
Questions in Politics

Volume IV Abstracts

To Defer or Not Defer: The Dilemma of Federal Courts of Appeal Determining the Reach of US Law

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The duty of the courts in America is, as John Marshall said, “to say what the law is.” In the area of international diplomacy, however, the president is the sole voice of the nation. In an increasingly interconnected world, judicial interpretation of the law’s meaning can cause diplomatic tension and conflict. This is particularly true when American courts decide to apply US statutes to regulate conduct that occurred abroad. Although courts have generally deferred to the executive’s determinations of the foreign policy consequences in such situations, scholars argue that a revolution is in progress. The Supreme Court is less willing to defer to the executive on these matters. Less is known about the reaction of the lower federal courts to this trend. This article examines the approaches employed by the Federal Courts of Appeal in determining the reach of US law. It shows that the executive branch’s influence in these cases is highly contingent on the position it takes, and that the combined impact of legal factors is stronger than that of judges’ policy proclivities. These results add to growing evidence of a decline in deference to the Executive and provide insight into how courts are adapting to our increasingly globalized economy.

No Reservations about Stopping Another Hotel Rwanda Case: The African Court on Human and Peoples’ Rights

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The genocide in Rwanda spurred the global community to action, leading to calls for a more permanent court to try such human rights abuse cases, instead of the ad hoc system that existed in the early 1990s. Now there is an International Criminal Court as well as a regional tribunal, the African Court on Human and Peoples’ Rights (ACHPR). The ACHPR, which is located in the same Tanzanian city as the ad hoc tribunal that tried defendants accused of perpetrating massacres, may be even more critical for the cause of human rights than the ICC. This regional court enables citizens to accuse their government of abuse, in court. Research shows that countries which signed the protocol

permitting such challenges are also more likely to provide civil liberties and political rights to their people, aiding the cause of freedom for Africa.

**Citizenship and the Presidency:
Parsing Article II.1(5) of the US Constitution**

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Article II.1(5) of the US Constitution defines who is eligible to serve as president of the United States. Simple requirements often lead to major controversies. In this case, the primary issues arise over how to construe the phrase “natural born.” After an exposition and definition of some basic concepts, the article will use a brief analysis of several hypothetical questions to illustrate the problems of constitutional and statutory interpretation. It will then discuss English common law as it existed in the late eighteenth and early nineteenth centuries, the first acts of Congress insofar as they are relevant in determining the meaning of the natural-born requirement, and the relevance of the Fourteenth Amendment. The article will finally analyze seven cases where eligibility for the presidency has surfaced as an issue. Not surprisingly, some controversial issues that arose early in US history still have currency. Finally, the narrative will summarize the issues and continuing areas of uncertainty.

Biggest Loser? Obama’s Administrative Agencies and the Supreme Court

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For at least the last decade, universities and colleges across the nation have been seeking ways to improve the student learning experience. Specifically, educational scholars have been addressing problems of low retention, progression, and graduation rates (RPG). Within this realm, literature focuses on improving student study skills, improving institutional resources to identify and help improve at-risk students, and improving student engagement. The key seems to be that the more engaged a student is, the better that student will perform. The purposes of this article are to investigate students’ engagement, satisfaction, and performance in a “Flipped-Hybrid classroom.” Specifically, this article addresses the question: Does the flipped classroom experience improve student engagement, satisfaction, and performance? We expect our preliminary results from a pilot study to find that students will be more engaged,

that there will be fewer withdrawals and D's/F's, and that end-of-course A/B rates will be higher than non-flipped control classes.

A Comparative Analysis of Sexual Assault Policies among Four University System of Georgia (USG) Institutions

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This article explores campus sexual assault policies, specifically as it relates to Georgia campuses. Different colleges and universities are examined, including smaller campuses like the University of North Georgia and Georgia College and State University, and larger campuses like the University of Georgia and Georgia Institute of Technology. The policies of these institutions will be examined and compared to the University System of Georgia policy, as well as different federal statutes, to see which policies are more comprehensive and which are simply the minimum required. The policies will be analyzed for effectiveness and inclusivity. The paper will also explore the different obstacles that sexual assault survivors could face, including some of the most common myths that are used against victims, as well as difficulty finding and utilizing resources. Finally, the effects of social media and mass media and how they could be used as both a hindrance and an asset in addressing the issue of campus sexual assault on Georgia campuses is considered.