalation techniques centered on conflict resolution.

The dangers of chemical agents on both physical and mental health scales are concerning. The use of these agents, such as pepper spray, clearly demonstrates this. According to research from the University of New Haven, “Agents used like pepper spray are proof of this as they: generate adverse physical reactions…”[102] While chemical agents may not be socially

[101] Loudenback, Jeremy. "California Youth Have Been Pepper Sprayed More Than 5,000 Times in Three Years."
[102] Towyouth. “Chemical Agents Issue Brief.”

viewed as harmful as mechanical restraints, they still have the same potential to traumatize and harm youth. For example, the New York State Office of the Comptroller reported 27 incidents of chemical agents being used on 22 different youth within the first eight months of 2024.[103] This statistic only demonstrates how the use of chemical agents against juvenile youth continues to occur, despite its obvious dangers. Moreover, for many of the youth confined in these detention facilities who are already living with mental illnesses, the use of these chemical agents can exacerbate violent outbursts and worsen mental health conditions. In turn, this evidence shows chemical agents are counterproductive towards reducing the violent behaviors they had originally been set out to reduce. In a 2017 study, Yoder, Whitaker, and Quinn had found that there is a "strong inverse relationship between mental health service delivery and youth's perceived likelihood for recidivism."[104] Essentially, what this finding is stating is that as youth are provided an increase to mental health services, such individuals are less likely to return to detention facilities once again. This evidence reinforces the argument that by prioritizing de-escalation techniques and providing mental health support, rather than relying upon chemical agents, is a more effective approach towards reducing youth recidivism.

The use of chemical agents in juvenile detention facilities has significantly undermined the use of de-escalation tools. While de-escalation tools are used within these types of facilities, the overreliance upon using such chemical agents further complicates efforts to both appropriately manage conflict and lower recidivism rates. The most common behavior leading to the use of chemical agents is physical altercations. However, there is also a significant

[103] OCA. 2024. "Conditions of Confinement for Youth in DOC Facilities."
[104] Yoder, Jamie R., Kelly Whitaker, and Camille R. Quinn. "Perceptions of Recidivism Among Incarcerated Youth: The Relationship Between Exposure to Childhood Trauma, Mental Health Status, and the Protective Effect of Mental Health Services in Juvenile Justice Settings."

possibility that chemical agents can be utilized due to minor infractions instead. Determining when the use of such agents is necessary has proven to be a persistent challenge for facility staff. In fact, "Staff may inappropriately rely on chemical agents to respond to non-threatening conduct and behaviors that are manifestations of mental illness or developmental disabilities."[105] Thus, the misuse of these chemical agents has been common. There are significant issues of agreement among staff regarding acceptable versus non-acceptable behaviors for staff to engage in under the use of chemical agents. As a result, tools related to conflict resolution are becoming less prioritized among faculty. The Center on Juvenile & Criminal Justice reported adult correctional staff may become dependent on chemical spray when available to them, and that, "Counties may replicate this trend if chemical spray remains an option for juvenile facilities."[106] Such reliance on chemical agents in youth facilities diminishes the use of peaceful conflict resolution strategies. Using these chemicals against children functions as a direct form of punishment rather than intervention, lacking the rehabilitative focus de-escalation techniques provide. One case study of a de-escalation technique commonly employed in the Connecticut Judicial Branch's Court Support Services Division (JB-CSSD) is the Connecticut Positive Behavior Intervention and Support (PBIS). PBIS is a behavioral framework made to reinforce positive actions among youth, made to promote a safe and cooperative environment among these facilities. The program teaches youth to reduce negative behaviors in turn for healthy, positive behaviors. However, rehabilitative approaches such as PBIS have often been neglected. There must be a greater emphasis upon the use of de-escalation techniques among such facilities in order to provide young people with adequate support. The alleged purpose of juvenile detention

[105] Chemical and Biological Defense Division. "Fact Sheet: Chemical Agents."
[106] Reséndez, Grecia, and Maureen Washburn. Crisis Before Closure: Dangerous Conditions Define the Final Months of California's Division of Juvenile Justice.

facilities is to divert children away from adult courts and facilities through community-based support, but the extent to which this is truly occurring is being disputed.[107]

