FOREWORD

There exist no universal authorities on Constitutional Law comparable to Nimmer on Copyright or Wright and Miller on Federal Practice. Obviously, there likewise exists no universally recognized authority on "public policy." Were such a treatise to exist, perhaps we would have no need for a government at all. "Imagine all the people living life in peace."[1] On these subjects of which our Journal has the pleasure of discussing, I submit that we ourselves are all the authorities, whether or not one even attends law school. Constitutional Law is one of few law school courses in which each law student, simply as a member of the polity, actively participates on a daily basis outside the classroom. (One would hope future lawyers are not doing the same for Criminal Law or Torts).

Yet, on these subjects, Professors Thorlin, Calvert, Papandrea, and Pierce are just *slightly* more authoritative than the lay-person, and were accordingly selected for publication in this Volume. Professor Jack Thorlin of Georgetown University advocates changes to the standard governing preliminary injunctions that will bolster the legitimacy of the federal judiciary. Professors Clay Calvert of the University of Florida and Mary-Rose Papandrea of the University of North Carolina warn of constitutional pitfalls if the Supreme Court superimposes its recent Second Amendment jurisprudence onto our guarantee of Free Speech in the First Amendment. Professor Richard J. Pierce, Jr. of George Washington University explains how the Court has painted itself into a corner with its attempt to harmonize the Constitution's mandate with the government's ability to function; he proposes several solutions to resolve this dilemma.

Three of our own members are slightly *less* authoritative than the authors previously mentioned, but nonetheless merit inclusion in the Volume. Paget Barranco analyzes the criminal procedure rights implications of the use of "facial recognition technology" by law enforcement to identify criminal suspects. She advocates for a potential reform to increase transparency on the use of the technology. Next,

1. JOHN LENNON, *Imagine*, *on* IMAGINE, (Apple Records 1971).

through the eyes of the Yellowstone Gray Wolf, Nicholas Massey argues for an interpretation of the "public trust doctrine" that would provide greater protection for our nation's most cherished wildlife—gray wolves included. Finally, McCarley Maddock describes state constitutional amendments popular in the 1870s rooted in religious bigotry that barred funding to "sectarian" schools. She explains how this history implicates the modern legal debate on educational choice programs.

These academics' ideas will contribute to conversations that shape the way we are governed. But first and foremost, their contributions can educate any person interested enough to read them. I hope this Volume educates you in any meaningful way, and you become even slightly more "authoritative"—whatever that means.

I have deep gratitude for all the Duke Journal of Constitutional Law & Public Policy members who contributed to the publication of this Volume, with special thanks to McCarley Maddock, Alana Mattei, Paget Barranco, Gray Ingram, Ashley DaBiere, Nicholas Massey, Noah Levine, Alec Sweet, and Gabrielle Feliciani. I would also like to acknowledge an academic and educator who played a significant role in my own higher education. I regret that Dr. Lee Kraft and I will not get the chance to sit down and discuss this Volume. I am happy, however, knowing that she will be reading it. Luckily, where she is now, Westlaw access comes free of charge.

But to you, the reader, I do hope our paths cross one day and you get the chance to tell me what you think about this Volume. I welcome your insights on these issues and criticism on the manner in which we have framed them. I eagerly await the day when you might stop and take a moment to educate me.

Sincerely,
James Walraven
Editor-in-Chief, Vol. 18