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. Representatives shall be apportioned among the several States according to their respective numbers, excluding Indians not taxed. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.
The 2017 theme provides the opportunity to explore the many ways that the Fourteenth Amendment has reshaped American law and society. Through its citizenship, due process, and equal protection clauses, this transformative amendment advances the rights of all Americans. It also plays a pivotal role in extending the reach of the Bill of Rights to the states. Ratified during Reconstruction a century and a half ago, the Fourteenth Amendment serves as the cornerstone of landmark civil rights legislation, the foundation for numerous federal court decisions protecting fundamental rights, and a source of inspiration for all those who advocate for equal justice under law.
In the Gettysburg Address, Abraham Lincoln promised “a new birth of freedom.” Just three years after the Civil War, the Fourteenth Amendment was ratified, guaranteeing former slaves citizenship and all its privileges.

The 2017 Law Day theme “The Fourteenth Amendment: Transforming American Democracy” commemorates the important contribution this historic constitutional change made to our understanding of what it means to be an American and how closely liberty is tied to equality and justice.

In a nation that had only recently abolished slavery, the Fourteenth Amendment for the first time constitutionally defined United States citizenship. It specifically prohibited states from depriving any person of life, liberty, or property without due process of law; it also required that states afford any person within their jurisdiction equal protection of the laws. The impact of the extension of these basic guarantees cannot be overstated.

In the century and a half that has elapsed since its ratification, the Fourteenth Amendment has continued to transform American law and society in several significant ways:

- It provided the mechanism for the key guarantees of the Bill of Rights, including free speech, freedom from unreasonable searches and seizures, and the right to a trial by jury, to become enforceable against the states, and not just against the federal government;
- Its due process clause provided the authority for court recognition of certain fundamental rights not specifically enumerated in the Constitution, such as the right to privacy; and
- Its equal protection clause established the framework for challenging laws and state-sanctioned practices that create or perpetuate inequality.

Today the Fourteenth Amendment stands among the most often cited and most litigated of constitutional provisions. It has supported and inspired landmark civil rights legislation, including laws that bar discrimination in education, employment, and housing. Rarely does a Supreme Court term pass without a major ruling that has its roots in the Fourteenth Amendment, including recent decisions on such noteworthy topics as affirmative action and voting rights. The amendment’s section 4 on public debt has even been cited in debates over raising the federal debt ceiling.

As we mark Law Day on this, the eve of the Fourteenth Amendment’s 150th anniversary, let us reflect upon the pivotal role it has played in protecting and advancing the rights of all Americans.

Linda Klein
President, American Bar Association
As we approach the 150th anniversary of the Fourteenth Amendment, ratified in 1868, the ABA acknowledges this commemoration as part of a five-year period marking the sesquicentennial of the Reconstruction Amendments, “America’s Second Founding,” following the Civil War.

The Law Day 2017 theme “The Fourteenth Amendment: Transforming American Democracy” recognizes the milestone anniversary of this transformative amendment that serves as the cornerstone of landmark civil rights legislation, the foundation for court decisions protecting fundamental rights, and a source of inspiration for those who advocate for equal justice under law. Law Day affords us the great opportunity to educate others about the historical significance of the Fourteenth Amendment and its relevance today.

The success of Law Day lies with local leaders like you. To assist you in your efforts for Law Day 2017, this Planning Guide provides valuable resources, programming ideas, and tips on reaching diverse audiences. Whether you are planning a Law Day program for young people, adult learners, bar groups, court visitors, community groups, or civic organizations, this guide offers tools to help you plan, publicize, and implement a successful event.

The pages that follow include an overview of the Fourteenth Amendment and a timeline of key court cases and other milestones. In addition, you will find talking points on the amendment to use in speeches, including how the Fourteenth Amendment applies to corporations.

We hope you will turn to this guide often and visit www.lawday.org to take advantage of additional resources and information. Don’t forget to let us know about your events. Share your ideas and we will post them on the Law Day website.

Please do not hesitate to contact us at www.lawday.org should you need further assistance. I wish you the very best in your Law Day 2017 planning.

Stephanie Parker
National Law Day Chair, American Bar Association
WHAT IS LAW DAY?

Law Day, held annually on May 1, is a national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process contribute to the freedoms that all Americans share and also provides an opportunity to recognize the role of courts in a constitutional democracy.

How did Law Day begin?

1957: ABA President Charles S. Rhyne, a Washington, D.C. attorney, envisioned a special day for celebrating our legal system.

1958: President Dwight D. Eisenhower established Law Day as a day of national dedication to the principles of government under law.

1961: Congress, by joint resolution, designated May 1 as the official date for celebrating Law Day.

When is Law Day celebrated?

May 1 is the official date, but many celebrations take place before and after that date. Some bar associations and organizations celebrate a Law Week.

How is Law Day celebrated?

Law Day programs are designed to help people better understand how law protects our liberty and how our legal system strives to achieve justice. Thousands of Law Day programs are conducted each year for youth and adults across the country. In addition, every year since 1958, the president of the United States has issued a Law Day proclamation recognizing the importance of the rule of law.

Why is a theme selected?

A theme is chosen to provide an opportunity to spotlight a particular aspect of law or the legal process and its impact on our daily lives.

Who conducts Law Day programs?

Law Day programs are conducted by bar groups, courts, schools, youth groups, and community organizations, to name a few. But any person or group that wants to spread the important message of the rule of law and its critical role in society may put on a program.

Are additional Law Day resources available?

Yes. In addition to the information that you find in this planning guide, other helpful resources are available on the Law Day website at www.lawday.org. Visit often between January and May for updates on Law Day activities. You may also sign up for monthly email notifications.

Who may I contact with Law Day questions?

Chandra Fitzpatrick, Senior Outreach Manager for the ABA Division for Public Education.

Chandra can be reached at 312.988.5720 or at chandra.fitzpatrick@americanbar.org.
14TH AMENDMENT OVERVIEW

The Text and Its Application

The text of the Fourteenth Amendment is often cited by litigators, civil rights activists, constitutional scholars, and, of course, judges. Here, we take a look at the most cited clauses and offer avenues to explore how they have shaped our constitutional understanding and our everyday experiences. Law Day 2017 gives us a unique opportunity to look at the text of the amendment and explore its origins, evolution, and current application.

The Due Process Clause

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States…

The due process clause of the Fourteenth Amendment requires state and local governments to administer fair and just legal proceedings. The clause provides a safeguard against arbitrary laws or unjust court proceedings. As courts, judges, and constitutional scholars have studied the clause, two aspects of due process have emerged: procedural and substantive. Procedural due process generally refers to those procedures that guarantee a fair trial before an individual can be deprived of life, liberty, or property, such as the right to a jury, the right to confront witnesses, and the right to a speedy trial. Substantive due process is a principle allowing courts to protect individuals from government interference of certain rights deemed fundamental, such as the right to privacy and the right to marry.

Questions to Consider:

• What are the key aspects of due process? What makes a legal proceeding fair?
• How can we ensure due process for criminal defendants when courts are underfunded and overburdened?
• What is the difference between substantive and procedural due process?
• How does the Fourteenth Amendment’s guarantee of due process differ from that of the Fifth Amendment?

The Equal Protection Clause

…nor deny to any person within its jurisdiction the equal protection of the laws.

The equal protection clause of the Fourteenth Amendment prohibits states from discriminating against individuals or groups and advances constitutional equality.

Questions to Consider:

• How did the Fourteenth Amendment change our understanding of equality?
• What role did the clause play in the Supreme Court’s decision in Brown v. Board of Education and subsequent landmark civil rights cases?
• Should the idea of human dignity be a part of equal protection law?
Fourteenth Amendment: The Fourteenth Amendment is ratified and becomes part of the Constitution on July 9. Rep. John Bingham is its principal author.

United States v. Wong Kim Ark: Guarantees birthright national citizenship under the Fourteenth Amendment to all born on American territory.

Barron v. Baltimore: Supreme Court rules that first ten amendments do not apply to states, only to the federal government.

Civil Rights Act to Enforce Fourteenth Amendment: Nearly century-and-a-half-old federal legislation today provides remedies for deprivation of civil rights “under color of law.”

Lochner v. New York: The Supreme Court interprets the Fourteenth Amendment to provide a right to contract that thwarts government regulation of business.
1932
*Powell v. Alabama:* A right to legal counsel in capital cases applies to the states through the Fourteenth Amendment. Supreme Court doctrine selectively “incorporates” the Bill of Rights through the Fourteenth’s due process clause.

1925
*Gitlow v. New York:* First Amendment freedom of speech and of the press apply to the states via the due process clause of the Fourteenth Amendment.

