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Journal of Law and Social Deviance

Volume Seventeen

2019

ABSTRACT CONTENTS

Journal Contents.....iii

Book Reviews: *Sex Case Law* (Cambridge Scholars Publishing, 2019) and *Fish, Justice, and Society* (Brill, 2018) by Carmen M. Cusack

LSD Journal Book Reviewers.....1

Protecting Victims of Domestic Abuse from Gun Violence: *U.S. v. Castleman*

Sydney L. Creel.....4

Right to Food Not Arms: Beefing to Update Second Amendment Interpretation

Carmen M. Cusack.....6

Tobacco Control and Regulation in Africa: Constraints and Necessary Interventions

Dr. Obiajulu Nnamuchi.....8

Houston, We Have A Problem and It's Your 'Anti Hoarding' Ordinance: The Legal Ramifications of Houston's Controversial Statute

Jake Dziubla.....10

Journal of Law and Social Deviance

Volume Seventeen

2019

JOURNAL CONTENTS

Editor's Introduction.....i

Contribution.....ii

Book Reviews: *Sex Case Law* (Cambridge Scholars Publishing, 2019) and *Fish, Justice, and Society* (Brill, 2018) by Carmen M. Cusack

LSD Journal Book Reviewers.....1

Protecting Victims of Domestic Abuse from Gun Violence: *U.S. v. Castleman*

Sydney L. Creel.....4

Right to Food Not Arms: Beefing to Update Second Amendment Interpretation

Carmen M. Cusack.....47

Tobacco Control and Regulation in Africa: Constraints and Necessary Interventions

Dr. Obiajulu Nnamuchi.....128

Houston, We Have A Problem and It's Your 'Anti Hoarding' Ordinance: The Legal Ramifications of Houston's Controversial Statute

Jake Dziubla.....184

**BOOK REVIEWS: *SEX*
CASE LAW (CAMBRIDGE
SCHOLARS PUBLISHING, 2019)
AND *FISH, JUSTICE, AND SOCIETY*
(BRILL, 2018)
BY CARMEN M. CUSACK**

LSD Journal Book Reviewers

Sex Case Law is a case book designed for law students, scholars, advocates, judges, activists, and victims. It contains the most cutting-edge analyses of sex case law to date. Cusack has surgically peeled back the courts' dicta and methods to reveal core legal principles that are essential for sexual justice. Cusack's willingness to study harm and distribute the finest solutions to some of the world's most evil problems compels a look at this book. In *Sex Case Law*, Cusack covers sex as intensely as she covered pornography in *Pornography and the Criminal Justice System* (CRC Press, 2014). The cases were rigorously selected to highlight historical jurisprudence in England and the United States. The cover art by Carmen Cusack represents depraved illusions mixing with natural inclinations and the sanctity of life. The photo of an alligator, entitled

LSD Journal Book Reviewers

“Hannah and KUMAR, Alexandria Zoo,” rises through the pages, like the cover of *Laws, Policies, Attitudes and Processes that Shape the Lives of Puppies in America: Assessing Society’s Needs, Desires, Values and Morals* (Sussex Academic Press, 2016). That cover photo by Matthew Waranius springs to life. Each cover swirls with water and emotion baring the souls of the subjects.

Fish, Justice, and Society complements Cusack’s previous book, *Fish in the Bible: Psychosocial Analysis of Contemporary Meanings, Values, and Effects of Christian Symbolism* (Vernon Press, 2017). It is brimming with full-color photos taken underwater, in the Coast Guard fisheries training office, at a fishing museum, in federal parks, inside a fish market, of a crippled turtle with a wooden leg named Rudy who continues to inspire turtles and humans alike, at a world-class aquarium, on New Orleans’ levees, and of numerous heroes and at tremendously stunning *situs*. In addition to spirited, castigatory, and factual renditions of fishing, it sensitively describes the fun and compassion behind marine attractions and tourism. Topics discussed include endangered species, food, love, sexuality and gender, crimes against animals, sexual abuse of aquatic animals (e.g., caviar), seabirds and seafowl,

Great White sharks and Greenland sharks, culture, outdoorsmen, fish and wildlife services, human-animal companionship, colorization through aqua culture, and art. *Fish, Justice, and Society* is an excellent reference for students and a dream-come-true for animal rights and environmental activists.

**PROTECTING VICTIMS OF
DOMESTIC ABUSE FROM GUN
VIOLENCE: *U.S. V. CASTLEMAN***

Sydney L. Creel

This Article discusses the 2014 United States Supreme Court’s decision in *U.S. v. Castleman*, which confirmed that the presumptive common law meaning of “force” satisfied the definition of a misdemeanor crime of domestic violence, thus barring those persons convicted of a misdemeanor crime of domestic violence from possessing a firearm. The facts and holding in *Castleman* are discussed in Section II. Section III analyzes the legislative history of the 1996 enactment of the Federal Gun Ban, and what is now known as 18 U.S.C. § 922, or the Lautenberg Amendment. This Section also discusses *Johnson v. United States*, which explains the United States Supreme Court’s rationale in declining to read the common law meaning of “force” as “violent felony” provided and defined in the Armed Career Criminal Act. Finally, Section IV presents a social background surrounding domestic violence, and statistics concerning domestic violence and its relationship to firearms and death. This Section

explains why the *Castleman* court appropriately confirmed the broad definition of “force” required in a conviction of a misdemeanor crime of domestic violence and explores the consequences this decision will have on protecting victims of domestic violence from their abuser’s ability to possess a firearm.