Civilians throughout the nation have urgently called for alternatives to chemical agents to be made for youth juvenile detention facilities enforcing the use of chemical agents. Many youth justice advocates have demanded for a shift in punishment-based measures to rehabilitation-focused conflict resolution strategies. While national recidivism rates regarding youth currently do not exist, multiple studies have been shown on a state level that there are concerns about high rates of recidivism throughout multiple states. One state study shows that rearrest rates for youth within the span of one year after being released was found to be 55%, with reincarceration and reconfinement rates within one year being identified as 24%.[108] As proven by such high recidivism rates, the current systems in place within juvenile detention facilities must be improved. With over half of those involved in youth institutions being rearrested just within one year, the positive effect these facilities place upon children appears to be extremely limited. These high recidivism rates demonstrate that youth are not receiving the essential resources needed to be successfully reintegrated into society. As a result, young individuals are hindered from experiencing personal development, in addition to local communities continuing to endure the continuous cycle of incarceration persisting across generations.

The use of chemical agents in juvenile detention facilities must be eradicated. Facilities in Connecticut, and throughout the nation, continue to prioritize the punishment of an individual rather than proper intervention. Due to the insufficient implementation of methods of rehabilitative support youth experience while involved with the legal system, recidivism rates

[107] Office of Juvenile Justice and Delinquency Prevention. "OJJDP Priorities."
[108] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

continue to be concerningly high. In order to achieve the ideal of safety for all members of society, understanding the youth and supporting strategies that lead to a strong decrease in recidivism rates must be represented within the system. The JB-CSSD must protect Connecticut's youth by focusing on the implementation of more advanced tools that have been known to lower recidivism rates for children. Ultimately, raising awareness about the conditions of chemical agents across youth detention facilities is essential in order to lead to political reform emerging. By motivating the general public and policymakers to take a stand against this issue, court services such as the JB-CSSD will be compelled to implement rehabilitative programs prioritizing youth rather than punishment.

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Management Influence in Promoting Ethical Standards within Organizations

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Abstract:

This paper seeks to understand the role that managers play in influencing ethical and unethical behavior within their organization. I argue using case studies and experimental research that managers influence unethical behavior through their actions, through their assumptions about employees and through the corporate culture that they create, often for the purpose of increasing profits or improving performance. Situations like that of the 2015 Volkswagen emissions scandal can be understood through the lens of organizational behavior, in which the dynamics of the way employees behave are measured by examining factors like leadership, motivation, and culture. I argue that understanding this framework and learning from past scandals can help corporations to reduce unethical behavior in the future.

Organizational behavior is defined as "a field of study devoted to understanding, explaining, and ultimately improving the attitudes and behaviors of individuals and groups in organizations."[109] The key word in this thesis is explaining. This thesis will set out to explain how corporate management influences the ethical conduct of employees that are lower in the company hierarchy. As part of this exploration, I will include a case study into the 2015 Volkswagen emissions scandal and how the actions of the Volkswagen CEO and other executives influenced the rest of the employees who played a role in the scandal. I will also explore other experiments in theories related to management's perception of ethics, including the unconscious factors that play a role in appropriating or disclaiming behavior which violates ethical standards.

Managers and leaders in a workplace often carry a sense of social influence which can lead to normalizing or stigmatizing a type of behavior within the organization. Whether it is to gain entrance into a supervisor's inner circle, conform to a rationalized type of behavior, or act in ways that have proven to favorably impact performance reviews, employees will take their manager's lead when it comes to deciding what kind of behavior is acceptable and unacceptable. Research has shown that favorable performance reviews may be the most significant factor in normalizing this phenomenon. Taeshik Gong, an Associate Professor at Hanyang University, performed a study into unethical pro-organizational behavior (UPB), which refers to actions that help an organization at the cost of ethical integrity. Gong's study found that "managers view their employees' UPB as a valuable exchange resource that needs to be reciprocated and thus evaluate their employee's performance more favorably".[110] This study provides evidence that managers view unethical behavior that benefits companies as a positive resource that needs to be

[109] Johnson, Jacob. Managerial and Interpersonal Behavior - Organizational Behavior. University of Connecticut.
[110] Gong, Taeshik. Unraveling the Impact of Unethical Pro-Organizational Behavior: The Roles of Manager-Employee Exchange, Customer-Employee Exchange, and Reciprocity Beliefs.