1923
*Meyer v. Nebraska:* A state law prohibiting teaching foreign languages to young children violates the Fourteenth Amendment’s liberty guarantee, which protects “certain fundamental rights” of individuals.

1928
*Brown v. Board of Education:* Racially segregated public schools violate the Fourteenth Amendment’s equal protection clause.

1948
*Truman Issues Executive Order 9981 to Desegregate U.S. Military:* Spurred by organized World War II-era civil rights efforts.

1962
*Baker v. Carr/Apportionment Cases:* The equal protection clause requires that “Legislators represent people, not trees or acres.”

1944
*Gitlow v. New York:* First Amendment freedom of speech and of the press apply to the states via the due process clause of the Fourteenth Amendment.

1966
*United States v. Virginia:* The Virginia Military Institute’s male-only admissions policy violates the equal protection clause.

2015
*Obergefell v. Hodges:* The fundamental right to marry extends to same-sex couples and is grounded synergistically on both due process and equal protection clauses under the Fourteenth Amendment.

1978
*Regents of University of California v. Bakke:* The use of racial quotas in university admissions does not meet equal protection requirements, but race may be considered as a factor in “properly devised” programs.

1974
*Loving v. Virginia:* Laws prohibiting interracial marriages violate the Fourteenth Amendment. The freedom to marry a person of another race cannot be infringed.

1990
*Americans with Disabilities Act:* Congress passes legislation to provide legal recourse to redress discrimination faced by people with disabilities.

1996
*McDonald v. Chicago:* Second Amendment rights are “fully applicable to the States” through the Fourteenth Amendment.

1964
*Civil Rights Act:* Congress asserts constitutional powers to enforce civil rights that extend beyond the Fourteenth Amendment.
TALKING POINTS

14th Amendment at a Glance

Ratified on July 9, 1868, the Fourteenth Amendment is one of three Reconstruction Amendments. The Thirteenth Amendment, abolishing slavery, was ratified in 1865; the Fifteenth Amendment, prohibiting the federal and state governments from denying citizens the right to vote based on that citizen’s race, color, or previous condition of servitude, was ratified in 1870.

The Fourteenth Amendment greatly expanded the protection of civil rights to all Americans and is cited in more litigation than any other amendment.¹

Supreme Court Justice William O. Douglas observed of the amendment: “No patent medicine was ever put to wider and more varied use than the Fourteenth Amendment.”

Supreme Court Justice William O. Douglas

Source: Wikimedia Commons

The 14th Amendment covers a number of important topics in its different clauses, including:

- U.S. citizenship (providing for birthright citizenship)
- The privileges and immunities of citizens
- Due process (including both substantive and procedural)
- Equal protection under the law
- Enforcement of laws

Equal Protection

Applying the equal protection clause of the Fourteenth Amendment, courts give laws that classify by race, national origin, and religion the highest level of scrutiny. Laws that impact fundamental rights such as interstate migration, voting, and access to courts also receive strict scrutiny. The following are a few facts and figures relating to equal protection in the United States:²

- In the landmark 1954 Supreme Court ruling Brown v. Board of Education, that applied the Fourteenth Amendment’s equal protection clause, Chief Justice Earl Warren famously wrote, “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”
- Congress enacted federal educational and employment anti-discrimination laws to fulfill the promise of “equal protection of law” enshrined in the Fourteenth Amendment.
- Affirmative action programs have helped to reduce, but not eliminate, racial disparities in the number of degrees awarded by higher education institutions.
- In 2015, about 47% of whites had at least a two year college degree. By comparison, about 33% of African American adults had at least a two year college degree, up from 28% in 2007. For Hispanics, that figure grew from 19% to 23% over the same period from 2007 to 2015.³
- Despite passage of the Equal Pay Act of 1963, which requires that men and women in the same work place be given equal pay for equal work, the “gender gap” in pay persists. In 2014, a woman working full-time all year in the United States earned 79% of what a man earned in a year. Phrased differently, she earned 79 cents for every dollar that he earned.
- The pay gap is even greater for African American and Latina women, with African American women earning 64 cents and Latina women earning 56 cents for every dollar earned by a white non-Hispanic man.⁴
- Substantial racial inequalities persist in the criminal justice system as well. According to the NAACP:
  - African Americans now constitute nearly 1 million of the total 2.3 million incarcerated population.
  - African Americans are incarcerated at nearly six times the rate of whites.⁵
  - Together, African Americans and Hispanics comprised 58% of all prisoners in 2008, even though African Americans and Hispanics make up approximately one quarter of the U.S. population.⁶

Together, African Americans and Hispanics comprised 58% of all prisoners in 2008.
Due Process

Due process ensures that individuals are not deprived of their rights without the benefit of certain fundamental procedural protections.

- The due process clause of the Fourteenth Amendment is the source of an array of constitutional rights, including many of our most cherished.
- Due process includes procedural protections, such as notice and a hearing before termination of entitlements, for example, publicly funded medical insurance.
- It protects against state infringement individual rights listed in the Bill of Rights, including freedom of speech, free exercise of religion, the right to bear arms, and freedom from unreasonable searches and seizures.
- It includes fundamental rights that are not specifically enumerated elsewhere in the U.S. Constitution, including the right to marry, the right to use contraception, and the right to abortion.

The doctrine of incorporation is the process by which courts have applied portions of the U.S. Bill of Rights to the states. For more than a century after its ratification, the Bill of Rights was enforced strictly against the federal government. With the incorporation doctrine, recognized by the courts starting in the late 19th century, most provisions of the Bill of Rights have been found to apply not only to the federal government, but also to state and local governments. Under the incorporation doctrine, most provisions of the Bill of Rights now also apply to state and local governments.

- Among the rights that have been found to be enforceable against states and local governments are freedom of speech and religion, the right to bear arms, the right against being forced to quarter soldiers, freedom from unreasonable searches and seizures, other criminal procedural rights (such as the right to counsel, right to a jury trial, right against self-incrimination), the right to a civil jury trial, and the right against cruel and unusual punishments. These rights are incorporated from the first eight amendments of the Bill of Rights.

- Ohio Congressman John Bingham, drafter of the principle language of the Fourteenth Amendment, observed, “Privileges and immunities of citizens of the United States...are chiefly defined in the first eight amendments to the Constitution of the United States...These eight articles...never were limitations upon the power of the states until made so by the Fourteenth Amendment.”

- The language of the due process clause of the Fourteenth Amendment echoes that of the Fifth Amendment. The Fifth Amendment, however, applies only against the federal government.

- In Lawrence v. Texas, a 2003 Supreme Court decision overturning a Texas law criminalizing consensual sexual activity between same sex couples, Justice Anthony Kennedy observed: “Had those who drew and ratified the due process clauses of the Fifth Amendment or the Fourteenth Amendment known the components of liberty in its manifold possibilities, they might have been more specific. They did not presume to have this insight. They knew times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress. As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom.”

Source: Wikimedia Commons

Incorporation

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Source: Wikimedia Commons
Citizenship

Section 1 of the Fourteenth Amendment provides: “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.”

- The number of births in the United States in 2014 was 3,988,076, according to the Center for Disease Control and Prevention.  
- The naturalization process confers U.S. citizenship upon foreign citizens or nationals who have fulfilled the requirements established by Congress in the Immigration and Nationality Act (INA). After naturalization, foreign born citizens enjoy nearly all of the same benefits, rights, and responsibilities that the Constitution gives to native born U.S. citizens, including the right to vote.
- In 2014, a total of 653,416 persons were naturalized.
- The leading countries of birth of new citizens were Mexico (94,889), India (37,854), the Philippines (34,591), and the People’s Republic of China (30,284).
- The largest number of persons naturalizing lived in California (140,234), Florida (79,637), and New York (77,717).

• The privileges or immunities clause of the Fourteenth Amendment was substantially limited in impact by a 5-4 decision of the U.S. Supreme Court in the Slaughter-House Cases of 1873.
• The cases gave a very narrow reading as to what rights were protected by the privileges or immunities clause. As a result, the clause has remained virtually dormant for more than 130 years. But in 2010, it became the basis for the fifth and deciding vote in the Supreme Court case of McDonald v. Chicago, regarding application of the Second Amendment of the United States Constitution to the states.
• American history professor David W. Blight, director of the Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition at Yale University has observed, “Among all the enactments of Reconstruction, none embody the lasting significance or the heart of the [Civil War] conflict better than section one of the Fourteenth Amendment. It ought to be embraced as a holy writ that binds our national community, that fortifies even the very idea of America born of this second founding.”

