TENNESSEE JOURNAL OF RACE, GENDER, & SOCIAL JUSTICE

The Tennessee Journal of Race, Gender, & Social Justice is published semi-annually and edited by students of the University of Tennessee College of Law. The publisher is the Tennessee Journal of Race, Gender, & Social Justice c/o The University of Tennessee College of Law, 1505 W. Cumberland Ave., Knoxville, Tennessee 37996-1810. To order back issues, contact University Printing and Mail at 2021 Stephenson Drive, Knoxville, Tennessee 37996, or call at (865) 974-5121. For general inquiries, please email rgsj@utk.edu.

Publication of contributions does not signify adoption of the views expressed therein by the Tennessee Journal of Race, Gender, & Social Justice, its editors, or The University of Tennessee.
THE UNIVERSITY OF TENNESSEE
COLLEGE OF LAW

UNIVERSITY ADMINISTRATION

JOSEPH A. DIPIETRO, B.S., D.V.M., M.S. .......................................................... President

COLLEGE OF LAW ADMINISTRATION

DOUGLAS A. BLAZE, B.S., J.D. .......................................................... Dean and Art Stolnitz Distinguished Professor of Law and Elvin E. Overton Distinguished Professor of Law

CAROL McCREHAN PARKER, B.S., M.A., J.D. .................. Associate Dean for Academic Affairs and Elvin E. Overton Distinguished Professor of Law

GREGORY M. STEIN, A.B., J.D. .......................................................... Associate Dean for Faculty Development and Woolf, McClane, Bright, Allen & Carpenter Distinguished Professor of Law

SCOTT E. CHILDs, B.S., J.D., M.L.S. .................. Associate Dean for Library and Technological Services and Associate Professor

KATRICE JONES MORGAN, B.S., J.D. ................................................... Assistant Dean for Student Affairs

MICHAEL J. HIGDON, B.A., M.A., J.D. .................. Director of Legal Writing and Associate Professor of Law

GEOBGE W. KUNEY, B.A., J.D., M.B.A. .................. Director of the Clayton Center for Entrepreneurial Law and Lindsay Young Distinguished Professor of Law

VALORIE K. VOJDIK, A.B., J.D. .................. Director of Clinical Programs and Professor of Law

PENNY J. WHITE, B.S., J.D., LL.M. .................................. Director of the Center for Advocacy and Elvin E. Overton Distinguished Professor of Law

REBA A. BEST, B.S., M.L.S. .................................. Associate Director of the Joel A. Katz Law Library and Professor

HOWARD AVERY, B.S., M.S. .................................. Director of Development

CHRIS A. BOMBARDO, B.A., J.D., M.S. .................................. Director of Technology Services

KAREN REAGAN BRITTON, B.S., M.S., Ed.D. .......... Director of Admissions and Career Services

TANYA BROWN, B.A. .................................. Director of Communications

LAUREN HERBSTRITT, B.S. .................................. Director of Annual Giving and Alumni Affairs

TERESA L. PETERSON, B.S. .................................. Human Resources and Administration Manager

MARY ANN JAMES .................................. Director of Library and Technological Services

KAY K. BROWN, B.A. .................................. Career Services Advisor

R. BRAD MORGAN, B.A., J.D. .................. Coordinator, Access to Justice and Mentor Programs

JOSEPH K. CHRISTIAN, B.A., J.D. .................. Coordinator, Employer Relations

LISA M. HOLDEN, B.A. .................................. Business Manager, TENNESSEE LAW REVIEW and Coordinator, Continuing Legal Education

MICHAEL C. FOX .................................. Coordinator, Admissions and Financial Aid Advisor

JANET S. HATCHER .................................. Coordinator, Access to Justice and Mentor Programs

THE FACULTY OF LAW

DWIGHT L. AARONS, B.A., J.D., Associate Professor of Law

BRADLEY A. AREHEART, B.A., J.D., Associate Professor of Law

WENDY A. BACH, M.A., B.A., J.D., Associate Professor of Law

Helen and Charles Lochett Distinguished Professor of Law

CATHLEEN COCHRAN, B.A., M.S.I.S., Computer Services Librarian and Associate Professor

BENJAMIN H. BARTON, B.A., J.D., Head of Technical Services, Joel A. Katz Law Library and Associate Professor

TERRY DOBBS BAXTER, B.A., J.D., Professor of Law

JOSEPH G. COOK, A.B., J.D., LL.M., Williford Gragg Distinguished Professor of Law and 2004-05 University Macebearer

JERRY P. BLACK, JR., B.A., J.D., Associate Professor of Law

JUDY M. CORNETT, B.A., J.D., M.A., Ph.D., College of Law Distinguished Professor of Law