rewarded with positive performance reviews. It becomes easy to understand how rewarding this type of behavior can create a positive feedback loop in which otherwise morally resolute employees can be incentivized to act unethically for their own benefit. Gong also found that "employees who engage in UPB experience an increase in psychological entitlement that results in decreased work effort".[111] Gong's study shows how prolonged incentivization of unethical behavior begins to create a mindset where people feel not just allowed but entitled to forgo acting in accordance with their moral values for the sake of increasing efficiency and capital. Another important result of Gong's findings is that this UPB decreases effort. Employees who act unethically for the rewards that they get as a result often compromise in putting effort into their work, which leads them to take shortcuts in their responsibilities. This not only affects the quality of their work but also reduces healthy skepticism towards maintaining ethical integrity within the workplace.

Now that some foundation has been laid regarding how unethical behavior within a workplace can originate, the next step towards examining the effect managers play in normalizing unethical behavior is recognizing some real-world examples of this principle. One company that provides some clarity on this issue is Volkswagen. Starting in 2004, new regulations for diesel engine emissions were gradually introduced by the EPA, or the Environmental Protection Agency. In the years following the implementation of these regulations, Volkswagen, a German multinational automobile manufacturer, began marketing its diesel engine, which was marketed as a more efficient, low fuel consumption engine with the least significant impact on environmental pollution.[112] As a result of this marketing strategy, Volkswagen's sales increased

[111] Ibid.
[112] Dura, Codruţa. "The Volkswagen Emissions Scandal - Facts, Figures and Effects: Annals of the University of Petrosani Mechanical Engineering."

dramatically, and their technology went on to win several prizes for their innovation in manufacturing sustainability. Between 2009 and 2010 alone, Volkswagen would see a €5 billion increase in operating profit as consumers began to take notice of their "Clean Diesel" campaign. However, in 2013, an NGO discovered that some of Volkswagen's diesel engines had 35 times the level of acceptable emissions when on the road, which prompted an investigation. The International Council on Clean Transportation suspected that Volkswagen engineers had installed a programming code to allow their cars to start an "exhaust aftertreatment system" specifically in testing conditions to falsely pass emissions tests.[113] Eventually, the investigation confirmed these findings, and on September 25, 2015, Volkswagen was forced to admit to its stockholders and consumers that they had cheated the EPA emissions test. Subsequently, Volkswagen's stock value saw a 19% drop, the scandal cost the company an estimated $33 billion, and its reputation among consumers has been blemished.

Although the logistics behind Volkswagen's emission scheme have been made known, the underlying motives and systematic factors which allowed the scandal to happen continue to be discussed. While Volkswagen CEO Martin Winterkorn would go on to insist that he had no knowledge of the "defeat software" used to carry out the scandal, auto industry journalist Jack Ewing reported otherwise. Ewing found that liver Schmidt, a lead engineer in the compliance team in the American Volkswagen branch, insisted that the "highest leadership" of Volkswagen not only knew about the plan, but signed off on it.[114] Evidence has shown that Volkswagen's management contributed to the scandal in many indirect ways, such as their behavior towards Volkswagen's engineers involved in designing the "defeat device". While the general public was

[113] Ibid, 41.
[114] Mujkic, Edin, and Donald Klingner. "Dieselgate: How Hubris and Bad Leadership Caused the Biggest Scandal in Automotive History."

aware of the company's intense efforts to promote its green technology within the diesel automotive industry, behind the scenes, "VW placed significant pressure on their development teams and demanded they meet nearly impossible expectations".[115] As Volkswagen began to see profitable returns for both its brand image and sales as a result of its "Clean Diesel" goal, a culture of perfectionism and achievement would begin to develop among employees in the company, largely due to the actions of upper management. Stories began to emerge of Volkswagen's toxic corporate culture, including how employees were so afraid to explain the impossibility of getting the company's vehicles to comply with U.S. diesel emission standards that the decision was made to cheat the emissions test. According to engineer James Liang, "dealings with top management were handled with a distance" and "fear", and employees who chose to present bad news could find themselves in moments that were "quite unpleasant and loud and quite demanding".[116] CEO Winterkorn himself was known to have an unruly management style, and he was characterized by many of his subordinates as demanding and intimidating. It was behaviors like this that facilitated the environment of fear that ultimately played a significant role in allowing the Volkswagen scandal to occur.

