Lesson Overview

During this presentation, participants will learn about the history and impact of the 14th Amendment through a discussion of scenarios and cases. Participants will also learn about the role of the courts in protecting the rights of the people.

Objectives: Participants will –

- Identify and name the clauses found within the 14th Amendment
- Examine the purpose of the 14th Amendment
- Apply the 14th Amendment to scenarios based on court cases
- Examine the role of the courts and judicial decision making
- Differentiate between the judicial branch and other branches of government

Time: 30 - 45 minutes

Materials:

- Computer
- Projector
- 14th Amendment PowerPoint
- Handout A: The 14th Amendment
- Optional IVP Handout: Politics and Special Interests Have No Place in Our Courtrooms
Preparation

- Print and review all presentation materials
- Print the PowerPoint in “Notes View” as there are presentation notes included in the presentation
- Read/review the American Bar Association’s resources on the 14th Amendment:
- View Iowa Supreme Court Justices removal campaign ad: [https://www.youtube.com/watch?v=z0rUi0HEegk](https://www.youtube.com/watch?v=z0rUi0HEegk)
- View summary video of the Loving v. Virginia case (may want to show to the audience, time permitting) [https://search.aol.com/aol/video?q=video+clips+and+loving+US+Supreme+court+decision+case+study+interracial&sfVid=true&videoId=08DF888A63A3E764E47088DF888A63A3E764E47&v_t=webmail-searchbox](https://search.aol.com/aol/video?q=video+clips+and+loving+US+Supreme+court+decision+case+study+interracial&sfVid=true&videoId=08DF888A63A3E764E47088DF888A63A3E764E47&v_t=webmail-searchbox)

Procedures

Divide the larger group into small groups of 2-3. Provide Handout A: The 14th Amendment. Working in their pair/group, participants should read the 14th amendment and circle/underline/highlight the different sections/clauses of the text that address specific components. Once they have identified the different sections, participants should name each section with an appropriate title or subtitle to designate the main theme/idea. Note: Audience may highlight citizen definition and privileges and immunities clause; due process clause; and equal protection clause.)

Select a few groups to report on the sections identified and provide the title they assigned. The PowerPoint will go on to outline each clause and the text contained therein.

The 14th Amendment told the states they, too, must observe due process and afford all people equal protection under the law. It also defined citizen for the first time.

Citizenship Clause/Privileges and Immunities: Following the Civil War, there was much debate about the citizenship status of former slaves (Amendment 13). This was remedied with the Fourteenth Amendment, providing a definition of a citizen of the United States.

- Provided for a definition of citizenship
- Granted citizenship to former slaves
- Prohibited states from infringing on rights

Due Process Clause: Highlight that the 14th Amendment clarifies “nor shall any state deprive any person...”

- Impact: Requires state and local governments to administer fair and just legal proceedings
- Due process can be classified as substantive due process (is the substance of the law fair?) or procedural due process (are the processes and procedures being applied fairly?)

Equal Protection Clause: The Equal Protection clause requires states to treat every person within their territory equal before the law.

Group Discussion Ask the audience who the Constitution protects you from. Using the scenarios provided in the PowerPoint, have the audience work in small groups or as a full group to determine if the scenarios are fair and to apply the 14th Amendment to these situations. You can add others as well (present or historical) that may be applicable. Examples found in the PowerPoint presentation:
Are separate educational facilities for different races a violation of the 14th Amendment equal protection clause? *(Brown v. Board of Education)*

How about segregation in prisons? *(Lee v. Washington)*

What if a state law or code gave preference to a male relative serving as administrator of an estate over a female relative? *(Reed v. Reed)*

Can students be expelled from school without a hearing or notification? *(Goss v. Lopez)*

Follow up questions for discussion: How can we ensure equal protection under the law? If you think a law is unfair or unconstitutional what can you do? If you think a governmental process is unfair what can you do?

**Continue with the PowerPoint.** Discuss the role of the courts as the protector of rights outlined in the U.S. Constitution. The judicial branch was created to be insulated (protected) from external pressures that exist on the other branches of government – public opinion, influence of special interest groups and politics, etc. It was not structured to be a political or representative branch. The judicial branch resolves disputes through a legal process, interprets and applies the law, determines if a law is unconstitutional, and protects the rights of the people.


**Group Discussion** Ask the audience what would be some characteristics and considerations for selecting a judge in their state. The PowerPoint will provide some of the top answers; record other responses from the group.

Ask the audience what may happen if judges decided cases based solely on what the public, special interest groups, or politicians wanted? The PowerPoint will provide examples through the cases of Brown v. Board of Education and Loving v. Virginia (video clip is provided in presenter notes should the presenter wish to show the audience a brief video clip - Video clip describing case: [https://search.aol.com/aol/video?q=video+clips+and+loving+US+Supreme+court+decision+case+study+interracial&s_it=video-ans&s_vid=true&videoId=088DF888A63A3E764E47088DF888A63A3E764E47&v_t=webmail-searchbox](https://search.aol.com/aol/video?q=video+clips+and+loving+US+Supreme+court+decision+case+study+interracial&s_it=video-ans&s_vid=true&videoId=088DF888A63A3E764E47088DF888A63A3E764E47&v_t=webmail-searchbox)). Highlight how judges faced backlash from the rulings in those cases, including advertisements calling for the impeachment of Justice Earl Warren. In a contemporary example, highlight the 2010 Iowa Merit Retention Campaign where judges faced a removal campaign after a controversial same-sex marriage ruling. All three Iowa Supreme Court justices who were facing merit retention were removed from office. See presentation notes in PowerPoint.

Continuing with the presentation, discuss the quote provided about constitutional questions being decided by “public political bargaining” and the impact that could have. Discuss the quote from Justice Antonin Scalia about judicial decision making. Emphasize that it is the role of judges to make decisions based on the law, insulated from outside pressures such as public opinion, media, and political influence. Briefly discuss some challenges faced by the judiciary including civic illiteracy (lack of knowledge about the role of the judicial branch), labeling judges, politicizing judicial decisions, and dark money spending in judicial elections.

**Conclude by providing information on the Informed Voters Project and where the audience can find accurate, nonpartisan information on fair and impartial courts.**
Presentation Sources/Resources:

347 U.S. 483 Brown v. Board of Education of Topeka (No. 1.)

For additional information on presenting this Law Week presentation, contact Annette Boyd Pitts at info@ivp.nawj.org or staff@flrea.org.
14th Amendment to the U.S. Constitution

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.