A Century Since Suffrage:
How Did We Get Here? Where Will We Go?
How Will We Get There?

Foreword
Rona Kaufman

Articles

“AN ATROCIOUS WAY TO RUN A CONSTITUTION”: THE DESTABILIZING EFFECTS OF CONSTITUTIONAL AMENDMENT RESCISSIONS
Danaya C. Wright

PROTECTING WOMEN’S RIGHTS BY KEEPING RELIGIOUS LIBERTY IN ITS LANE
Leslie Gielow Jacobs

THEIR SLAVERY WAS HER FREEDOM: RACISM AND THE BEGINNING OF THE END OF COVERTURE
Diane Klein

IN SEARCH OF EQUALITY FOR WOMEN: FROM SUFFRAGE TO CIVIL RIGHTS
Nan D. Hunter

Student Articles

CRIMINALIZING PRENATAL OPIOID USE: THE CREATION OF A GENDER-BASED CRIME
Hannah French

A TALE OF TWO BILLS: A FOUR-FACTOR CONSIDERATION OF PENNSYLVANIA’S LEGISLATIVE RESPONSE TO JUDICIAL LEGITIMACY CONCERNS
Emily Peffer
Duquesne Law Review is published in Pittsburgh, Pennsylvania. Correspondence may be addressed to: Duquesne Law Review, Duquesne University School of Law, 600 Forbes Avenue, Pittsburgh, Pennsylvania 15282.

The subscription price is $30.00 per volume. Subscription inquiries should be addressed to the attention of the Business Manager. Subscriptions will be cancelled only after the entire volume for which the subscription has been entered is printed and delivered. Subscriptions are automatically renewed unless otherwise stipulated. Subscribers should report non-receipt of an issue within six months of its mailing. After six months, replacement issues will not be provided free of charge.

This issue is available from Duquesne Law Review at $10.00 per copy for three years from its initial printing. Archived issues are available through William S. Hein & Co., Inc., 2350 North Forest Road, Getzville, New York 14068, at $18.00 per copy. Back issues can also be found in electronic format on HeinOnline, http://heinonline.org/.

Citations conform to The Bluebook: A Uniform System of Citation (Columbia Law Review Ass’n et al. eds., 21st ed. 2020). Readers are invited to submit manuscripts for possible publication. Manuscripts should be addressed to the attention of the Executive Articles Editors. Readers are also invited to submit letters to the Editor in response to the works contained herein. Letters to the Editor should be addressed to the attention of the Editor-in-Chief.

Views expressed in writings published in Duquesne Law Review are to be attributed solely to the authors thereof and not to Duquesne Law Review, its editors, Duquesne University School of Law, or Duquesne University.

When the authors of writings published herein are known by Duquesne Law Review to have other than a scholarly interest in their writings, that fact will be noted in a footnote at the beginning of the article.
Duquesne Law Review

