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## Foreword

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## Editor-in-Chief's Foreword

It is my pleasure to present Issue 1 of Hastings Constitutional Law Quarterly (HCLQ)'s Volume 50. When our Acquisitions Team met to develop this issue, we were (and still are) spinning from the *Dobbs v. Jackson Whole Women's Health* decision in June 2022. The articles in Issue 1 reflect the chaotic times we are living in and focus on issues related to due process, bodily autonomy, and the current Court's march towards an authoritarian reading of the U.S. Constitution.

Professor Maltz's article, *The Long Road to Dobbs*, provides context regarding the decades-long campaign to reverse the holding of *Roe v. Wade*. The article describes the political events that lead to the decisions in both *Planned Parenthood of Southeastern Pennsylvania v. Casey* and *Dobbs*. Most importantly, Professor Maltz's article aptly describes the "contingent" nature of constitutional law: interpretation and application of the law will depend on the jurisprudential and political perspectives of the specific Justices who are members of the Court when a case is heard.

Considering his arguments, we at HCLQ are concerned about the undemocratic nature of our electoral system that determines who has the privilege to appoint our Justices. Five of the six justices who joined the majority opinion in *Dobbs* were appointed by Presidents who lost the popular vote but won the presidency because of the Electoral College, a system developed at the behest of slave owners. The impact the Electoral College has had and will have on millions of people across the country is undeniable, and the articles in Issue 1 highlight some of the many ripple effects maintaining such a system creates.

Professor Barnes's article, *The Constitution's Waning Enforceability: Constitutional Torts After Egbert & Vega*, highlights concerning precedents set by the majority in *Egbert v. Boule* and *Vega v. Tekoh*. Professor Barnes argues that these precedents stifle the future of constitutional tort action by reducing an individual's ability to find a remedy when their constitutional rights have been deprived. Professor Barnes's article is a warning: he argues that we are witnessing the end of constitutional torts as we know them and flags what he believes is the Court's present majority's intention to significantly restrict actions to enforce constitutional rights. Professor Barnes's article provides poignant—albeit worrisome—foreshadowing of the dangerous consequences of the Court's current path. If the Court continues on this

path, Professor Barnes points out, U.S. citizens and others whose rights are promised by the constitution will bear a high cost.

This issue closes with a student note written by our Co-Executive Acquisitions Editor Saman Hashemi, *Denaturalization and the Negative Effects of Widespread Insecurity in Citizenship for Naturalized Citizens*, which delves into the harmful policies that denaturalize United States' citizens. More specifically, Hashemi's article provides vital history of the past century of immigration law and recent presidential administration's policies. This article highlights the negative effects these programs impose on naturalized citizens and provides proposed amendments to current denaturalization policies and programs.

I would be remiss not to recognize our wonderful authors for their scholarship, flexibility, and support throughout the editing process. It was a pleasure to work with each of you.

I also want to extend a huge thank you to the HCLQ editorial team for your hard work and enthusiasm to bring Issue 1 to publication.

To our readers, we invite you to engage in these articles and understand that they address complicated, current issues that often feel out of our control. We look forward to having discussions and reviewing reflections on this Issue.

Sincerely,



Madeline Cline  
Editor-in-Chief, Volume 50  
*Hastings Constitutional Law Quarterly*