**RIGHT TO FOOD NOT
ARMS: BEEFING TO UPDATE
SECOND AMENDMENT
INTERPRETATION**

Carmen M. Cusack

Food supply, available through the government or nonprofit organizations, is believed by many people throughout the world to be an innate right guaranteed to all, including non-human life. In order to address the need for food and reestablish certainty of survival once guaranteed by the Second Amendment, which is now being used to promote unnecessary ownership of deadly weapons, this Article presents Constitutional jurisprudence and builds a new analysis. Section II of this Article revisits the framers' original concerns about violent systemic failure. Rather than dismiss that history, it takes Justice Antonin Scalia's tack by delving into the Second Amendment's grammar. Then, it argues against interpretations extending the Second Amendment to include an individual right publicly to carry an arm or privately possess a gun. To fortify values undergirding the Second Amendment and modernize its effectiveness, Section II argues in favor of a collective right and an

individual right to food. This section discusses *stare decisis* to persuade the United States Supreme Court to renegotiate its position in *District of Columbia v. Heller*. Section III discusses the innate right to food, including care of pets and working animals. It argues the need for plant-based, vegan, and healthy food and fresh drinking water for all creatures as well as appropriate living conditions for plants. Section IV discusses philosophy, economics, and politics regarding cultivation of healthy plants, climate change, accords with humans in other countries and animals, supplemental assistance and pet food, and armed conflict. Section IV discusses ethical treatment of animals by grocery stores, owners, and the government. It explains why hunting is not only unprotected by the United States Constitution, it is an indication of mental illness and uncondusive to proliferation of rights and stability. It offers suggestions to the government about how to generate charitable donations and save money to provide food for needy individuals. Section V concludes.

TOBACCO CONTROL AND REGULATION IN AFRICA: CONSTRAINTS AND NECESSARY INTERVENTIONS

Dr. Obiajulu Nnamuchi

One of the more visible negative consequences of globalization and improving economic outlook in Africa is a surge in the number of smokers in the region. Recent figures indicate that the region is tethering on the brink of a tobacco epidemic. According to the World Health Organization (WHO), deaths resulting from noncommunicable diseases (NCD) in Africa, a significant number of which are tobacco-related, will increase 27 percent over the next decade—second only to Russia. For a region whose population is suffocating under the stranglehold of underperforming health systems and decades-long institutional ineptitude, this data is troubling and should be a source of concern to its political leadership as well as the global health community. Taking this concern seriously requires channeling available resources toward curbing or reversing the surge. On a positive note, the fact that the vast majority of African countries are Parties to

Nnamuchi

WHO's Framework Convention on Tobacco Control (FCTC), which is aimed at freeing humanity from the scourge of tobacco-related diseases and deaths, is quite encouraging. Nonetheless—and this is the crux of this Article—it is not clear whether domestic legal and policy regimes in these countries as well as the environments they foster are consistent with international standards and global best practices. Are there deficits or gaps in need of urgent attention in the realm of tobacco use and control activities in the region? If the response is affirmative, as this Article proposes to show, then, the next question is, how can these deficits be effectively tackled? Responding to these concerns is the central task of this Article—a task that is accomplished by assessing FCTC implementation levels in Africa based on the prescriptions of WHO's MPOWER policy package.

**HOUSTON, WE HAVE A
PROBLEM AND IT'S YOUR 'ANTI
HOARDING' ORDINANCE: THE
LEGAL RAMIFICATIONS AND
SHORTCOMINGS OF HOUSTON'S
CONTROVERSIAL STATUTE**

Jake Dziubla

Hoarding behavior and hoarding disorder affect between two to five percent of the population and present various legal dilemmas for communities and those who hoard within their confines. Unlike many municipalities that have opted for more supportive solutions, Houston, Texas, in a case of therapeutic jurisprudence gone awry, has created an ordinance effectively criminalizing hoarding. The creation of a criminal statute as a means of reducing a behavior rooted in complex and nuanced psychology is destined for failure, and possibly worse: eviction, discrimination in housing based on one's criminal record, and homelessness. The scant legal research on hoarding and housing law has undoubtedly influenced the decision-making that led to the ordinance's creation. To be sure, the existing scholarship provides a thorough overview of

Dziubla

how hoarding fits into the legal landscape. However, these articles fall short in demonstrating concretely the ramifications on one's housing that can result when hoarding is criminalized.

This Article provides a legal analysis and critique to Houston's ordinance by describing how the ordinance fits within therapeutic jurisprudence, Texas' eviction procedures, and the reasonable accommodation provision within the Fair Housing Act. Pervading the Article is a reminder of the delicate psychology of hoarding and its impact on the individual. At its conclusion, the Article suggests that Houston form a hoarding task force to oversee the ordinance's implementation. By illuminating this shadowy intersection of the law and psychology, Houston and other communities can learn how to more adequately address the many social and legal problems posed by hoarding.