

## INSTITUTE FOR LEGISLATIVE AND GOVERNMENTAL AFFAIRS

### FALL 2007 SUMMARY OF PROGRAMS

The Institute for Legislative and Governmental Affairs had another wonderful semester last fall. We hosted our 12th Annual Supreme Court Review Conference (see Law Digest, Fall 2007), the semiannual sitting of the Massachusetts Appeals Court, and our now-becoming annual Constitution Day. We also conducted a simulation class in state and federal legislative process. Finally, together with the School of Business' Center for International Sport Business, we cohosted Attorney Dick Pound of Canada, the then Director of the World Anti-Doping Agency.

**On Constitution Day** (officially September 17 to mark the closing of the Constitutional Convention in 1787), we were privileged to have Justice John M. Greaney of the Massachusetts Supreme Judicial Court as our keynote speaker. He focused his remarks on the Massachusetts Constitution of 1780, in which John Adams played a major role, as the antecedent for the Federal Constitution of 1787.

Justice Greaney noted the many comparisons between the two documents, including the doctrines of separation of powers, judicial independence, and checks and balances, among other fundamental ideas that the two documents share. He also referred to specific language in the 1780 Massachusetts Constitution that found its way into the U.S. Constitution drafted seven years later.

Justice Greaney observed that the Massachusetts Constitution contained a "Declaration of Rights" from the beginning, while the Framers in Philadelphia rejected a comparable Bill of Rights for the Federal Constitution. Needless to say, Congress had to correct that oversight in the first Congress when the state ratification conventions insisted upon it.



**The Center for International Sport Business**, under the direction of Curt Hamakawa '84, cohosted Attorney Dick Pound, the Canadian who headed the World Anti-Doping Agency. Engaging and frank, he spoke about the efforts of his agency to rid international sport competition of a variety of illegal substances that enhance athletic performance.

One of the enforcement difficulties for his agency, Attorney Pound noted, was keeping up with the many substances that athletes use through improved detection.

**The Institute also offered** a three-credit course in Legislation, which we conducted in simulation mode. The students undertook major research and writing assignments involving federal and state legislation, including the drafting of bills for Congress and the Massachusetts General Court. The students also participated in simulated state legislative hearings, serving as committee members and witnesses for the bills they drafted.

The students divided into four groups, selecting four topics of current interest. First, state law provides that a defendant accused of operating a motor vehicle under the influence, whose license has been suspended, may get his or her license reinstated after acquittal even though such defendant refused to take a breathalyzer test.

Professor Tina Cafaro '95 has criticized this statute because it fails "to recognize that the suspension is not punishment for the alleged OUI, but instead is an administrative consequence for failing to take the breath test." The students addressed the question whether the statute should be changed to recognize this distinction.

Second, on several occasions in the recent past, the Massachusetts legislature has debated and defeated proposals to authorize casino gaming. In light of Governor Patrick's proposal for three casinos, the Legislature is now reconsidering the matter. The students focused on the question whether the General Court should reverse its position and authorize some form of gambling.

Third, Massachusetts law authorizes state courts to issue restraining orders to prevent domestic abuse between spouses or domestic partners. Critics of the law have noted the absence of procedural safeguards, the breadth of injunctive relief, and the ease with which restraining orders can be obtained. The students addressed the question whether this statute should be amended.

Finally, stem cell research has surfaced as a critical issue of public policy, because some scientists believe it offers great promise for alleviating human disease and injury. Although the federal policy is more restrictive, Massachusetts has a permissive policy for stem cell research. The students discussed the question whether State policy needs to be modified, taking account of the ethical considerations surrounding the matter.

(Photo top left) Justice John M. Greaney, Massachusetts Supreme Judicial Court (Pictured at left) Professor of Law Arthur D. Wolf; Dean of the School of Business Julie Siciliano; former Chair of the World Anti-Doping Agency Dick Pound; Professor and Chair of the Department of Sport Management Sharianne Walker; and Associate Professor of Sport Management and Director of the Center for International Sport Business Curt Hamakawa '84.