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# THE SOCIAL JUSTICE & EQUITY LAW JOURNAL OF WILLAMETTE UNIVERSITY COLLEGE OF LAW

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## LETTER FROM THE EDITOR

Dear Reader,

It is my distinct privilege to introduce Issue One of Volume Three of Willamette University College of Law's Social Justice & Equity Law Journal (the *Journal*). I am grateful to the staff of this incredible journal for their hard work making this academic pursuit a reality. A special thanks goes to Bridget Lawson for her exceptional work selecting the articles and her commitment to excellence throughout the editing process.

The *Journal* was formed with one mission: to create an interdisciplinary academic forum in Oregon for scholars, practitioners, policy makers, and students to contribute to society's understanding of legal and policy issues concerning social justice and equity. It has been my great honor to lead this exceptional group of students who have devoted themselves to the promotion of social justice through the work on this journal.

In our first article, "Does Homophobia Affect Prosecutorial Discretion in Ambiguous Statutory Rape Cases?" authors Diana Caraveo Parra, Henry F. Fradella, Jessica M. Salerno and Cody W. Telep discuss the effects on prosecutorial discretion when young offenders victimize underage partners of the same sex versus partners of the opposite sex.

Our second article, by Pierrea Wallace, "The History and Limited Protections Against Intra-Racial Color Discrimination" addresses the limited safeguards that exist to combat intra-racial color discrimination, drawing on her own experience with racism and focusing her article from a critical race feminist theory perspective.

In "ALEC Fights for Cash Bail, Leading Defendants to Jail," author Avery Oaks discusses the American Legislative Exchange Council and the detrimental effects its efforts to benefit the cash bail industry have had on mass incarceration of poor minority populations, the likelihood of conviction among pre-trial detainees and the length of post-conviction sentences for these detainees. Oaks proposes several alternatives aimed toward removing ALEC's foothold and eliminating its influence in the cash bail industry.

Our first note, "The Not-so-Hidden Biases Lurking within the Criminal Justice System: Issues of Race and Gender in the Law," by Olga M. Torres, discusses the history of mass incarceration, race-neutral policies and laws, explicit and implicit biases among criminal justice professionals and the role they play in the disproportionate incarceration rates of Blacks.

In our second note, "Overwhelming Counter Speech: A Government Speech Solution to White Supremacist Demonstrations," Cliff Coleman proposes new

avenues for the government to take when dealing with groups that espouse white supremacy and segregation. He explores the constitutional limits of governmental regulations of hate speech and offers new ideas on how the government can utilize these platforms to address these issues.

The *Journal's* final note, "Cannabis Social Equity: An Opportunity for Revival of Affirmative Action in California," by Rebecca Brown, discusses the legal implications of cannabis social equity programs in relation to Proposition 209 which amended the California Constitution to prohibit public institutions from discriminating on the basis of race, sex, or ethnicity. Ms. Brown focuses her analysis on cannabis social equity programs in Oakland and Los Angeles and the legal issues they present under the evolving Proposition 209.

The theories and ideas purported by the authors within this publication are not those of the *Journal* or Willamette University College of Law. However, it is our mission to give voice to issues not commonly published by law reviews or other non-special interest journals. It is our hope that this publication will foster discussion of change in the interest of social justice and equity for all and ultimately spur the legal community to action in furtherance of these pursuits.

Sincerely,



Margaret Dick  
Editor-in-Chief

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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.

The editorial staff also appreciate Professor W. Warren H. Binford, Director of the Clinical Law Program as a supporter of the *Journal's* mission.

The editorial staff also thank Ms. Galin Brown, Access Services Manager of the Willamette University College of Law Library, and Ms. Mary Rumsey, Reference & Instruction Services Librarian of the Willamette University College of Law Library.

Lastly, the editorial staff thank Felipe Rendon, founding Editor-in-Chief of this journal, without whose efforts this publication would not exist to address legal issues that are often overlooked by mainstream academia.