Endnotes

1. Library of Congress
   https://www.loc.gov/rr/program/bib/ourdocs/14thamendment.html
2. Legal Information Institute, Cornell University Law School
   http://www.law.cornell.edu/uscode/text/14
3. Huffington Post
   http://www.huffingtonpost.com/entry/college-degree-gap_us_568d8d7ee4b0a2b6fb6e8e12
5. White House, Your Right to Equal Pay: Understand the Basics
   https://www.whitehouse.gov/issues/equal-pay#top
6. NAACP Criminal Justice Fact Sheet
   http://www.naaccr.org/criminal-justice-fact-sheet/
8. Center for Disease Control and Prevention, National Center for Health Statistics
   http://www.cdc.gov/nchs/fastats/births.htm
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. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.
The Law Day 2017 theme “The 14th Amendment: Transforming American Democracy” provides an excellent opportunity to engage diverse audiences throughout the community in meaningful discussions offering insights into the theme and ideas surrounding it, including citizenship, equal protection, and due process.

As you plan your program, it is important to think about what elements of the Fourteenth Amendment are most relevant for discussion in your community. Look for opportunities to hold events, invite speakers, form community partnerships, and engage the entire community. The following are program and activity ideas by audience.
Legal Community

Many lawyers and judges are eager to engage with members of the community in order to foster public understanding of the rule of law and the legal system. Law Day provides an excellent opportunity to invite public audiences. Members of the legal community are often available to collaborate with other organizations to ensure that programs reach the intended audience. Seek out the following types of legal groups if you need assistance with your programs:

- Law firms
- Legal aid organizations
- Government officials
- Courts
- Bar associations
- Law schools
- Jails or juvenile detention centers
- Law-focused education programs
- Advocacy organizations
- Professional legal organizations

Bar associations, law firms, and other legal organizations often sponsor or participate in Law Day outreach events, including:

Ask-a-lawyer programs
Allow members of the community to ask questions of legal professionals about the law, legal process, or possible legal issues that they may be encountering. Radio or television call-in shows, as well as public open houses, have been successful for many local communities. Also consider a web based chat or tweet up to reach your audience. Simply set a time, publicize the event, and provide the service of sharing information.

Court tours
The courts can be a fascinating place for members of the community. Consider holding a court open house, where attendees might tour the courthouse, see a courtroom, and explore. Take an opportunity to connect the space to the legal process and offer explanations about the rule of law, such as how courts work, what courts do, jury service, and locating lawyers.

Information fairs
Law Day provides an opportunity not only to share information about the Law Day theme, but also other important legal literacy essentials and services provided by local and federal courts, law enforcement agencies, and law-related community organizations. Consider holding an information fair at community outlets such as government offices, community centers, churches, libraries, coffee shops, malls, or grocery stores.

Advocate awards and recognition
Law Day 2017 is an excellent opportunity to present the Liberty Bell Award and hold state or local ceremonies noting the special accomplishments of advocates for equal protection and civil rights. Lawyers, judges, or community members whose contributions may normally go unheralded might be nominated by, or introduced to, the community during the Liberty Bell Award presentation.

Mock trials
Who doesn’t enjoy a good legal drama? Mock trials can take many forms. They might be organized as public performances for people who want to learn more about the legal system. Legal professionals might also lead mock trials with students or members of the community.

Speakers bureaus
This is a traditional Law Day service that provides a database of willing legal professionals to speak to members of the community in service clubs, religious groups, senior citizen groups, or afterschool programs. Speaker presentations can take many forms, ranging from public conversations among community members and leaders, a single speaker making a focused presentation, a debate on a particular topic, or a moderated panel discussion.

Fundraisers
Raising money for Legal Aid groups and other nonprofit organizations that help promote access to justice is an excellent and fun way to celebrate Law Day. From Law Day 5K races to Law Day golf tournaments or silent auctions, charitable events done for the purpose of advancing the cause of justice can be a great way to put the Law Day message into action.
Law Students

As law students are learning about the legal ins and outs of justice, equality, and the Constitution, Law Day programming can help them make connections between these abstract ideals and today’s essential political debates and discussions. Be aware that Law Day falls towards the end of the semester or for some schools, the start of the spring term. It is a good idea to consult the academic calendar (which can be found on the law school’s website) when planning your events and attempting to contact students.

There are a variety of ways to engage law students in your programming. Law students often assist in facilitating the activity on their campus or in an elementary or secondary classroom. They can also be a great resource to share Law Day information throughout the campus, or simply to participate as an attendee in your program.

It is important when working with law schools to involve a variety of student led groups and administrative offices. Consider contacting minority law student group chapters, such as the following:

- Black Law Students Association
- Asian/Pacific American Law Student Association
- Chinese American Law Students Association
- Disability Law Alliance
- Jewish Law Students Association
- Latino/Latina Law Students Association
- Native American Law Students Association
- Lavender Bar Association

The above list is by no means exhaustive. You may also want to engage the public service student group (usually called PILS). Visiting the “student life” section of the law school’s website should give you a sense of the various student groups and the proper contact information.

Working with the law school administration can be vital in ensuring your Law Day event’s success. The administration may be able to help you find space to hold an event, get the word out to students, or even provide financial support. Start by working with the dean’s office to determine the proper policies and procedures within the school and to learn about those individuals who could provide you valuable insight and support.

You may also want to work with the school’s alumni association in planning and executing your Law Day celebration. Law Day is an ideal time for alumni to reconnect with their alma mater and connect with the next generation of professionals.

The following are just a few formats that your Law Day programming for law students can take:

Public forum
Host an open discussion on justice within your community. The forums can center on one or two keynote speakers or could be a moderated discussion between community leaders with time for audience questions.

Career panel
Invite alumni and lawyers in your community to speak to students about careers in civil rights, immigration, and indigent defense. Introducing law students to the diverse work being done should inspire them and possibly open new career avenues.

Awards program
Work with the law student government, alumni association, and/or local bar association to create an awards program to recognize law students or alumni who are doing important work to ensure and protect justice and human rights. Awards can be given out during a luncheon or dinner program.

Book discussions or movie night
Select a movie or book for discussion within the law school community as a whole. Discussions can take place during a formal meeting or through online chat and message groups. (See pages 19–20 for suggestions on movies and books to further your Law Day 2017 discussions).
College and University Students

Law Day falls near the end of the academic year at many colleges and universities, providing an opportunity for students to be engaged throughout the spring semester in planning a program or event for the campus community. Colleges and universities have many channels to connect to students interested in this year’s equality focused theme, “The Fourteenth Amendment: Transforming American Democracy.”

Possible starting points include:
- Student government office
- College or university library
- Political science department
- Student newspaper, radio, or television
- Student political action groups
- Student Affairs or Student Life office, which can connect you to student clubs and organizations
- Campus Compact – State affiliates
- Democracy Commitment or American Democracy Project

This year’s Law Day theme lends itself to many creative opportunities for discussion and civic engagement. Students at community colleges and four year or research institutions can work with faculty, community groups, and the legal community to develop programs and events that allow diverse audiences to learn about and discuss the meaning of justice and human rights.

Campus forum
Law Day is an excellent time to bring together campus groups and organizations, college or university experts, or members of the legal community. Look for opportunities to hold events on campus to encourage lively interactive discussion. Plan engaging programs that allow members of the audience to learn about issues related to equality, interact with one another, and express their opinions.

Book or film discussion
Books and films can provide a common and easy entry into discussions about very provocative issues related to equality and discrimination. For suggested books and films, see pages 19–20.

Poetry slam
Poetry can serve as a creative outlet for discussion of complicated issues, and engage groups of people who might otherwise avoid certain conversations.

Film contest
Encourage students to put their movie-making skills to work. Students might develop Law Day related public service announcements that air on the campus television station or film original documentaries. Consider allowing the campus community to vote on the winners.

Essay contest
Develop a provocative question related to the Fourteenth Amendment and allow students to respond. Highlight essays by sharing them on a special website or print winning essays in a regular alumni publication.

Campus conference or poster session
Allow students to showcase their research or problem solving ideas on issues relative to the Fourteenth Amendment.

Art exhibit
Curate an art or photography exhibit related to the equality theme. Display the exhibit in a campus museum or other public area and invite the public to view it.

Theater or other arts programming
Plays, dramatic readings, dances, flash mobs, or other coordinated programs can highlight issues or provide a starting point for provocative discussion.

Sidewalk chalking event (if permitted on campus)
Perhaps you simply want to spread a message about equality or the rule of law. Do not overlook the straightforward and effective method of sidewalk chalk.
Grades K–12

This year’s Law Day theme can be integrated across the school curriculum and school activities. These suggestions would also be good to use when engaging with youth organizations within your community. The following are just a few ideas for students and other youth.

