Law Day 2017: The 14th Amendment

The Informed Voters Project

THE INFORMED VOTERS PROJECT OF THE NATIONAL ASSOCIATION OF WOMEN JUDGES

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Warm Up Exercise

Working with one or two other persons sitting next to you, read the 14th Amendment and circle the sections/clauses that address specific components.

Name that clause!

Then, name each section with an appropriate title or subtitle to designate the main idea or theme.
The 14th Amendment

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.

Did you know?
The Fourteenth Amendment is cited in more cases than any other amendment.
1. Citizenship Clause/Privileges and Immunities

“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...”
2. Due Process Clause

“...nor shall any state deprive any person of life, liberty, or property, without due process of law...”
3. Equal Protection Clause

“...nor deny to any person within its jurisdiction the equal protection of the laws.”
Purpose of the Fourteenth Amendment

- To define citizen
  - Granted citizenship to “all persons born or naturalized in the United States,” which included former slaves recently freed
- To extend the Bill of Rights to the states
- To grant equal protection and due process to all persons
- Various other topics

14th Amendment
...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.
Is it fair?

Applying the 14th Amendment

Are separate educational facilities for different races a violation of the 14th Amendment equal protection clause?

How about segregation in prisons?

What if a state law or code gave preference to a male relative serving as administrator of an estate over a female relative?

Can students be expelled from school without a hearing or notification?
The Role of the Courts

The Constitution outlines our rights, and the Courts protect our rights.
The Role of the Judicial Branch

- Resolve disputes through a legal process;
- Interpret and apply the law;
- Determine if a law is unconstitutional;
- Protect the rights of the people.
How Do Judges Make Decisions?

Judges should be fair and impartial in applying and interpreting the law.

Judges must follow the law:
- U.S. and State Constitutions
- Case law/Precedent
- Statutory Law*
- Sentencing guidelines*
- Court Procedures/Rules
- Code of Judicial Conduct
The Judicial Branch

Fair and impartial courts should not be influenced by public opinion, political pressures, or special interests. Decisions should be based on the law.
How are judges different from other elected officials?

Legislators make decisions based on the needs/desires of their constituents or voters, their own beliefs, or their political party’s agenda.

Judges must follow the law and should not be influenced by politics, special interest groups, money, public opinion or their own personal beliefs.
So what do you look for in judges?

If you were responsible for selecting a judge in your state, what characteristics or considerations would be most important to you? What would you look for?
What are important characteristics of judges?

- Legal/Judicial Experience
- Educational Background
- Character/ Ethics
- Temperament
- Disciplinary Record
- Service to the Community
- Impartiality
- Respect of Colleagues

What would you add?
What would happen if...?

Judges have to make difficult decisions in accordance with the Constitution that may not be popular. What may happen if judges decided cases based solely on what the public, special interest groups, or politicians wanted?
Brown v. Board of Education (1954)

At the time of the Brown v. Board of Education ruling, over one-third of states segregated their schools by law.

17 southern and border states, along with the District of Columbia, required their public schools to be racially segregated.

From the unanimous opinion:

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and other similarly situated . . . are . . . deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.
Impeach Earl Warren

Save our Republic!

Impeach Earl Warren
P.O. Box 1337
Loving v. Virginia (1967)

In 1958, two residents of Virginia, Mildred Jeter, a black woman, and Richard Loving, a white man, were married in the District of Columbia. They returned to Virginia shortly thereafter.

The couple was then charged with violating the state's antimiscegenation statute, which banned inter-racial marriages. They were found guilty and sentenced to a year in jail (the trial judge agreed to suspend the sentence if they would leave Virginia and not return for 25 years).

The US Supreme Court applied the 14th Amendment to determine that “Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the State.”
2010 Iowa Merit Retention Campaign
Potential for a Constitutional Battleground

“If every constitutional question were to be decided by public political bargaining, Madison argued, the Constitution would be reduced to a battleground of competing factions, political passion and partisan spirit.”

https://www.supremecourt.gov/about/constitutional.aspx
On Judicial Decision Making

“If you’re going to be a good and faithful judge, you have to resign yourself to the fact that you’re not always going to like the conclusions you reach. If you like them all the time, you’re probably doing something wrong.”

- Justice Antonin Scalia
Challenges:

• Civic Illiteracy
• Labeling judges
• Politicization of judicial decisions
• Dark money campaign spending in judicial elections

“The founders realized that there has to be some place where being right is more important than being popular or powerful, and where fairness trumps strength. And in our country that place is supposed to be the courtroom.”

-Sandra Day O’Connor, Supreme Court Justice
1981-2006
The Informed Voters Project: Of the National Association of Women Judges

Resource of accurate, nonpartisan judicial information

Support system for those seeking to protect fair and impartial courts

Platform for the discussion on the importance of judicial independence

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