Volume 59

EDITORIAL BOARD

Editor-in-Chief
JULIA SIRACUSE

Executive Editor
HANNAH FRENCH

Executive Articles Editors
CARA BRACK
DAKOTA FORSYTH

Executive Student Articles Editors
NOAH KEYS
EMILY PEFFER

Production Editors
DIANA BRUCE
RACHEL PRESSDEE
PAIGE TAMECKI

Associate Editors
KATHRYN DUMAIS
ALEXANDRIA IWANENKO
STANLEY MARCINIAK III
ALICIA MARSH
ALYSSA MURCH
SETH PENNER

Business Manager
JESSICA BARNES

Resource Manager
GINGER GLASS

SENIOR STAFF EDITORS

KYLE BAICKER-MCKEE
SAMANTHA COOK
CASSIDY DECOSMO

KAYLA HUSTON
MADISON MIRANDA

LARISSA SAPONE
COREY SAUER
ANALIJA ZAMPOGNA

JUNIOR STAFF EDITORS

CAITLIN ALDERMAN
MOLLY CAMPBELL
KATHRYN CZEKALSKI
MICHAEL DEER
CHRISTIE DELGUZZO
ROBERT DIEHL
ANNA HOSACK

NABIB KABIR
CAMERON KEHM
SHERI LASKA
MADISON MAGUIRE
MARIA MARCANO
ERIN MCCLUAN
MATTHEW MINARD
ANTHONY PATTERSON

BRIANNA SCHMID
SARAH SHUMATE-CONNOR
JAREK SULAK
ALEXIS THURSTON
WILLIAM WEBER
HARRISON ZEIT
DANIEL ZMISTOWSKI

Published by the students of the Duquesne School of Law
Member, National Association of Law Reviews
DUQUESNE UNIVERSITY
SCHOOL OF LAW
2020–2021

Administration

APRIL M. BARTON, B.S., J.D.
Dean, and Professor of Law

ELLA A. KWISNEK, B.A., J.D., M.S.Ed.
Associate Dean for Students and
Assistant Professor

ANN L. SCHIAVONE, B.A., J.D.
Associate Dean for Faculty Scholarship
and Associate Professor of Law

TARA WILLKE, B.A., J.D.
Associate Dean for Academic
Affairs and Associate Professor of
Law

Full-Time Faculty

STEVEN BAICKER-MCKEE, B.A., J.D.
Joseph A. Katzininic Chair of Legal
Process and Civil Procedure and
Associate Professor of Law

PABLO ECHEVERRI, B.A., J.D.
Assistant Professor of Law

RICHARD GAFFNEY Jr., B.A., M.B.A.,
J.D.
Director of Advanced Analytics and
Assistant Professor of Legal Skills

AMAN GEBRU, S.J.D., LL.M., LL.B.,
Assistant Professor of Law

KENNETH G. GORMLEY, B.A., J.D.
Duquesne University President and
Professor of Law

RICHAR DEN GORDON, B.A., M.A., Ph.D,
J.D.
Assistant Professor of Law

WESLEY OLIVER, B.A., J.D., LL.M.,
J.S.D.
Director of Criminal Justice Program,
and Professor of Law

TSAO CHENG, B.A., J.D., M.B.A.,
Assistant Professor of Law

JOSEPH SABINO MISTICK, B.A., J.D.
Associate Professor of Law

JAN M. LEVINE, B.A., J.D.
Director of Legal Research and Writing
and Professor of Law

FRANK Y. LIU, LL.B., M.C.J., M.L.S.
Professor Emeritus

ASHLEY LONDON, B.A., J.D.
Director of Bar Studies and Assistant
Professor of Legal Skills

EMILE LOZA DE SILES, B.S., M.B.A., J.D.
Assistant Professor of Law

MARISSA MEREDITH, B.A., J.D.
Assistant Professor of Law

JANE CAMPBELL MORIARTY, B.A., J.D.
Carol Los Mansmann Chair in Faculty
Scholarship, and Professor of Law

KATHERINE NORTON, B.S., J.D.
Director of Clinical and International
Programs and Assistant Professor of
Law

WILSON R. HUHN, B.A., J.D.
Professor of Law

JALILA JEFFERSON-BULLOCK, B.A.,
M.A., J.D.
Associate Professor of Law

RONA KAUFMAN, B.A., J.D., LL.M.
Associate Professor of Law

ROBERT F. KRAVETZ, B.A., J.D.
Assistant Professor of Law

ELLA A. KWISNEK, B.A., J.D., M.S.Ed.
Associate Dean for Students and
Assistant Professor

BRUCE S. LEDWITZ, B.S.F.S., J.D.
Adrian Van Kaam Endowed Chair in
Scholarly Excellence and Professor of
Law

Law Librarian Faculty

TSEGAYE BERU, B.A., M.L.I.S., J.D.
Associate Director for Faculty
Research and Outreach Services

AMY LOVELL, B.A., M.L.S.
Assistant Director for Resource
Development and Metadata Services