It is clear from personal anecdotes and investigative research that the Volkswagen's scandal known today as "Dieselgate" was caused, at least in part, by a suffocating corporate culture which placed unreasonable expectations on its employees. This ultimately led to a breakdown in communication and significant power distance within the hierarchy of the workplace. Although every employee who received a prison sentence made a conscious decision to deliberately participate in the scandal, there is evidence to suggest that the decade-long scheme could have

[115] Aurand, Timothy W., et al. "The VW Diesel Scandal: A Case of Corporate Commissioned Greenwashing."
[116] Ibid. 27.

been avoided altogether had employees felt comfortable approaching management about their concerns of meeting expectations. As Aurand's research explains, some employees have cited the very inspiration for the development of the cheating software as a means to avoid coming forward to Volkswagen's leadership about their failure to meet the parameters required by the EPA. Without access to meaningful support structures within their company, those employees chose to cope with their stress by attempting to avoid bringing the issue to their superiors and ignoring the ethical consequences of their actions. At a certain point, a mindset with engineers had developed where compliance with ethical and moral standards became secondary to meeting the corporate bottom-line. Even though Winterkorn and other executive personnel claimed ignorance to the exact nature of Dieselgate, evidence points to the reality that the culture facilitated by the actions they did take allowed the scandal to occur. Thus, one can argue that those actions make those executives complicit in the environmental damage and corruption that occurred all the same.

Volkswagen is far from the only organization that provides evidence of extractable concepts of ethical behavior within an organization being tied to behavior from upper management. For example, take the 2019 scandal in U.S. Ivy League schools, where wealthy parents bribed officials at Yale, Stanford and Georgetown to secure admission for their children.[117] This scandal was just another example of leaders being able to get away with corruption. Parents had been conditioned to the idea that money and influence are constantly used by global elites to get what they want, making their complicity in unethically attempting to secure their children's admission into Ivy League schools seem less morally unacceptable and corrupt.

[117] Zweifel, Thomas D. "Building a Culture of Integrity."

An alternative way to look at these scandals is by evaluating the perspectives of managers within an organization. St. Norbert College's James W. Neuliep turned to McGregor's Theory X and Theory Y to explain how differences in managerial assumptions can play a role in ethical decision-making. Neuliep explained that managers who assume that workers are basically lazy, are only motivated by coercion, are inherently immature, are incapable of self-control, and shun responsibility fall under Theory X of McGregor's theory.[118] On the other hand, managers that see subordinates as capable of self-direction, merging personal and organizational goals, and enjoying work by actively seeking responsibility fall under Theory Y.[119] Under these theories, Neuliep performed an experiment in which 400 managers were asked to respond to six scenarios designed to assess perceptions of ethics and effectiveness. The results of the experiment showed that, although managers oriented to Theory X and Y did not differ much in their perceptions of ethical behavior, managers who were more oriented to Theory X tended to rate unethical behavior as more effective than did Theory Y managers. This important distinction implies that while a manager's predisposition towards a subordinate may not affect their ability to identify unethical behavior, that predisposition may cause that behavior to be viewed more positively. Neuliep's study provides a unique insight into the unconscious motivations that are at play when an executive is making a decision. Assuming that Volkswagen's management mostly fell under Theory X of McGregor's theory, it becomes easy to explain why the culture which facilitated Dieselgate was able to develop. In the eyes of Martin Winterkorn, his employees were lazy, did not care about their work, and could easily be replaced if they were unable to contribute to the company's ambitious sustainability goals. Although Volkswagen's executive leadership would be

[118] The Influence of Theory X and Y Management Style on the Perception of Ethical Behavior in Organizations - ProQuest.
[119] Ibid.

quick to identify the unethical nature of the cheating software that was being developed, Neuliep's research suggests that management was predisposed to ignoring ethical violations in favor of the progress being made towards organizational goals.