Poetry slam or spoken word night
For ideas, visit http://poetryslam.com or http://www.powerpoetry.org/actions/5-tips-spoken-word.

Art contest
To illustrate their perspective on the Law Day theme, “The Fourteenth Amendment: Transforming American Democracy,” students can be asked to showcase their creativity in photography, drawing, painting, printing, silk-screen T-shirts, or collage. The ABA’s Law Day art contest details can be found at http://goo.gl/xVps2G.

YouTube video contest
For instructions on how to set up a contest, visit http://goo.gl/CNHzL.

Debate or speech competition
Students vie to create an argument for a given Fourteenth Amendment topic pertaining to this year’s Law Day theme, “The Fourteenth Amendment: Transforming American Democracy.”

Student mock trial

Student journalism contest
Students submit stories that feature various equality and human rights topics happening in their communities.

Compose a global map of human rights
Have students compare equality in the United States to other countries around the globe.

Gallery walk in the classroom
Students can explore multiple historical documents, texts, and current news articles that are hung up around the classroom. This is a good way to introduce topics for discussion or writing.

Collecting oral histories
Students can conduct interviews with members of the community. Tips for collecting oral histories can be found at http://www.usm.edu/oral-history.

Building a toolbox
Students can create a toolbox for equality, human rights, social responsibility, or citizenship to encourage personal connections between these ideas and historic/current events. http://www.facing.org/resources/strategies/toolbox-project.

Don’t forget to publicly acknowledge the work of the participants in your contest. Display entries in schools, law offices, city hall, public libraries, bookstores, and restaurants. Showcase winning entries on law office and school websites. If working with older students, you may want to create a Facebook or Instagram page for your Law Day events. Winners can be presented with certificates at a Law Day event.
General Public

Successful Law Day programs expand their audiences by reaching out to all areas of their community. Seek out connections with a variety of groups in the community, including:

- Prominent companies and small businesses
- Chambers of commerce
- Convention and visitors bureaus
- Churches
- Youth groups
- Senior groups
- Fraternal organizations
- Block clubs or homeowner’s associations
- Community-based organizations
- Advocacy or ethnic organizations
- Media outlets
- Libraries
- Museums, zoos, and other cultural organizations

For a community that hopes to plan a Law Day program, the sky is really the limit with programming possibilities. Some successful program ideas include:

Town hall meeting or public debate
Law Day is an opportunity to raise awareness, have conversations, or explore issues related to equality, justice, and the law. Look for ways to reach out to a variety of organizations or members of the legal community. Look for opportunities to hold events that encourage lively interactive discussion. Plan engaging programs that allow members of the audience to learn about issues related to equality, interact with one another, and express their opinions.

Community awareness campaign
Consider a Law Day public awareness campaign about equality. Utilize traditional media outlets, such as the local news, but also think about billboards, roadside panels, street signs, or community bulletin boards as places to share a message.

One book, one community
Some communities have success with “one book” campaigns, where members of the community are encouraged to read a particular book, and then participate in related discussions. See the book suggestions on pages 19–20, and consider a Law Day related One Book campaign.

Community survey
Develop a survey related to the Law Day theme. Questions about due process, human rights, equality, or the political process might be included. Spotlight survey respondents or results in community media outlets, or use the results to tailor a topic for a community wide town hall meeting.

Community wide open house
Most communities have locations that foster equality. A courthouse, city hall, park, library, museum, community organization, or school might be examples. Does your community have access to a presidential library, historic site, or a historic home? Plan a community open house to allow citizens to explore how their community is working toward equality and justice.

TIPS FOR PLANNING YOUR EVENT

Schools are busy places with tight schedules. Here are five simple tips to help make a successful connection with schools and ultimately with students.

1 Make early contact
Contact the schools now to be sure that Law Day 2017 is on the calendar. Once confirmed, provide reminders from time to time.

2 Reach out to stakeholders
Ask yourself, who in my community has a vested interest in schools, law-related education, and human rights education? These are the people who should be on your planning committee. They will be able to help you organize and implement creative Law Day activities for students. Be sure to include education personnel and students. They know the audience that you are trying to reach and will be helpful in making your event a success.

3 Research educational goals
Ask the educators on your planning committee to identify the curriculum goals that the Law Day lessons support. Make these correlations top talking points when requesting to conduct Law Day activities in the school.

4 Don’t limit your outreach to schools
Community agencies and non-profit organizations that work with youth, such as the YMCA, Boys/Girls Clubs, and Girl/Boy Scouts will welcome your presentations.

5 Provide reference materials
Help the teachers or organization leaders remember Law Day by distributing the “About Law Day” and the “About the 2017 Law Day Theme” sheets. Include appropriate contact information.
PUBLICIZING YOUR EVENT

Even the most content rich, flawlessly executed Law Day program is of little value if no one shows up or if no one hears about it.

Send Out Media Releases

Prepare a written announcement about your Law Day programs and send it out to local media outlets. Many newspapers have community event sections that will list your event for free. This is true for many radio and television stations as well. Some media outlet websites will allow you to enter the event information directly through an online form. Don’t forget that many online news sites have community calendars as well. Wherever possible, tailor your releases to the editor of the section where you want the announcement to appear (e.g. “attention community events editor”). It is possible that you may be able to get a newspaper or other media outlet to do an actual news story on your event. But you must think of a news hook that makes the event particularly interesting or timely for that media outlet’s audience (e.g. a prominent speaker, a special award, etc.). Do send your release out to radio and TV stations or newspapers, but don’t forget to include new media such as blogs and online news sites. An increasing number of people are getting their news from these sources.

Write Letters to the Editor

A letter to the editor is an excellent way to reach newspaper readers. Keep in mind that with the high cost of newsprint, most newspapers keep these letters from the public very short. You should use this space to discuss the Law Day theme or the importance of Law Day rather than just to market the event. The community calendar is a more appropriate place to promote the event itself. Consider submitting your letter to smaller community newspapers where it is more likely to be published, rather than to a major metropolitan newspaper that can receive hundreds or even thousands of submissions per day.

Submit Articles for Publication

Many newspapers and community newsletters accept submissions from the public and review them for publication. Check with the specific publication before writing such a piece, as many publications post their standards on their websites. Keep the audience in mind when crafting your article, making the topic interesting to the reader.

Involve Community Groups

Find out about upcoming community group meetings (e.g. PTA, school boards, etc.), contact the organizers, and ask to be allotted time on the agenda to briefly discuss Law Day. If this is not feasible, ask the organizer if he or she would be willing to make an announcement about your event if you provide him or her with copy.

Tap into Your Contacts

It is a good idea to send a calendar of your Law Day events to everyone who might be able to help you get the word out. This includes schools, libraries, local law firms, public interest groups, government agencies, law schools, courts, and the like. Word of mouth is an invaluable, cost effective marketing tool.

Engage the Media

Consider having journalists on your Law Day planning team, inviting them to your event and involving the media where possible, as it could result in huge dividends when it comes time to publicize your event. Having a member of the local media engaged in the planning of your event gives them a vested interest in its promotion and success.

Make Your Event Newsworthy

It is not always who you know that could get you media exposure, but what you say in your message could also determine media coverage. Inviting a prominent speaker or conducting an interesting and innovative Law Day activity are two common ways of getting the media interested. If you have a Law Day contest (essay competition, etc.), prepare a release announcing the winner and ask local media outlets if they would be interested in publishing the top entries.
Prepare PSAs

Public service announcements are a media version of pro bono assistance. When publications have extra print space or when radio and TV stations have extra air time, they might agree to run a brief ad for a community group that provides a specific service or message. Print publications often prefer to receive PSAs in various sizes so that they can be used to fill holes on a page that might otherwise require a different layout.

Take Photos

Newspapers in particular appreciate receiving photographs to utilize in breaking up the grey space created by large blocks of text. To keep readers from being overwhelmed by type, newspapers often insert photos of community events with a caption describing the event’s significance. While this might seem like a small amount of coverage, surveys have indicated that photos and captions are among the most viewed (and remembered) parts of a newspaper. Having a photograph of your Law Day event substantially increases the likelihood of it receiving coverage.

Use Social Media

People now obtain much of their information from social networks. Don’t be shy about using social media to get the word out about your event. Facebook, Twitter, Instagram, and LinkedIn all provide excellent opportunities to promote an event or activity at no cost. Consider using the hashtag #LawDay in your posts to give your message even more visibility among those looking for Law Day related communications. Although social media messages are typically very short (140 characters for Twitter), you can always link to a webpage with more detailed information. If the event page URL is lengthy, you may use a free URL shortener service such as tinyURL or Goo.gl to make links a manageable length for use with social media.

