

## Letter from the Founders

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# LETTER FROM THE FOUNDERS

G. COURTLAND BORLE & DANIEL D. EHRLICH

“It is incumbent upon those responsible for initiating any new publication to set forth the *raison d’etre* of their enterprise.”<sup>1</sup> With those introductory words, the founders of the Harvard Journal of Law & Public Policy, E. Spencer Abraham and Steven J. Eberhard, created a forum for important and scholarly work to be published. The Founders believed their Journal would assist with “the development and advancement of alternative political and legal ideas.”<sup>2</sup> With these sentiments in mind, we think it apropos to reflect on another beginning just five short years ago.

Prior to the founding of the University of St. Thomas School of Law, Patrick Schiltz, then a professor at Notre Dame, subsequently the Dean of the University of St. Thomas School of Law, and now a federal judge, was asked to give some remarks on the idea of founding a new law school. He was posed two questions—Does the world need another law school?, and Does the world need another Catholic Law School? His answer to the first was a definitive No and to the second, a qualified Yes.<sup>3</sup> So, to borrow from our beloved (former) Dean Schiltz, we now ask—Does the world need another law journal and does the world need another Catholic law journal? No, the world does not need another law journal, but, yes, the world just may need another Catholic law journal.

Today, neither the Harvard Journal of Law and Public Policy nor our University of St. Thomas Journal of Law & Public Policy can be classified as an “alternative” forum. In the near-thirty years since the Harvard Journal was founded, conservative and libertarian legal and policy ideas have re-entered mainstream thought.<sup>4</sup> The ideas of our contributors can be found at the heart of Supreme Court decisions, debates in legislatures, and as focal pieces used for the advancement of sound public policy.

Regardless of the level of integration, our most intractable social

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1. E. Spencer Abraham & Steven J. Eberhard, HARV. J.L. & PUB. POL’Y Preface (1978).

2. *Id.*

3. Patrick J. Schiltz, St. Thomas More Professor of Law, Red Mass Remarks: Does the World Really Need Another Catholic Law School (Sept. 26, 1999).

4. The development and acceptability of Conservative literature has been gaining ground for decades. For a review of this progress, *see generally* BRIAN C. ANDERSON, SOUTH PARK CONSERVATIVES (Regnery Publ’g 2005).

problems remain. Langston Hughes posed the question—“What happens to a dream deferred? Does it dry up like a raisin in the sun? Or fester like a sore—and then run? Does it stink like rotten meat? Or crust and sugar over—like a syrupy sweet? Maybe it just sags like a heavy load. *Or does it explode?*”<sup>5</sup>

For the lifetimes of all Americans alive today, the solution to the problem of deferred dreams has been money. The system has been fiddled with and tweaked, but the underlying premise has remained the same—if we add enough money, the problems will go away. This “solution” has been an abject failure. It has been a failure to properly understand and frame the problem, a failure on the part of our leaders to become personally invested, and, most importantly, a failure of imagination. Social Justice will not be found in the same tired old paradigms and ideas. These have been tried, and they do not work. The welfare state has not produced the improvements in the condition of the voiceless and poor that it promised. Rather, it has exacerbated just those dysfunctions that it attempted to cure. We have seen that a dream deferred does indeed sometimes explode.

Locally and globally questions about the requirements of a just society are as unresolved as ever. The fiddling and tweaking by courts and legislatures has failed to bring the promised solutions. What is needed is a total reevaluation and a reframing of the debate over social justice. The *raison d’etre* of the University of St. Thomas Journal of Law & Public Policy is to provide a forum for the critical examination of these issues from an explicitly conservative and Catholic perspective. We believe that human beings are created by God and by virtue of that creation are sacred and worthy of respect. We affirm the mission of the University of St. Thomas School of Law and seek to advance it by contributing to the scholarship in the area of conservative social justice. We will publish articles and interviews by some of the finest legal minds of the day. We are translating works on law and social justice that have never before been seen in English. We encourage law student participation with our note and comments section and through a student-centered editorial process. Our goal is to radically re-center the debate on social justice and to bring about real-world change through the scholarship we produce and the training provided to students. When we finish with that, we’re going to Disney World.

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5. Langston Hughes, *Harlem*, in 2 THE AMERICAN TRADITION IN LITERATURE 1356 (George Perkins et al. eds., McGraw-Hill 1990) (1956).