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## EDITORS' FOREWORD

Identity matters. Neither law nor life can be fully understood without confronting how individuals define themselves, how they perceive others, and how these perceptions become entrenched in the structures we build. In recent years, legal scholarship has become more conscious of injustices perpetuated not only by the law, but also by legal scholarship itself. A conscious reckoning with the limited reach of traditional publishing processes made way for the extraordinary scholarship *Boston University Law Review* highlights in its annual February issue, which addresses topics related to issues that impact identity, shape society, and affect the laws constructing our nation.

Yet, as the fourth set of D&I Editors on the *Boston University Law Review*, we write at a time when the very concepts of diversity and inclusion are under attack in both cultural and legal spheres. Many have suggested, and some have mandated, that “DEI” efforts must be abandoned. Some claim that focusing on personal identity diverts attention from more important matters and deepens divisions between people. However, in our view, the purpose of this volume is to unite. This book was founded on the belief that embracing diversity creates strength and promotes understanding. There is power in calling out discriminatory practices for what they are. As students with a vested interest in the future of law, and who have responsibilities as gatekeepers to legal scholarship, we will continue to use our platform to promote the open exchange of diverse ideas from different perspectives, highlight newer voices and unheard stories, and engage in important issues affecting the marginalized.

To that end, we are thrilled once again to publish outstanding articles selected from papers derived from the Lutie A. Lytle Law Faculty Workshop and Writing Retreat and the John Mercer Langston Writing Workshop. Doing so builds on and expands *Boston University Law Review*'s proud tradition of publishing articles from excellent conferences covering a wide range of legal topics and issues. We are grateful to all the authors who submitted their insightful and innovative work for review by our joint faculty and student editor committee. Five articles have been selected for our February book this year, and just as we do for our other books, we are featuring several response papers, both in print and online. These efforts will hopefully provide our featured authors with a wide-reaching platform and spark productive academic dialogue. It was truly an honor to work with each of the contributing authors. We believe that their sharp insights will have a significant impact on law in their respective fields.

*Administering Effective Assistance of Counsel*, by Professor Irene Oritseweyinmi Joe, provides insight on the difficulties public defender institutions face, given insufficient resources, and how leadership can strategize to overcome these limitations. Analyzing three structural decisions public defender leaders must make—internal case distribution policies, hiring decisions, and the level or type of representation the office will provide its client population—Professor Joe explores the duties public defense offices have to

their clients and employees from a top-down view. *Diagonal Representation*, by Professor Alma Magaña, responds by fusing existing structures to create a new model designed to preserve a client-lawyer relationship while leaning on the skills of specialists.

Professor Ayodeji Kamau Perrin, in his article, *Decriminalization Matters: LGBTQ Transnational Litigation Networks and Movement Lawyering in the Global South*, looks at the trends and actors influencing international LGBTQ advocacy. Professor Perrin details the interconnectedness of decriminalization networks and responds to the twin criticisms of human rights elitism and imperialism with recommendations for responsible movement lawyering—particularly by actors from the Global North operating in the Global South. Professor Matthew Waites responds to and builds out these ideas in *Appreciating Perrin's Intervention on LGBTQ Transnational Litigation Networks, and Reconsidering Decolonizing the Boomerang Effect in Global Queer Politics*.

Professor Zamir Ben-Dan's article, *Slavery's Constitutional Endurance: The Antebellum States' Rights Principle*, examines how the notion of "states' rights" has operated to preserve the institution of African slavery. Examining court decisions from the founding era to the present, Professor Ben-Dan demonstrates that states' rights arguments have consistently been leveraged in unbalanced ways—such as protecting the right of states to racially subjugate, but not the right of states to resist racial subjugation. The article ties these observations to the re-enslavement the Thirteenth Amendment's Punishment Clause enabled, observing that ceding to states power over criminal law and procedure has specifically enabled them to legally enforce a new wave of unjust servitude.

In *Georgia (RICO) on My Mind*, Professor Tamika Griffin Moses scrutinizes Georgia's RICO statute by analyzing the indictments of President Donald Trump, the Stop Cop City Protestors, and hip-hop artist Young Thug. Professor Moses uses these three cases to showcase the heightened discretion Georgia's RICO statute, in comparison to the Federal RICO statute, affords prosecutors and how such discretion can perpetuate racial and social hierarchies under the guise of legitimacy. Lastly, Professor Moses demonstrates how certain actors, such as legislators, leverage the broad scope of the law to discredit prosecutions they politically disagree with—while helping legitimate the use of the criminal legal system against communities of color.

And lastly, in *Indianness as Property*, Professor Carla D. Pratt highlights the evolving nature of Indianness from a mere racial identity to a form of property. Because of this property interest, Professor Pratt illustrates how Indian tribes were afforded a certain bundle of rights which they utilized to further tribal interests amid oppression. However, the article confronts how this evolving property interest was contingent upon the anti-Blackness that arose during the era of slavery and still persists into the present. A unique, forthcoming series of online articles by Professors Andrea J. Martin, Matthew L.M. Fletcher, and Stacy Leeds will further explore how these dynamics impact indigenous law and policy.

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Bringing this book to fruition required the dedication, effort, and sacrifice of a whole team, composed of Staff Editors, Articles Editors, Response Paper Editors, and Online Editors, as well as the Managing Editors, Executive Editor, Senior Managing Editor, and Editor-in-Chief, who each gave us guidance throughout this process. Without any of these individuals, this book as it stands would not have been possible. We are grateful and lucky to work with this amazing team. Together, we are resolute in our promotion of equity, justice, and engagement in legal scholarship, and we hope others continue doing the same.

Sanketh Bhaskar & David Chairez  
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