In conclusion, through analysis of Volkswagen's Dieselgate scandal and James Neuliep's experimental implementation of McGregor's Theory X and Theory Y, it is evident that there are several components at play regulating management influence in appropriating ethical conduct within an organization. Research has shown that some managers view unethical behavior which benefits an organization as valuable and tend to reward employees who engage in that behavior. Similarly, the culture that an organizational leader creates plays a large role in enabling or disabling communication pathways which can ultimately facilitate or prevent ethical violations from taking place. Neuliep has also brought forth evidence to suggest that a manager's evaluation of employees can be a leading factor in their reaction to unethical behavior, and that having faith in the autonomy and effectiveness of employees can make unethical behavior appear less valuable to an organization. By using these studies and learning from the details of past scandals, we can re-evaluate the importance we place on managers in shaping organizational behavior to try to prevent the normalization of unethical behavior within corporations in the future.

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The Impact of AI on Legal Practice: A Changing Standard

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Abstract:

This paper examines the transformative impact of artificial intelligence (AI) on legal research, document review, and contract analysis. It will explore the ethical implications of AI reliance in legal decision-making and consider how automation may affect employment within the legal profession. As AI continues to evolve, there are growing concerns about the diminishing role of the human element in legal practice. With shifting standards, legal professionals are increasingly focused on adding value and staying ahead of technological advancements. This raises an important question: will the widespread adoption of AI transform the workplace environment and result in job reductions? This paper will address this concern, offering a detailed analysis supported by research and expert commentary.

Over the past decade, AI technology has advanced at an unprecedented pace. With the rise of accessible tools like ChatGPT, concerns have emerged not only in education but also in professional sectors such as law. These AI systems, capable of rapidly analyzing dense legal documents, have sparked anxiety among first-year associates and paralegals. Legal research and document review, essential tasks in law, are typically time-consuming and resource intensive. However, AI has the potential to significantly reduce the time spent on these tasks. According to Bloomberg Law (2024), AI tools can quickly sift through large volumes of documents, identifying relevant information in a fraction of the time it would take a human, such as a first-year associate. This efficiency not only saves time but also reduces costs for law firms, which can now rely on fewer associates to produce the same volume of work.

While this technological advancement appears promising, it is not without risks and challenges. Concerns around AI hallucinations (the generation of false or misleading data), copyright infringement, and privacy violations remain pressing. For legal firms—whose core responsibility is to protect client confidentiality—there's a growing dilemma: how to maintain privacy standards while utilizing AI tools that depend on massive amounts of publicly available internet data. Safeguarding sensitive legal documents from breaches and ensuring client privilege in the digital age is an ongoing struggle. In fact, recent class-action lawsuits have emerged, targeting companies over alleged privacy breaches and copyright misuse related to AI technologies.[120] One of the earliest and most notable cases is *Andersen v. Stability AI,* filed in early 2023 in the Northern District of California.[121] Brought forward by Sarah Andersen, an internet cartoonist, alongside a group of visual artists, the case challenges the use of AI tools that

[120] "How Is AI Changing the Legal Profession?"
[121] Schor, Zach. "Andersen v. Stability AI: The Landmark Case Unpacking the Copyright Risks of AI Image Generators."

generate images mimicking copyrighted work and distinctive artistic styles—sometimes simply by inputting an artist's name into a generator. The class-action targets several AI companies, including Stability AI and DeviantArt, and centers around the Large-scale Artificial Intelligence Open Network (LAION) dataset, which contains over five billion images scraped from the internet to train AI models. The plaintiffs argue that including their copyrighted works in this dataset constitutes infringement.[122] On August 12, 2024, U.S. District Judge William Orrick denied Stability AI's motion to dismiss, allowing the case to proceed. The judge ruled that the claims of direct and induced copyright infringement were plausible, setting the stage for a trial on September 8, 2026.[123] This ruling paves the way for deeper scrutiny into how AI companies use copyrighted content to train their systems—and whether such practices violate existing copyright laws. While *Andersen v. Stability AI* centers on visual art, its implications extend to other AI applications, including those in the legal field, where similar concerns around data usage, authorship, and privacy continue to pose difficult questions in an increasingly AI-driven landscape.