ROBERT C. BLITT, B.A., M.A., J.D., LL.M., Associate Professor of Law

IRIS J. GOODWIN, A.B., Ph.D., J.D.,
ASSOCIATE PROFESSOR OF LAW
JOAN MACLEOD HEMINWAY, A.B., J.D.,
W.P. Toms Distinguished Professor of Law
AMY MORRIS HESS, B.A., J.D.,
UTK Distinguished Service Professor of Law
and Waller Lansden Dortch & Davis and
Williford Grogg Distinguished Professor of Law
BECKY L. JACOBS, B.S., J.D.,
Professor of Law
LUCY A. JEWEL, B.A., J.D.,
Associate Professor of Law
BRIAN K. KRUMM, B.A., M.P.A., J.D.,
Associate Professor of Law
MICHELLE M. KWON, B.B.A., J.D.,
Associate Professor of Law
ALEX B. LONG, B.A., J.D.,
Professor of Law
SIBYL MARSHALL, B.A., J.D., M.L.S.,
Head of Public Services, Joel A. Katz Law
Library and Associate Professor
KARLA M. MCKANDERS, B.A., J.D.,
Associate Professor of Law
CARL A. PIERCE, B.A., J.D.,
W. Allen Separk Distinguished Professor of
Law and Senior Fellow of the Howard H. Baker,
Jr. Center for Public Policy
THOMAS E. PLANK, A.B., J.D.,
Joel A. Katz Distinguished Professor of Law
NATHAN A. PREUSS, B.A., J.D., M.S.L.S.,
Reference/Education Services Librarian and
Assistant Professor
M. LORETTA PRICE, B.S., M.S.L.S.,
Collection Management Department Head, Joel
A. Katz Law Library and Associate Professor
GARY A. PULSINELLI, J.D., Ph.D., A.B.,
Associate Professor of Law
ELLEN JOY RADICE, A.B., J.D.,
Associate Professor of Law
GLENN H. REYNOLDS, B.A., J.D.,
Beauchamp Brogan Distinguished
Professor of Law
DEAN HILL RIVKIN, A.B., J.D.,
College of Law Distinguished Professor of Law
BRIANA L. ROSENBAUM, B.S., J.D.,
Associate Professor of Law
PAULA SCHAEFER, B.A., J.D.,
Associate Professor of Law
JOHN L. SOBIESKI, JR., B.S., J.D.,
Lindsay Young Distinguished Professor of Law
and 2009-2010 University Macebearer
MAURICE E. STUCKE, A.B., J.D.,
Associate Professor of Law
KRIS ANNE TOBIN, B.S., J.D., LL.M., M.L.I.S.,
Reference Librarian and Assistant Professor
PAULETTE J. WILLIAMS, B.A., J.D.,
Associate Professor of Law
DAVID I.B. WOLITZ, B.A., J.D.,
Associate Professor of Law

EMERITUS FACULTY
FRANCES LEE ANSLEY, B.A., J.D., LL.M.,
College of Law Distinguished Professor of Law
THOMAS Y. DAVIES, B.A., M.A., J.D., Ph. D.,
Elvin E. Overton Distinguished Professor of Law
and UT National Alumni Association
Distinguished Service Professor of Law
GRAYFRED B. GRAY, B.A., J.D.,
Associate Professor of Law
PATRICK HARDIN, B.A., J.D.,
W. Allen Separk Distinguished Professor of Law
JOSEPH H. KING, JR., B.A., J.D.,
UTK Distinguished Service Professor of Law
and Walter W. Bussart Distinguished
Professor of Law
FREDERIC S. LE CLERCQ, B.A., M.A., L.L.B.,
Professor of Law
ROBERT M. LLOYD, B.S.E., J.D.,
Lindsay Young Distinguished Professor of Law
D. CHERYN PICQUET, B.A., M.S.L.S.,
Associate Director of the Joel A. Katz Law
Library and Professor
OTIS H. STEPHENS, JR., A.B., Ph.D., J.D.,
Alumni Distinguished Service Professor
of Political Science and Resident
Scholar in Constitutional Law
RICHARD S. WIRTZ, B.A., M.P.A., J.D.,
Dean and Elvin E. Overton Distinguished
Professor of Law
# Tennessee Journal of Race, Gender, & Social Justice

## Articles

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Childbirth in Chains: A Report on the Cruel But Not so Unusual Practice of Shackling Incarcerated Pregnant Females in the United States</td>
<td>Alison L. Smock</td>
<td>111</td>
</tr>
<tr>
<td>Surrogate or “Mother”? The Problem of Traditional Surrogacy</td>
<td>Frank J. Bewkes</td>
<td>143</td>
</tr>
<tr>
<td>An Analysis of CIA and Military Testing of LSD on Non-consenting U.S. Service Members and Recovery Through the VA Disability System</td>
<td>B. M. Disbennett</td>
<td>173</td>
</tr>
</tbody>
</table>
COMMENTS

A UNIVERSITY’S SLIGHT INCONSISTENCY IN WRITTEN POLICIES AND THE RESULTING COLOSSAL EFFECT ON FIRST AND FOURTEENTH AMENDMENT RIGHTS

Yerin Cho 203

CONSTITUTIONAL LAW – WARRANTLESS SEARCHES – WHETHER THE SEARCH INCIDENT TO ARREST EXCEPTION SHOULD APPLY TO DATA STORED ON CELLULAR PHONES

Jeremy Ray 211

TEXAS TIGHTENS ABORTION RESTRICTIONS: ABBOTT, PHYSICIAN ADMITTANCE REQUIREMENTS, AND WHAT IT REALLY MEANS FOR TEXAS WOMEN

Rebecca Waddell 217