Publication of contributions does not signify adoption of the views expressed therein by the TENNESSEE JOURNAL OF LAW AND POLICY, its editors, faculty advisors, or The University of Tennessee.

The TENNESSEE JOURNAL OF LAW AND POLICY is published semi-annually and edited by students of the University of Tennessee College of Law. The publisher is the TENNESSEE JOURNAL OF LAW AND POLICY, 1505 W. Cumberland Ave., Knoxville, Tennessee 37996-1810. The domestic subscription rate is $20.00 per volume, and the foreign subscription rate is $25.00 per volume. Unless notice to the contrary is received, the TENNESSEE JOURNAL OF LAW AND POLICY assumes that a renewal of the subscription is desired. All claims of non-receipt of an issue should be made within six months of date of publication if claimant wishes to avoid paying for the missing issue. To order back issues, contact William S. Hein & Co., Inc. at 1285 Main Street, Buffalo NY 14209-1987, or call toll free at (800) 828-7571. POSTMASTER: Send address changes to: TENNESSEE JOURNAL OF LAW AND POLICY, 1505 W. Cumberland Ave., Knoxville, Tennessee 37996-1810.

Copyright © 2008, TENNESSEE JOURNAL OF LAW AND POLICY, University of Tennessee College of Law. All Rights Reserved.

ISSN 1940-4131

http://www.law.utk.edu/students/tjlp/tjlphome.htm
OPINION PIECES

Taking Responsibility
Robert M. Ackerman

Reforming Eminent Domain in Tennessee After *Keo*:
Safeguarding the Family Farm
Beau Pemberton

Fact-Based Death Penalty Research
Lewis L. Laska

NOTES

Stripped Bare: Students' Fourth Amendment Rights,
School Searches, and the Reasonableness Standard
Erin P. Davenport

A Victory in Defeat: The Implications of *Rumsfeld v. Fair* on "Don't Ask, Don't Tell"
Jill Shotzberger
TENNESSEE JOURNAL OF LAW AND POLICY

2007-2008 EDITORIAL STAFF

EDITORIAL BOARD

STEVIE N. PHILLIPS
Editor-in-Chief

JOSEPH VIGLIONE
Managing Editor

JILL SHOTZBERGER
Articles Editor

JON T. MEAGHER
Publication Editor

ERIN P. DAVENPORT
Research Editor

JEREMY COTHERN
Candidacy Process Research Editor

DEPUTY EDITORS

ASHONTI DAVIS
Deputy Managing Editor

JADE D. DODDS
Deputy Articles Editor

JONATHAN BUCKNER
Deputy Articles Editor

ASHLEY MUSSELMAN
Deputy Research Editor

ASHLEY WHITE
Deputy Research Editor

SARAH WHITE
Deputy Candidacy Process Research Editor
TENNESSEE JOURNAL OF LAW AND POLICY

THIRD YEAR EDITORS

RICHARD HIPPEL
JESSICA KEMP
KAREN MANNING
ANNE PASSINO
AISHA RAHMAN
LESLEY SHAFFER
ELIZABETH SITGREAVES
CHARLES TRAUGHER

SECOND YEAR EDITORS

CHRIS HAYDEN
RACHEL LEVINSON
CRYSTAL-GAYE YOUNG
JESYCA WESTBROOK
FACULTY ADVISORS

PENNY J. WHITE
Director of the Center for Advocacy and Associate Professor of Law

OTIS H. STEPHENS, PH.D.
Alumni Distinguished Service Professor of Political Science and Resident Scholar of Constitutional Law

UNIVERSITY OF TENNESSEE COLLEGE OF LAW ADMINISTRATION

JOHN L. SOBIESKI, JR.
Lindsay Young Distinguished Professor of Law and Associate Dean for Academic Affairs

Douglas A. Blaze
Interim Associate Dean for Academic Affairs and Art Stolnitz and Evlin E. Overton Distinguished Professor of Law

KATRICE MORGAN
Assistant Dean for Student Affairs
CONTENTS

TAKING RESPONSIBILITY
Robert M. Ackerman...............................................................11

REFORMING EMINENT DOMAIN IN TENNESSEE AFTER KELO:
SAFEGUARDING THE FAMILY FARM
Beau Pemberton........................................................................73

FACT-BASED DEATH PENALTY RESEARCH
Lewis L. Laska.........................................................................103

STRIPPED BARE: STUDENTS’ FOURTH AMENDMENT RIGHTS,
SCHOOL SEARCHES, AND THE REASONABLENESS STANDARD
Erin P. Davenport.....................................................................115

A VICTORY IN DEFEAT: THE IMPLICATIONS OF RUMSFELD V.
FAIR ON “DON’T ASK, DON’T TELL”
Jill Shotzberger........................................................................131
Publication of contributions does not signify adoption of the views expressed therein by the Tennessee Journal of Law and Policy, its editors, faculty advisors, or The University of Tennessee.