CHARLES SPROWLS, B.S.I.S., M.L.I.S.
Head of Information Access and
Student Services
JULIE TEDJESKE, M.L.S, M.S, J.D.
Electronic Resources and Instructional Services Librarian

Adjunct Faculty
DEAN ALDERUCCI, B.S., M.S., LL.M.
ANNE ALTIERI-Delaney, B.S., M.A.L.D., J.D.
WILLIAM AXTMAN, J.D.
ROBERT S. BARKER, B.A., J.D., M.A.
DAVID BELCZYK, B.S., J.D.
MARK BERGSTROM, M.P.A., B.A.
JOSEPH BUCCI, B.A., J.D.
THOMAS CORBETT, B.A., J.D.
Executive in Residence
ROBERT F. DALEY, B.S., J.D.
JOSEPH DECKER, B.S., J.D.
Honorable JEFFERY DELLER, B.A., J.D.
ELIZABETH A. DELOSA, J.D., B.A.
Managing Attorney for the Pennsylvania Innocence Project's Pittsburgh Office
JENNIFER DIGIOVANNI, B.A., J.D.
JAMES G. DILMORE, J.D., M.S./Ph.D
KEVIN GARBER, J.D.
A. MICHAEL GIANANTONIO, B.A., J.D.
PETER GIGLIONE, B.A., J.D.
Coordinator of Trial Advocacy Program
JULIA M. GLENCER, B.A., J.D.
Associate Director for Thomas R. Kline Center for Judicial Education
JAMES F. (JAY) GLUNT, B.S., J.D.
JOHN D. GOETZ, B.A., J.D.
BARBARA GRIFFIN, B.S., J.D.
ROSALYN GUJ-MCCORKLE, J.D.
Honorable THOMAS M. HARDIMAN B.A., J.D.
Honorable ELLIOT HOWSIE, B.S., M.S., J.D.
KATHERINE JANOCKO, B.A., J.D.
DAVID JAMISON, B.A., M.A., J.D.
ERIN R. KARSMAN, B.A., J.D.
Director of Thomas R. Kline Center for Judicial Education and Director of the Appellate Program
SHANICKA KENNEDY, B.A., J.D.
CARL KRASIK, A.B., J.D.
DANIEL KUNZ, B.S., M.B.A., J.D.
THOMAS KUNZ, JCD, STL
Honorable MAUREEN E. LALLY-GREEN, B.S., J.D.
DOROTHEE M. LANDGRAF, LL.M
GREGORY LANDGRAF, J.D., CPA/ABV, CGMA, CFE
TRACEY MCCANTS LEWIS, B.A., J.D.
Honorable JEFFREY A. MANNING, B.A., J.D.
MARTIN MCKOWN, B.S., J.D.
APRIL L. MILBURN-KNIZNER, B.A., J.D.
JONATHAN MOORE, B.A., J.D.
GREGORY NORTON, B.A., J.D.
JACQUELYN OBARA, B.S., J.D.
BETHANY PARKER, B.A., J.D.
STACIE PATTERSON, B.A., J.D., M.A.
ADRIAN N. ROE, B.A., J.D.
JUSTIN ROMANO, J.D.
ERICA SABATINI, B.S., J.D.
DAVID SCHRAMM, B.S., J.D.
BARBARA SIMANEK, B.A., M.B.A., J.D.
MICHAEL D. SIMON, J.D., B.A.
SAMUEL SIMON, B.S., J.D.
MARCY SMOORE-GIGER, B.S., M.S., J.D.
HENRY M. SNEATH, B.A., J.D.
PATRICK SOREK, B.A., J.D., LL.M.
DAVID SPURGEON, B.A., J.D.
STACEY STEINER, J.D.
CYRIL H. WECHT, B.S., M.D., J.D.
DAVID WECHT, J.D.
JACQUELINE WOODWARD, B.A., M.A., J.D.