

THE ST. THOMAS LAW REVIEW: ITS *RATIO ESSENDI*

SIEGFRIED WIESSNER*

At its twenty-fifth birthday, the *St. Thomas Law Review* deserves a hearty round of applause for its abundant contributions to knowledge and to a public order of human dignity. Over all these years, it has stood for a vision of legal education and legal practice that emphasized not only excellence in the profession, but a commitment to the common good. It has provided the antithesis to the caricature of lawyers as attack dogs for hire or sharks out only for money, committed to winning at all cost. In contrast, St. Thomas lawyers are to be seen as true professionals, deeply intellectual, and able to fashion innovative solutions to the problems of their clients and society.

Indeed, St. Thomas University School of Law was created in this vein – within a Catholic university dedicated to the ideals of social justice, human dignity, and the preference for the poor. From Day One, our law school would live to embrace, unleash, and foster the intellectual potential of the members of our community, both faculty and students. In particular, we cherished the papers our students wrote and felt it was necessary to share their most profound analyses and solutions to society’s problems with the world.

Student articles based on the innovative and liberating New Haven approach to law commanded attention. At the time of the founding of this law review, in the mid-1980s, however, there were virtually no outlets for important analyses authored by students, which, if submitted, were rejected as a matter of course, particularly if they came from outside the home institutions. Student contributions to law reviews were limited to the traditional formats of notes and comments. St. Thomas Law, as in many other ways, set a counterpoint. It believed in its students’ unlimited potential and intellectual ability and published their best papers exclusively in the first three volumes of the review, to provide a forum otherwise foreclosed. Appropriately, the name of the law review in these first three years of its existence was the *St. Thomas Law Forum*. The belief in the quality work, indeed excellence, of our students propelled the journal’s

* Professor of Law and Director of the Graduate Program in Intercultural Human Rights at St. Thomas University School of Law. Professor Wiessner founded the *St. Thomas Law Review* in 1987, then named the *St. Thomas Law Forum*, and chaired its first Board of Faculty Advisors.

further development – always under the guiding light of our mission to, optimistically, struggle for a better tomorrow in the realm of laws, not remaining captive to sometimes questionable decisions of the past.

A prime example of this social justice mission of the *St. Thomas Law Review* has been its leadership in the area of federal Indian law and international indigenous law, strongly supported by the President of St. Thomas University, Monsignor Franklyn M. Casale, and the various deans and faculty of the School of Law. Starting in 1993, the *Law Review* frequently hosted tribal sovereignty symposia celebrating the heritage and discussing the claims of indigenous peoples in the Western hemisphere and beyond. St. Thomas University was the common ground for meetings of Indian chiefs and their spiritual and intellectual leaders, including, to mention just a few of the national and international leaders of the indigenous movement seeking to assure cultural survival and development, the Peace Chief of the Cheyenne, The Honorable Lawrence Hart; Kiowa leader Professor Kirke Kickingbird; The Honorable Robert Yazzie, Chief Justice of the Navajo Supreme Court; Professor S. James Anaya, now UN Special Rapporteur on the Rights of Indigenous Peoples; The Honorable Chief Ferrell Sekakuku of the Hopi Tribe; Keller George, Chairman of the United South and Eastern Tribes; the Principal Chief of the Cherokee Nation, The Honorable Ross Swimmer; The Honorable Ray Halbritter, Representative of the Oneida Indian Nation; Comanche leader LaDonna Harris; Oren Lyons, spiritual leader of the Onondaga Nation; the leaders of the Florida Tribes of the Seminole and Miccosukee; and Erica Daes, charismatic Chair of the UN Working Group on the Rights of Indigenous Populations.

These symposia brought a touch of magic to St. Thomas, an enchantment gripping the entire community, in particular, the students of the *St. Thomas Law Review*. They also brought government to the table, memorably The Honorable Harry Lee Anstead of the Florida Supreme Court and The Honorable Ada Deer, Director of the U.S. Bureau of Indian Affairs. This neutral academic ground allowed for the development of thoughtful responses to indigenous claims not only on the domestic, but also on the international, plane. This work ultimately culminated in the adoption, by the International Law Association, of ILA Resolution No. 5/2012 at its 75th Biennial Meeting in Sofia, Bulgaria, on August 30, 2012, finding customary international law rights of indigenous peoples to their lands, culture, and self-government. In fact, the *St. Thomas Law Review* was so identified with its focus on the law of indigenous peoples that a Canadian law firm specializing in issues of the First Nations found it necessary to subscribe to it.

2013]

ITS RATIO ESSENDI

273

This tradition of commitment to indigenous issues was continued by the sister journal of our honoree today, the *Intercultural Human Rights Law Review*, upon its creation in 2005; but the dedication of the *St. Thomas Law Review* to issues of social justice and the identification of solutions to problems in society did not end. It has continued in a focus on cutting-edge issues in the fields of criminal justice, health care, elder law, race, and other forms of discrimination, to mention but a few of the themes addressed, including the exploration of the potential of therapeutic jurisprudence. The *St. Thomas Law Review* is a showcase of what our law school, its faculty, and its students can do and have done. May its excellence and prudence continue to reign for many years to come.