EVENT PROMOTION CHECKLIST

Before the Event

- Consider adding a journalist to your Law Day planning group
- Plan an event that is newsworthy
- Update and compile your media contacts list
- Send a press release to media contacts announcing the event
- Add your event to community calendars
- Engage with your audience via social media (send out announcements, reminders, and event updates)
- Submit articles and letters to the editors for publication
- Invite journalists to attend
- Follow up with reporters a week prior to the event to encourage participation/coverage

Day of the Event

- Contact local media again as last reminder of the day’s events (offer any additional information that may be needed)
- Have a photographer take professional quality photos of the event
- Have a greeter welcome media representatives who attend
- Introduce your spokesperson to the media

After the Event

- Create a post event news release (include how many people attended, interesting points of note, and a contact person to arrange interviews)
- Send the release and event photographs to media contacts
- Collect clippings and take note of coverage your event receives so its success can be documented
- Send thank you notes to all journalists who attended whether or not they write a story
- Take note of what strategies worked and those that did not to refine your media outreach for next year’s Law Day event(s)
SUGGESTED RESOURCES

Non-Fiction Books

Akhil Reed Amar and Les Adams
*The Bill of Rights Primer: A Citizen’s Guidebook to the American Bill of Rights.* Presents an accessible overview of the Bill of Rights. Emphasizes not only its creation following the ratification of the original U.S. Constitution, but its subsequent “reconstruction” through the Fourteenth Amendment.

Garrett Epps
*Democracy Reborn: The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America.* Tells how our Constitution was transformed by the Reconstruction-era “Second Founders” from a charter of limited government to one that incorporates “nineteenth century values of equality, openness, and rule of law for all.” Focuses on the historical role of the 39th Congress (1865–1867).

Eric Foner
*A Short History of Reconstruction, Updated Edition.* Presents a brief history of the momentous period in our nation’s history from 1863 to 1877, focusing on the struggle to transform enslaved people into free laborers and equal citizens. The author emphasizes that “blacks were active agents in the making of Reconstruction.”

Rawn James
*The Double V: How Wars, Protest and Harry Truman Desegregated America’s Military.* Relates the story of African Americans in the U.S. military since the Revolutionary War, culminating in Harry Truman’s Executive Order 9981, issued in 1948. The book title refers to the civil rights effort during World War II to achieve victory abroad and racial equality at home.

Michael Klarman
*Brown v. Board of Education and the Civil Rights Movement.* Examines *Brown v. Board of Education,* the landmark 1954 case in which the Supreme Court held that racially segregated public schools violated the equal protection clause of the Fourteenth Amendment. Argues that *Brown’s* early impact did more to mobilize southern white opposition than to foster meaningful change in civil rights, but that resulting violence transformed public opinion and led to landmark 1960s legislation.

Gerard Magliocca
*American Founding Son: John Bingham and the Invention of the Fourteenth Amendment.* Offers a biography of antislavery lawyer and Ohio Congressman John Bingham, who Justice Hugo Black termed “the Madison of the … Fourteenth Amendment.” Argues that Bingham, a pivotal figure in the post-Civil War period, deserves recognition as one of our country’s constitutional founders, a “son” to the earlier “fathers.”

Clay Risen
*The Bill of the Century: The Epic Battle for the Civil Rights Act.* Tells how the Civil Rights Act of 1964, which banned racial segregation in public accommodations and the workplace, was enacted into law. The author emphasizes that a “cast of thousands” actually made the law possible, involving grass-root efforts by labor, religious, and civil rights organizations, as well as legislators.
Philippa Strum
*Women in the Barracks: The VMI Case and Equal Rights.* Examines *United States v. Virginia,* in which the Supreme Court ruled in 1996 that the publicly funded Virginia Military Institute's male-only admissions policy violated the equal protection clause of the Fourteenth Amendment. Traces the case's cultural history to VMI's founding and to changing notions of gender equality.

Kenji Yoshino
*Speak Now: Marriage Equality on Trial: The Story of Hollingsworth v. Perry.* Integrates the author's personal story with insightful legal analysis of the federal trial that challenged Proposition 8, which had banned same-sex marriage in California. The author argues that the trial represented a watershed moment in our nation's history—it led to the Supreme Court's 2015 Fourteenth Amendment ruling on the right to marry in *Obergefell v. Hodges.*

Documentaries

**14: Dred Scott, Wong Kim Ark & Vanessa Lopez (2015)**
This documentary is told through the lives of three ordinary and extraordinary American families who changed history by their challenge to the status quo. The documentary explores the recurring question about who has the right to be an American citizen.

[http://14themovie.com/](http://14themovie.com/)

**The Loving Story (2012)**
This documentary tells the story of Richard and Mildred Loving who are the namesake of the landmark 1967 Supreme Court case that struck down the anti-miscegenation laws still on the books in 16 states some 13 years after school segregation was deemed unconstitutional. Through the Loving story, the film examines the history and the current state of interracial marriage in the United States.


**The Case Against 8 (2014)**
A behind-the-scenes look inside the historic case to overturn California's ban on same-sex marriage. The high-profile trial first makes headlines with the unlikely pairing of Ted Olson and David Boies, political foes who last faced off as opposing attorneys in *Bush v. Gore.* Five years in the making, this is the story of how they took the first federal marriage equality lawsuit to the U.S. Supreme Court.

[http://thecaseagainst8.com/about.html](http://thecaseagainst8.com/about.html)
Multimedia

This podcast explores America's long history of struggles over rights, including how Americans have claimed, framed, and changed their rights over time. (52 minutes)
http://backstoryradio.org/shows/balancing-acts-2/

Frontline, “Separate but Unequal”
This episode examines school segregation sixty years after Brown v. Board of Education. The video is accompanied by several articles on the topic of segregation in American schools. (27 minutes)
http://www.pbs.org/wgbh/frontline/film/separate-and-unequal/

National Constitution Center, “The History and Legacy of the 14th Amendment”
Filmed for the 150th anniversary of the Reconstruction Amendment, the National Constitution Center hosts two panels to discuss the history and enduring relevance of the Fourteenth Amendment. Panelists include: Allen Guelzo of Gettysburg College, Gerard Magliocca of Indiana University, and Theodore Shaw of the University of North Carolina, with moderator Elizabeth Wydra, president of the Constitutional Accountability Center. (60 minutes)
http://constitutioncenter.org/experience/programs-initiatives/past-programs/the-history-and-legacy-of-the-14th-amendment

Educational Resources for Teaching Middle and High School Students

American Bar Association Division for Public Education

Dialogue on Brown v. Board of Education
At the heart of Brown v. Board of Education was the desire to ensure equal protection of the laws for all Americans. This Dialogue asks students to reflect on what has been required—and what has been achieved—in pursuit of this goal in our nation’s schools.
http://www.americanbar.org/content/dam/aba/administrative/public_education/resources/brownvboard.authcheckdam.pdf

Moot-Appellate Court: State-Appointed Counsel
In this lesson, students participate in a moot appellate court argument dealing with the fictional case of Lee Richardson v. Lincoln. The fact pattern involves a challenge to a state law that restricts when counsel is appointed for criminal defendants. This moot court experience will provide students with an understanding of how the courts review the constitutionality of legislation and the Sixth and Fourteenth Amendments.
A Conversation on the 14th Amendment
Supreme Court Justice Ruth Bader Ginsburg discusses with students the importance of the 14th Amendment and how it came to embody and protect the principles of “We the People.” (42 minutes)
http://www.annenbergclassroom.org/page/conversation-14th-amendment

Korematsu and Civil Liberties
This video explores the landmark case Korematsu v. United States (1944) concerning the constitutionality of presidential executive order 9066 during World War II that gave the U.S. military power to ban thousands of American citizens of Japanese ancestry from areas considered important to national security. (27 minutes)
http://www.annenbergclassroom.org/page/korematsu-civil-liberties

Search & Seizure: Mapp v. Ohio
This video explores the Fourth Amendment case in which the Court ruled that evidence illegally obtained by police is not admissible in state courts. The 1961 case redefined the rights of the accused. The majority opinion incorporated the Fourth Amendment’s protection of privacy using the due process clause of the Fourteenth Amendment. (25 minutes)
http://www.annenbergclassroom.org/page/search-and-seizure-mapp-v-ohio

Constitution USA with Peter Sagal, “Episode III: Created Equal (Equality)”
Video segments from the program can be used for classroom use and middle and high school student guides are available to help frame the issues and discussion questions for students as they learn how the changes created by the Fourteenth Amendment established new notions of citizenship, equal protection, due process, and personal liberty, altering the relationship between the federal government and the states.
http://www.pbs.org/tpt/constitution-usa-peter-sagal/classroom/episode-3-equality/

Interactive Constitution
As part of the NCC’s Interactive Constitution project, leading constitutional experts interact with each other, through written responses, to explore the Fourteenth Amendment. Three sets of experts find common ground on the amendment’s equal protection, due process and enforcement clauses and also explore Matters of Debate on each subject.
http://constitutioncenter.org/interactive-constitution/amendments/amendment-xiv
ELEMENTARY LESSON PLAN
WHAT IS “DUE PROCESS?”

