

**THE SOCIAL JUSTICE AND EQUITY LAW JOURNAL
OF WILLAMETTE UNIVERSITY COLLEGE OF LAW**

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LETTER FROM THE EDITORIAL STAFF

Dear Reader,

In 1926, Oregon voters repealed the exclusion clause of the state constitution; the clause excluded blacks from settling in Oregon and largely sought to ensure that the state developed as predominately white. Nearly 92 years later, the fight for racial and social equity continues both in Oregon and across the nation. It is in the spirit of that fight, and in an effort to heed the call to action, that the editorial staff and I, introduce to you the inaugural edition of Willamette University's Social Justice and Equity Law Journal (the *Journal*).

The *Journal* was formed in the Fall of 2016, by a group of diverse Willamette University law students that shared one common goal: to create an interdisciplinary academic forum in Oregon for scholars, practitioners, policymakers, and students to contribute to society's understanding of legal and policy issues concerning social justice and equity. Out of that concerted effort we proudly bring to you that academic forum via this *Journal's* first edition.

Our first edition, contained within these pages, proudly champions the mission of the *Journal* and provides an outlet for leading scholars and practitioners to improve race and gender relations, highlight ineptitudes and injustices, and offer creative solutions to the problems that undoubtedly effect the members of marginalized communities on a daily basis. This issue in particular highlights some of the biggest issues affecting the LGBT community. In our first article, entitled: *Searching Scrutiny: Thurgood Marshall's Constitutional Jurisprudence and its Influence on Lawrence v. Texas and Obergefell v. Hodges* by Shantanu Chatterjee, JD, discusses the fundamental jurisprudence laid out by Justice Thurgood Marshall, that helped pave the way for the Supreme Court's decision in *Obergefell v. Hodges*. Mr. Chatterjee's detailed analysis of Justice Marshall's jurisprudence reminds that the war against injustices and a recognition of the rights of marginalized communities is one that has been ever present and hard fought in the Supreme Court.

In our second article, *Lipstick in the Workplace: Protecting Transgender and Gender Non-Conforming Employees from Discrimination in the Context of Sexed and Gendered Dress Codes and Grooming Policies*, author Bailey Moody, JD, directs our attention at a little documented form of discrimination that plagues our LGBTQ+ brothers and sisters in their places of work. Ms. Moody's frank discussion of the plight that individuals face when forced to make a choice between their identity and complying with rigid work place dress policies, highlights the inequality of power between "employer choice" and the pursuit of the individual freedom of self-expression.

Next, in our first student comment, *I'm on the Wrong Track Baby, I Was Made This Way: How Cis/Normativity and Gender Essentialism*

Discipline the Transition Processes of Transgender Individuals, by Kai River Blevins, MLS, we embark on a journey that helps us understand how the law is used as an obstacle to curtail the efforts of transgender individuals who seek to transition to their true identity. Mx. Blevins' article shows us how our heteronormative approach to the law further marginalizes and inhibits the freedoms of medical choice of transgender individuals. Mx. Blevins' then advocates for a conceptual self-determination model that would help alleviate some of the issues perpetuated by our current cisnormative legal approach.

Finally, in our last piece, a student comment entitled: *The Fiction of Intent* by Erin Rycroft, our focus is shifted, to the racial disparities that exist in our criminal justice system. In her article, Erin argues that the intent requirement for claims of racial discrimination has helped shelter the legal system from these discrimination, and helped further perpetuate disparate affects that the criminal justice system has on communities of color. Erin contends that pragmatic solutions and accurate jurisprudence as seen in *Floyd v. City of New York*,¹ should set the groundwork as a valid approach's to alleviating the existing road blocks that prevent us from coming to a sound solution to these racial disparities.

We, the editorial staff of the *Journal*, are proud to bring this first edition to you and to the state of Oregon, and we welcome and look forward change the fabric of this state to reflect a more inclusive and equitable environment for all.

Sincerely,

The Editorial Staff of Willamette University's
Social Justice and Equity Law Journal

¹ 959 F.Supp.2d 540 (S.D.N.Y. 2015).

ACKNOWLEDGMENTS

The editorial staff of the Willamette University Social Justice and Equity Law Journal extend their gratitude to Professor Steven K. Green, Fred H. Paulus Professor of Law at Willamette University. Professor Green served as the law review's faculty advisor, and continues to serve as an inspirational mentor for students dedicated to the pursuit of social justice.

The editorial staff also appreciate the contributions and guidance of Daniel Santos. Mr. Santos is a former Dean of Student Affairs at Willamette University College of Law, and has served as a resource for underprivileged students of diverse backgrounds, helping them realize their career and personal objectives through mentorship, advising, and serving as a bridge to opportunities.

Thank you, Paloma Dale, for the design and refining of the Social Justice and Equity Journal's logo, and the Willamette University community at large for the material and financial support of our efforts.

Finally, the editorial staff would like to extend their most profound appreciation and gratitude to: Matt Maile, Becky Maile, Siddharth Hariharan, Katie Gibson McLean, Gabriella Perez Mendoza, all of whom served as the founding members and original editorial staff of this journal, helping pioneer this distinctive law journal addressing legal issues that are often overlooked by mainstream academia.