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Report to the Editor in Chief of the FIU Law Review

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REPORT TO THE EDITOR IN CHIEF OF THE FIU LAW REVIEW

It is my honor and a pleasure to submit this report on the Annual Con Law Haiku Writing Competition in Section A for Fall Semester 2021 at the Florida International University College of Law.

In my required first-year course, I challenge my 1L students with these instructions to be creative and write a constitutional law haiku:

How creative are you? How much are you into Con Law? Write a Con Law Haiku. A haiku records a singular experience, the haiku moment—often referred to as an “aha!” moment—when we realize a subtle, hidden, or unexpected significance in something around us. The study of constitutional law will afford you frequent and numerous haiku moments. Record one of yours in the traditional format of a single stanza made up of three lines of 5-7-5 syllables. You can write about an opinion, a case, a justice, a doctrine, a concept, or any other aspect of your study.

Post your Con Law Haiku in the < Section A Blog > on the Canvas website to express yourself—put the title of your poem in the subject line. Read the Con Law Haikus of your colleagues for fun and inspiration and, perhaps, enjoy a moment of zen.

This teaching tradition of mine is decades old and has followed me to three different law schools. English haikus about the Supreme Court are a well-established outlet for creative thought on the queen subject of the law school curriculum. Indeed, Keith Jaasma has published a book-length collection of them. Supreme Court haikus also have been featured prominently in the NYU LAW REVIEW and in the pages of CONSTITUTIONAL

1 This Japanese art form has flourished in the West—in translation and in original English—even in the dialect of my 305 area code! Recommendations for further reading: ERIC ANDERSON ET AL., HIALEAH HAIKUS (2009); DAVID M BADER, HAIKU: FROM ARISTOTLE TO ZOLA, 100 GREAT BOOKS IN 17 SYLLABLES (2005); WILLIAM J. HIGGINSON & PENNY HARTER, THE HAIKU HANDBOOK: HOW TO WRITE, SHARE, AND TEACH HAIKU (1985); THE HAIKU ANTHOLOGY: HAIKU AND SENRYU IN ENGLISH (Cor Van Den Heuvel, ed.) (rev. ed. 1986).

2 Thomas E. Baker, Modern Constitutional Law, 21 SEATTLE U. L. REV. 927, 927 (1998) (“What Maitland said about the common law also can be said about the queen subject in American law schools: constitutional law is ‘tough law.’”).


COMMENTARY.5 Remarkably, a veteran Supreme Court advocate had the temerity, audacity, and creativity to file an *Amicus Curiae* Brief in the form of a haiku . . . and the High Court accepted it.6 Thus, our FIU LAW REVIEW is joining a distinguished scholarly company by publishing the three outstanding constitutional law haikus from Section A, Fall Semester 2021, as chosen by a vote of their poet peers.7 Posted here in alphabetical order by poet’s last name are the winners:

*Commerce Among the States*8
by Susan Curry

Making Commerce Clause noises sounds a whole lot like milk . . . milk . . . milk . . . minnows.

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6 The Argument in the Brief of *Amicus Curiae* David Boyle in Support of Respondents in *Trump v. Hawaii*, 138 S. Ct. 2392 (2018) (upholding President Trump’s Executive Order suspending immigration from several majority-Muslim countries) is reproduced in full here:

A haiku ban might not be anti-Japanese “per se” but … you know.

7 Here are the Official Rules and Regulations for the Best Con Law Haiku Contest:
The deadline for posting eligible haikus is October 31 at midnight. Each student in Section A may post one—and only one—eligible haiku as his or her official entry in the contest; however, students are permitted to revise their haiku or replace their haiku before the deadline. Nominations will take place between November 8 and November 12. To be able to nominate a haiku, the nominator must have previously posted a haiku before the deadline. Self-nominations are not permitted. Each nominator may nominate up to three (3) haikus. There will be a class-wide ballot that will list the haikus with the most nominations. Every member of the class will be eligible to vote for the one best haiku. A special SCOTUS prize will be awarded in class to the three haikus with the most class votes. The three haikus with the most class votes will be published in an issue of the FIU LAW REVIEW.

Intrastate Highways

by Brennan Schmitz

You can never trust
South Carolina Bridges,
If you’re a wide truck.

Wickard v. Filburn

by Andrew Smith

Man reaps wheat with axe.
Congress harvests him with tax.
That Act, “Comm” Clause backs.

Respectfully submitted,

Thomas E. Baker
Professor of Law & Member of the Founding Faculty

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