Students will explore a definition of “due process,” use a courtroom diagram to illustrate due process rights in legal proceedings and discuss why due process is important to the rule of law.

**Grades:** 3–5

**Time:** 45 minutes

**Materials (linked online)**
- What is “Due Process?” PowerPoint presentation
- “Inside the Courtroom” image
- “Going into the Courtroom” diagram

**Procedure**

**Introduction: Lawyer or Judge in the Classroom**

Introduce yourself to students and explain that you are a lawyer or judge, and that part of your job is to help people understand the law, or the role of law in the community. Laws are the rules that people must follow in order to maintain a civil society, to assure a fair and just resolution of disputes, and to live together in a safe community and country. Ask students if they can think of examples of laws that people have to follow in their community (e.g. police instructions, traffic, recycling, dog walking, taxes, school attendance laws). Explain that it is your job to help people understand the law, including how courts work. You might also use the “Inside the Courtroom” image in the PowerPoint presentation to explain where you sit or stand during a court proceeding. Explain that you are required to follow rules and laws while in court or while doing your job.

**Learning about due process**

Ask students if they know the term “due process.” Project the term, or write the term on the whiteboard, for students.

**Share a definition of “due process” with students:**

Due process (noun):

(1) The official and proper way of doing things in a legal case;

(2) Rule that a legal case must be done in a way that protects the rights of all of the people involved.

**Ask students to discuss the definition:**

What are some reasons that you can think of why someone might need to go to court?

Who are some of the people in the court system that help to make sure that everyone has fair treatment?
Rules, Rules, Rules

This quick activity allows students to consider the importance of rules in a school or community setting. Students reflect on why rules are important and their experiences when rules are absent.

Procedure

Begin by dividing the class into two separate lines and by telling them that you want them to play the Eraser Game.

The Eraser Game

Step One. Tell the students to start the Eraser Game. Do not say anything else, and do not give them any rules. (Note: The students will probably look confused and ask you, “How do you play it?” or “What are we supposed to do?”) As the game begins, students will begin to realize that they will need to know the rules in order to play the game.

Step Two. Tell the first person in each line to begin the game. “The first person in each line should pass the eraser from the front to the back of the line.”

Step Three. Tell the last person in line to “bring the eraser to the first person in line.”

Step Four. Allow the students to play for 30 seconds. After 30 seconds, interrupt the game to give the students new directions. Tell them “Oh wait, you are supposed to pass the eraser with your eyes closed. Let’s start the game over and follow these new directions.”

Step Five. After 30 seconds, interrupt again to tell them “Actually, you are supposed to pass the eraser with your left hand.” Once again, start the game from the beginning.

Step Six. Allow the students to play for 30 seconds before changing the directions again. Tell them “You should all be on your knees when you pass the eraser. We will have to start the game over.”

Step Seven. After 30 seconds, interrupt one last time to tell them “You must walk backward to the front of the line when you bring the eraser forward.” Start the game from the beginning.

Step Eight. Allow the students to play for 30 seconds, and then stop the game.

Debrief the Eraser Game

Once the game has stopped, review the problems with the students. Ask them if they had any difficulties with the game. Ask them to explain what problems they experienced. Help them understand that they had difficulties because of the way that the rules were given. Lack of agreement about the rules and constant changes of direction lead to confusion.

Brainstorm with the students to develop a clear set of rules for the Eraser Game. List the students’ suggestions for rules of the game. Ask the entire class to vote to select a few simple rules for the game.

Play the game again by following the rules created by the class. This will demonstrate that clear rules and directions make for a better structured and positive, productive experience while playing together.

After the students have successfully played the Eraser Game, observe that people in classrooms and communities need to have rules to live and work together. Ask students to think about why people need rules in families, in schools, on playgrounds, and in communities.
MIDDLE SCHOOL LESSON PLAN
APPLYING DUE PROCESS

Students will be asked to consider what it means to have due process under the law as they work in small groups to examine the application of due process in various scenarios.

Materials (linked online)
- “Applying due process” PowerPoint presentation
- “Requirements of Due Process” Handout
- Due Process Scenarios Handout

Grades: 6–8
Time: 50–75 minutes

Procedure

Ask students:
Have you heard the term “due process”? What do you think it means?
Encourage students to share their thoughts about what “due process” might mean. Highlight notions of “following fair rules” if students offer them as definitions.

Share a formal definition of “due process” with students:
Due process (noun):
(1) An orderly way of doing things;
(2) Steps taken to ensure an outcome that results from the fair treatment of parties involved;
(3) Rule that a legal case must be done in a way that protects the rights of all of the people involved.

Ask students:
Did you know that our Constitution mentions due process?
Students might identify the Fifth Amendment in the Bill of Rights or the Fourteenth Amendment. Use the accompanying PowerPoint presentation, or other copies of the Constitution that are available, to highlight both of these mentions. Remind students that the Constitution was written in 1787. The Fifth Amendment was included in the Bill of Rights and ratified in 1789. For this lesson, students will focus on the Fourteenth Amendment. Explain to students that the Fourteenth Amendment became part of the Constitution in 1868, after the Civil War. It is the Constitution’s longest amendment, with five sections and over 400 words.

Share the first section of the Fourteenth Amendment with students:
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.

Discuss the text with students:
What guarantees are included in Section 1 of the Fourteenth Amendment?
Encourage students to read the text of the Fourteenth Amendment, clause by clause, and discuss what each clause means. Students should identify that Section 1 promises citizenship to anyone born in the United States; the “privileges and immunities,” or benefits of national citizenship; due process of the law; and equal protection of the laws.

According to the Fourteenth Amendment, what can’t a state government do to someone without due process of law?
The government can’t take away a person’s life, their freedom, or their property or possessions.

Do you think it is important to have an “orderly way of doing things” when it comes to legal procedures or court proceedings? Why?
Encourage students to share their thoughts about why it might be important to have established rules in place during court or other proceedings. Explain the importance of applying a fixed set of rules to obtaining fair and consistent results.

What types of legal rights do you think due process provides to people?
Students might identify a variety of rights, including the right to a lawyer, the right to a fair trial, the right to a jury, the right to know what you’re being charged with, and the right to see evidence and cross-examine witnesses.

Do you think that due process might apply to situations outside of court, or legal proceedings?
Students might identify situations at school, after school, in the community, or on sports teams where due process might be applied.

Ask students:
Let’s think about the rules our legal system has in place to meet the requirements of due process. Can you think of what some of these might be?
Allow students to brainstorm what they think are requirements that the legal system has in place to ensure due process.
Share and review the “Requirements of Due Process in Court” Handout:

Explain that these requirements for due process were developed by a judge named Henry Friendly in 1975. He tried to identify the elements of due process in court that made proceedings fair to people involved so that everyone could understand what was necessary. Discuss the requirements with students as you review the list. Discuss any words that might be confusing. Emphasize that the requirements make the process fair to everyone involved.

As a party in court, you are entitled to the following 8 requirements for due process:

1. An unbiased judge and jury.
2. An opportunity to have a lawyer with you.
3. Notice of the charges being filed against you and why.
4. An opportunity to present reasons why the charges against you should not be filed.
5. The right to present evidence and the right to know what evidence the opposing party has against you.
6. The right to call witnesses and the right to cross-examine, or question, the witnesses that the other party might call against you.
7. A decision in your case that is based only on the evidence that has been presented during the case.
8. A decision in your case that is written down and explained and includes clear explanations of any facts of your case.


Divide students into three groups:

Explain to students that they will be looking at scenarios (to the right) to determine if due process is being followed or if they think the people in the situation are being treated fairly. Distribute the “Due Process Scenarios” handout to students. Each group will be asked to read and answer questions about a different scenario. After groups have discussed their questions, they will present their scenarios and answers to the class.

Ask each group to answer the following questions about their scenario:

- What happened in your scenario?
- What facts are missing that you wish you knew?
- Based on the facts that you have, were the requirements for due process violated? What was unfair about the scenario?
- What could each of the characters have done differently to make the scenario more fair or to ensure due process?

Wrap-Up

What do you think the government, or courts, need to provide to help ensure that everyone’s due process rights are protected?

The government needs to make sure that people are getting a fair trial and that procedures are being followed.

What steps can you take to ensure that your due process rights are protected?