These legal disputes highlight a deeper tension at the heart of AI's integration into professional fields like law: the balance between innovation and responsibility. As the legal system begins grappling with questions around intellectual property and data ethics, professionals are also questioning how AI will reshape their own roles within the industry. David Wilkins, Director of the Center on the Legal Profession at Harvard Law School, echoed this sentiment in an interview with *Harvard Law Today*. He referenced a statement from the International Monetary Fund (IMF), noting that 40% of jobs globally could be affected by AI,

[122] Schor, Zach. "Andersen v. Stability AI: The Landmark Case Unpacking the Copyright Risks of AI Image Generators."
[123] Ibid.

particularly in white-collar and professional roles.[124] While this statistic may seem alarming for legal professionals, currently, AI technology lacks the nuance and judgment required for complex legal work. As a result, it remains unlikely that AI will replace higher-level legal roles anytime soon. Rather than resulting solely in job loss, AI integration has the potential to enhance professional efficiency. For instance, AI tools can generate memos or draft documents at a level comparable to a first-year associate, but the expertise of senior lawyers remains essential for review, refinement, and strategic oversight.[125] The transformative potential of AI in law is undeniable – it can reduce time and costs, freeing top-performing lawyers to focus on casework instead of getting stuck with dense document review. This creates a more dynamic and competitive work environment. However, because legal practice demands not just technical knowledge but also emotional intelligence, ethical discernment, and a deep understanding of social and legal complexities, human oversight is indispensable. AI cannot replicate the expertise of skilled lawyers who navigate client confidentiality, emotionally charged issues, and intricate legal frameworks. The face-to-face value of human legal counsel is a critical and irreplaceable resource. Therefore, while AI may displace certain entry-level tasks, it cannot fully substitute the role of trained legal professionals.

The integration of AI into law firms is driven by rising client expectations and intensifying global competition.[126] To stay competitive, many firms are turning to AI to boost productivity, enhance client service, and reduce long-term operational costs. AI is already being used to streamline routine tasks such as contract review and data analysis, enabling lawyers to

[124] Neal, Jeff. "Harvard Law Expert Explains How AI May Transform the Legal Profession in 2024."
[125] Ibid.

[126] "Legal Innovation and AI: Risks and Opportunities."

identify precedents and craft arguments more efficiently. However, it's essential that AI serves as a tool to support—not replace—the expertise of human lawyers. The intellectual rigor and analytical skills that attorneys bring to their work must not be diminished by an overreliance on technology. A cautionary example of this occurred in early 2023, when attorney Steven Schwartz used ChatGPT to draft a legal brief for a personal injury case filed by Roberto Mata against Avianca Airlines.[127] Schwartz relied on the AI tool to locate supporting precedents, but the brief ended up citing six fictitious cases generated by the chatbot. Although Schwartz signed an affidavit admitting he used ChatGPT and claimed he had no intent to deceive the court, the oversight led to significant professional consequences.[128] On June 22, 2023, the court fined Schwartz, his partner, and the firm $5,000. Further investigation revealed a false affidavit, and the judge ultimately found that the lawyers had acted in bad faith, justifying the sanctions.[129] This incident underscores the limitations of AI in the legal field, particularly its inability to independently verify the accuracy of its outputs in high-stakes situations. The consequences affected not only the client but also severely damaged the reputation of the lawyers and the firm. It serves as a clear reminder that while AI can be a powerful tool, it should not be entrusted with complex legal work that demands critical analysis, thorough review, and human judgment.

The rise of AI in the legal industry represents both a significant opportunity and a serious challenge. These tools offer impressive gains in efficiency and cost reduction, particularly in tasks like document review and legal research. However, they also introduce pressing concerns around privacy, misinformation, and professional responsibility. Incidents like *Andersen v. Stability AI* and the Avianca Airlines case highlight real-world consequences of overreliance on

[127] Wolfe, Owen R, et al. "Update on the CHATGPT Case: Counsel Who Submitted Fake Cases Are Sanctioned."
[128] Neal, Jeff. "Harvard Law Expert Explains How AI May Transform the Legal Profession in 2024."
[129] Wolfe, Owen R, et al. "Update on the CHATGPT Case: Counsel Who Submitted Fake Cases Are Sanctioned."

AI and the ethical dilemmas it can create. As law firms strive to stay competitive, the key lies in using AI to support—not supplant—the human expertise that defines quality legal practice. Ultimately, while AI can streamline certain processes, it cannot replicate the critical thinking, ethical judgment, and client-centered focus that skilled legal professionals bring to the table. The future of law depends not just on technological advancement, but on thoughtful integration that reinforces, rather than undermines, the profession's core values.

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