Allow students to offer ideas about how they might stay informed of their rights or help others to learn.

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Scenario 1

Mrs. Jasper, the science teacher, finds several beakers broken on the floor of the science classroom. She makes all of the students in the science class remain following class and tells them someone must confess to breaking the beakers in order for everyone to leave. She asks each student to write a note telling her what they know about the broken beakers. Three students each write notes that say “I saw Ann break the beakers.” One of the students, Michelle, was angry with Ann after they had argued earlier in the week. Mrs. Jasper reads the three notes and tells Ann to go with her to the school office.

Students might identify several aspects of this scenario as violating due process. In particular, Ann was not offered an opportunity to tell her story or to confront the evidence against her before being accused of something that she might not have done.

Scenario 2

The park manager in City Village discovers the statue in Town Square Park covered with graffiti. He reviews security footage from the previous night and sees what appears to be a young man wearing a baseball cap spray painting the statue. William, a local middle schooler who wears baseball caps and walks through the park to and from school each day, is walking past the statue, on his way home, when the park manager stops him and starts talking to him. The park manager asks William if he knows anything about the vandalized statue. William tells the park manager that he is not comfortable with the ranger’s questions and asks if he can go home to his parents. The park manager tells William that he thinks William vandalized the statue and will report it to the local police.

Students might identify a variety of ways in which characters in this scenario violate due process. Students might suggest that the park ranger should have reported the graffiti to police first, rather than accusing anyone of vandalism. William is not offered an opportunity to call his parents, share his perspective, or see the video evidence against him.

Scenario 3

Reggie is accused of cheating on a math test, while Reggie’s friend, Robin, is accused of helping him. There is a policy at Reggie and Robin’s school that anyone caught cheating or helping someone to cheat on a test will be suspended for three days. After some questioning by Ms. Smith, the math teacher, both Reggie and Robin admit to cheating on the math test. Ms. Smith fills out a report about the incident and submits it to the school office. Based on the report, Reggie is suspended for cheating, while Robin is not.

Students should identify that Robin’s punishment in this scenario is not consistent with the school policy.
HIGH SCHOOL LESSON PLAN

THE FOURTEENTH AMENDMENT: DEFINITIONS OF EQUALITY

In this three-part lesson, students will learn about the equal protection clause of the Fourteenth Amendment by analyzing the majority and dissenting Supreme Court opinions in *Plessy v. Ferguson*. While working in small groups, students will review the Court’s opinion in *Plessy* and Justice Harlan’s dissent. Discussion questions will encourage students to think about the purpose of the Fourteenth Amendment when it was drafted, the different ways the law can ensure “equality,” and how the Supreme Court has interpreted the equal protection clause of the Fourteenth Amendment over time.

Materials (linked online)

- Fourteenth Amendment Handout
- *Plessy* Majority Handout
- *Plessy* Dissent Handout
- Facilitator Answer Key

Part 1: Looking at the Fourteenth Amendment

1. **Ask students to share what they currently know about the Fourteenth Amendment.** Why was it created? What was going on in the country in 1868?

   **Note:** Students should be familiar with Section 1 of the Fourteenth Amendment before beginning this lesson. Depending on the class’s former knowledge, you may want to emphasize that unlike the Bill of Rights, which were written to protect individuals from the federal government, the Fourteenth Amendment was written to protect individuals against actions of state governments in the aftermath of the Civil War.

2. **Background on Fourteenth Amendment:** The Fourteenth Amendment was written, along with the other Reconstruction Amendments, to provide legal and political rights to former slaves and freedmen in the aftermath of the Civil War. The Thirteenth Amendment was ratified in 1865, the Fourteenth was ratified in 1868, and the Fifteenth was ratified in 1870.

3. **Distribute the Fourteenth Amendment handout to students:** This includes text of Section 1 of the amendment.

4. **Give students a few moments to complete the handout and then ask students to share the clauses that they identified.** Inform students that while Section 1 of the Fourteenth Amendment includes many important concepts including the privileges or immunities, citizenship, due process, and equal protection clauses. The Supreme Court cases that they will examine next focuses on the equal protection clause and how it has been interpreted by the Court.

All handouts and a facilitator answer key for handouts can be found at [lawday.org](http://lawday.org)
Part 2: Plessy v. Ferguson

1. Introduce students to the case:
   While the Fourteenth Amendment stated that all individuals must be guaranteed equal protection of the law, racial segregation remained custom in many areas throughout the country. Passage by Congress of the Civil Rights Act of 1875, which barred racial discrimination in public accommodations, provides evidence of the continued presence of segregation.

   The law lasted until 1883, when the Supreme Court of the United States declared the statute unconstitutional for regulating what the justices considered private companies, such as streetcars and entertainment facilities. The Supreme Court’s 1883 ruling in the Civil Rights cases spurred states to enact segregation laws. Between 1887 and 1892, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Maryland, North Carolina, Kentucky, Tennessee, and Virginia refused equal access to African Americans on public accommodations and transportation. These laws forced blacks to sit in the back of the bus, on separate cars in trains, and in the balcony at theaters, for example.

2. Organize students into small groups:
   Distribute the two versions of the Plessy v. Ferguson case study. Half of the groups will examine the majority opinion and the other half will concentrate on the dissent. Each group will work together to answer a set of questions about the case.

3. Reassemble the whole class:
   Ask each group to report on various aspects of the case, the majority, and dissenting opinions. After students have reviewed both the majority and dissenting opinions, they should discuss the following three questions:

   1. Both the majority opinion and the dissent stated that the Fourteenth Amendment intended to establish absolute equality for the races before law. How did justices in the majority and the justice in the minority interpret equal protection under the law, in relation to segregation, differently?

   The majority ruled that the law can only provide civil and political equality under the law and it cannot and should not try to change the social structure between the two races. Justice Harlan, in comparison, wrote that any legally sanctioned segregation or discrimination based on race has no place in the United States. Segregation perpetuates the idea of one race being inferior or unequal to the other.

   2. What might have changed in the United States if Harlan’s reasoning represented the majority opinion of the justices? Segregation sanctioned under law would not have had such a vast reach into so many areas of society.

   3. What does this case show about the Court as a decision-making institution and its impact on American life?

Part 3: Addressing Inequality

1. Display the following excerpt from the majority in Obergefell v. Hodges (2015), written by Justice Kennedy.

   The nature of injustice is that we may not always see it in our own times. The generations that wrote and ratified the Bill of Rights and the Fourteenth Amendment did not presume to know the extent of freedom in all of its dimensions, and so they entrusted to further generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning... in interpreting the Equal Protection Clause, the Court has recognized that new insights and societal understandings can reveal unjustified inequality within our most fundamental institutions that once passed unnoticed and unchallenged...

2. Ask students to reflect on this quote and to think back on the origins of the Fourteenth Amendment. What specific injustice was the Fourteenth Amendment written to address?

3. Ask students if they believe there are still unjust inequalities in our country today? What are they? Should they be addressed through legislation, the courts, or in other ways?

4. Distribute stick-it notes to students and ask them to write down an unjustified inequality that is currently not protected by federal law.

5. Project a timeline across a classroom wall that is marked by increments of ten years.

6. Ask students to place their stick-it notes along the timeline based on when they think the issue will be addressed either through the Court or through the legislature. Discuss the completed timeline as a class. What are the similarities or surprises?
The Law Day 2016 theme “Miranda: More Than Words,” marked the 50th anniversary of U.S. Supreme Court case *Miranda v. Arizona* and the Miranda rights issued by law enforcement. The theme explored procedural protections afforded to all of us by the U.S. Constitution, how these rights are safeguarded by the courts, and why the preservation of these principles is essential to our liberty. The following programs were winners in their respective categories.

**Best Student Program**

**Thomas F. Eagleton U.S. Courthouse**

The staff and volunteers with the Thomas F. Eagleton U.S. Courthouse conveyed important principles from the *Miranda v. Arizona* case. Court staff created lessons plans on the theme for elementary, middle, and high school students. The curriculum packet was made available in April and widely distributed to teachers in Missouri and Illinois school districts, as well as posted online for use nationwide. The court composed a very relevant mock trial with a fact pattern where a high school student confessed to a crime in the principal’s office, in the presence of a law enforcement officer, and was arrested without being Mirandized. On April 30, 90 students from two area high schools, who had been preparing for the mock trial with their class, toured the court, observed an actual case proceeding, and experienced hands-on learning with the mock trial simulation. Thomas F. Eagleton Courthouse also facilitated and screened entries for the Law Day essay contest that focused on the thought-provoking topic of whether or not accused terrorists should be Mirandized before interrogation.

http://judiciallearningcenter.org/law-day-lesson-plans
Guam Bar Association, Judiciary of Guam, and District Court of Guam

The collaboration between Guam’s Bar Association, Judiciary, and District Court produced a week of diverse activities that engaged a wide audience. Guam Law Week began with video PSAs by legal professionals and law enforcement reciting the Miranda warning and explaining why the right is more than mere words. The Miranda PSAs, which also included information about the importance of jury service in the criminal justice system, were posted on social media and ran on local television stations. More than 400 elementary school students participated in art and coloring contests and 700 middle and high school students expressed their understanding of Miranda v. Arizona through essay and video contests. Judicial officers and attorneys reached hundreds of middle school students with their classroom presentations and elementary and middle school students enthusiastically took part in a mock trial on Miranda warnings. One mock trial was streamed on Facebook Live, and a few others were filmed by local TV stations and broadcast during Law Week. About 350 high school students studied a case summary and witnessed a Supreme Court oral argument, with an attorney question and answer opportunity afterwards. Other Law Week activities included: a naturalization ceremony of 29 new citizens, Colors of Law 5K with over 1,500 participants, first annual Haagan Games, Law Fair at the courthouse helping the public understand legal services available to them, a conversation on Miranda with college students, as well as presentations on Miranda and its modern day relevance with the senior center and Women’s Chamber of Commerce. www.guambar.org, www.guamcourts.org, www.gud.uscourts.gov

Baton Rouge Bar Foundation

The Baton Rouge Bar Foundation, its partners, and volunteers effectively incorporated the tenants of Miranda v. Arizona into their nearly year-long slate of activities. The programming, from October to May, equipped classroom teachers with materials on Miranda, criminal justice, the State v. Brandon Salinger case, and with Know More resources, about Louisiana laws pertaining to youth. In May, more than 620 middle and high school students from 19 schools participated in mock trials on the Salinger case and a scenario of a self-incriminating teen accused of shoplifting, and in 16 concurrent, interactive sessions led by judges, attorneys, and law enforcement officers at the 19th Judicial District Court and Baton Rouge City Court. Student attendees took part in a mock election, with actual voting machines, on the age in which juveniles charged in criminal offenses can be entered into the adult justice system. Students also heard about Miranda and their legal rights from a prominent attorney involved in the Jena 6 case. The Law Day poster and essay contests for students focused on the pros and cons of Miranda and the video contest looked at why we have the right to remain silent. An additional activity was the naturalization ceremony of 33 new citizens, who, after taking their oath, were registered to vote and taught more about their rights as citizens. www.brba.org
Houston Bar Association

The Houston Bar Association reached nearly 12,000 students and adults through their Law Day 2016 programs that spanned from February to May. Special Day in February invited special needs students and their teachers to the courthouse to learn about the roles of lawyers and judges, and guardianship procedures as the students transition into adulthood. In March, poster, essay, and photography contests were held for elementary, middle, and high school students respectively, as well as a photo contest for special needs students. In April, a naturalization ceremony for 1,957 new citizens was held. During April and May, volunteers read to elementary school students in 102 schools across Harris County, donating a book to each school library. They reached over 8,650 K–2nd graders in over 20 school districts. Nearly 500 high school students from 10 schools in 5 districts participated in interactive dialogues with legal professionals on Miranda and criminal justice. Unique opportunities that served the public included: a reenactment of the *Miranda v. Arizona* case that was approved for 1.0 hour of CLE credit, a LegalLine created to provide disaster relief and legal assistance to recent flood victims, and the distribution of pocket Constitutions to those who reported for jury duty on May 5. www.hba.org

Recognition of Law Day 2016 Outstanding Activity Award Finalists

A great deal of effort, hard work, and creativity goes into planning and implementing Law Day activities. Therefore the Law Day Awards Committee would like to recognize the following award finalists for 2016.

Orange County Bar Association  
www.orangecountybar.org

Hamilton, Miller & Birthisel, LLP  
www.hamiltonmillerlaw.com

Washington County Courts  
www.mncourts.gov/washingtoncounty

Arizona State Library Archives and Public Records  
www.azlibrary.gov

State of Minnesota 10th Judicial District  
www.mncourts.gov/AnokalawDay2016

U.S. District Court, Eastern District of California, Yosemite Division  
http://www.caed.uscourts.gov/caed/staticOther/page_472.htm
Purpose of Law Day Awards
Highlight the best programs that promote public understanding of law and integrate the 2017 theme “The 14th Amendment: Transforming American Democracy” into innovative activities that serve the community.

Award Categories
• Best student/classroom program
• Best public/community program
• Best interpretation of the theme

Entrants may submit for up to two categories. However, an individual or organization can only win in one category.

Eligibility
Any individual or group who implements a Law Day 2017 program is eligible to enter.

How to Enter
You can enter via email or mail. Just download the entry form at www.lawday.org and click on Awards.

By email:
If you email your entry, simply download the form from the website, fill it out, and attach the completed form to your email along with your activity narrative (summary of your program) and electronic copies of your supporting materials that detail your activities. Please keep the supporting materials to a maximum of 15 pages. You may also include work products (programs, flyers, proclamations, releases, etc.) and photographs that help illustrate your program’s effectiveness. Photographs are not counted as part of the 15-page supporting materials limit. Therefore, you can have up to 15 pages of supporting materials in addition to your photos. Send this email to us at lawday@americanbar.org.

By mail:
You may mail your submission instead. Be sure to mail six (6) copies of your entire entry (including activity narrative, supporting materials, work products, and photographs) to the address provided.

Entry Components
Your entry (via email or mail) should consist of:
• Completed Entry Form
• Activity Narrative (not to exceed 750 words)
• Supporting Materials (not to exceed 15 pages)
  - Articles about your activity
  - Letters of support and thanks, etc.
• Work Products
  - Programs/flyers
  - Press releases
  - Proclamations
  - Video of your activity etc.
• Activity Photographs (electronic photos of your activity are strongly encouraged)

*Please note that entries will not be returned.

Criteria
Submissions are judged on the following criteria:
• How well the activity expands public awareness of the rule of law.
• How well the entry highlights the 2017 Law Day theme “The 14th Amendment: Transforming American Democracy.”
• Whether there is an appropriate audience and how well the program engages the target audience(s).
• How well the program forged partnerships with community groups, schools, and the legal community.
• Quality and innovation of the program.
• Whether or not there is an impact beyond Law Day.

Entrants may only submit for up to two of the three eligible categories.

Prizes
If you win, you will receive an inscribed plaque presented at the ABA Midyear Meeting in February 2018. You will also receive a gift certificate and be prominently featured in the 2018 Planning Guide and on the Law Day website as a winner and best practice program.

Deadline
Entries must be emailed or postmarked by June 30, 2017, to be considered.

Email entries to lawday@americanbar.org or mail six (6) copies of your entire entry to:

Law Day Awards
Attn: Chandra Fitzpatrick
ABA Division for Public Education
321 N. Clark Street, MS 20.2
Chicago, IL 60654-7598

For information, call 312.988.5720 or visit www.lawday.org.
What’s ONLINE?

Explore the Law Day theme
Read information and watch videos to help inform your understanding of this year’s Fourteenth Amendment theme.

Learn about the history of Law Day
Read previous planning guide content and view our archive of Law Day themes and presidential proclamations from Dwight D. Eisenhower to Barack Obama.

Download graphics
Take advantage of our print quality Law Day graphics to customize your materials.

Stay informed on Law Day happenings
Get updates on Law Day resources and activities by registering for the email alert. You can also join the conversation on social media using the hashtag #LawDay.

View prior award winners and recognitions
Be inspired by previous Law Day events that have won Outstanding Law Day Activity Awards.

Reach out to your community
Review our sample press releases, proclamations, letters to the editor, and announcements that give you a starting point to create and publicize your Law Day event.

Purchase thank you gifts, participation certificates, and other products
Find classic Law Day logo items and themed merchandise to help make your event truly memorable.

Share your Law Day activities
Help promote your event and share your Law Day plans with others and publicize what has made Law Day special in your community.

#LawDay
POST LAW DAY CHECKLIST

- Send thank you letters to all volunteers, sponsors, media, dignitaries, schools, bar associations, and any other participating partner organizations.

- Collect feedback from Law Day 2017 program participants.

- Debrief with the planning committee to assess the 2017 Law Day activities and keep assessment information accessible for future reference.

- Review the Law Day budget, making sure all expenses are accounted for.

- Share photos and information about your event at www.lawday.org.

- Submit your program as an entry for the 2017 Outstanding Law Day Activity Awards. The deadline is June 30, 2017.

- Remember that Law Day 2017 merchandise is available through September 2017 for any additional activities or programs.