

The 14th Amendment

Read through the actual text of the 14th Amendment.

Amendment XIV

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.

Section 2.

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.

Section 3.

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.

Section 4.

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.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

<https://www.law.cornell.edu/constitution/amendmentxiv>

Steps to Create an Argument & Public Interest Video

Follow the steps below to create an argument you will use in a public interest video to defend a client's civil rights.

Step 1: Selecting a Client

Read through the client information below and choose which client you would like represent. Circle your choice.

Client: Yvette Gordon

Background Information:

Yvette is a 16-year old who is applying for her first summer job as a lifeguard. On the day of her interview, Yvette is denied an interview even though other kids who applied were given an interview. When Yvette asks why she wasn't allowed to interview, she is told that because she is a girl, she is too small and weak to be a lifeguard. Does Yvette have a case?

Client: Roberto Rivera

Background Information:

Roberto is a Latino 18-year old who wants to rent an apartment when he goes to college because he thinks living in a dormitory will be too noisy. He sees an advertisement for an apartment in a neighborhood close to his college. Roberto calls and makes an appointment to see the apartment and decide if he wants to live there. When he meets the landlord, the landlord tells him that he only rents to white people. Does Roberto have a case?

Client: Mark Thomas

Background Information:

Mark recently applied for a job at a technology innovation company. Mark is not a U.S. citizen, but can work in the United States. During the job interview, the interviewer asked Mark where he was from and what neighborhood he lived in. When Mark told the interviewer where he lived and that he was not a citizen of the United States, the interviewer's attitude changed. She told Mark that she only hires American citizens and people from the richer neighborhoods that have big, fancy houses. Even though he was qualified, Mark didn't get the job. Does Mark have a case?

Step 2: Make a Claim

Make a claim about the rights that are being violated. A claim is the side you have taken in an argument. Here is an example:

- Laura has worked as a financial analyst for 2 years. She is one of the only women in her department. The men in Laura's office often make comments about how men are just plain better and handling finances than women. Sometimes, Laura isn't invited to attend company meetings and her ideas are often overlooked even though she has had more success managing clients' accounts than many of her male coworkers. Last week, Laura was fired. When she asked why, Laura was told that she didn't fit in at the company. Laura thinks her civil rights have been violated.
- The claim for this example would be: Laura's civil rights have been violated because she was fired due to her gender.

My claim for my client is:

Step 3: Gather Evidence

Civil rights lawyers have to gather information to defend their client’s claim. For example, civil rights lawyers use the Constitution and verdicts from past cases that would support their client’s claim. These verdicts are called precedents because they help explain what the law means.

Evidence example: Laura’s lawyer found a case from 2016 where another woman sued a banking company because the woman had been skipped over for several promotions, even though she had the best employment record of any of the employees.

Write at least 3 pieces of evidence below:

Step 4: Create Your Argument

Follow the steps below to create an argument that will be used to defend your client’s civil rights.

- Start by writing an attention grabber. Your attention grabber should hook the interest of the listener and state the purpose of your argument. For example, you may choose to use your claim as your attention grabber. Write 1-2 sentences to grab the attention of your audience

Step 5: Recording Your Video

Collect a smart phone or tablet from your teacher and record your public interest video! Be sure to speak loudly and clearly so your argument can be heard on the recording!

- Next, support your claim. Use evidence from your research to support your claim. Write 3-5 sentences to support your claim.

- Finally, end your argument by stating what you would like to happen. How can this situation be fixed? How can you help make sure it doesn't happen again? Write 2-3 sentences about what should happen next.

Sources to Use

Landmark Cases

A landmark court case is a one that people study because it made an important decision. Landmark cases are decided by the Supreme Court and set the precedent for all other courts in America. Setting the precedent means that other courts must make decisions that align with the decision made by the Supreme Court. A very silly example is that if the Supreme Court ruled that purple socks were unconstitutional and therefore not allowed, the state court of Oregon could not decide that purple socks are constitutional. The landmark cases that are studied and quoted most are the ones that made important decisions about a person's civil rights. Read about some famous landmark cases below.

Phillips v. Martin Marietta Corp. (1971)

In this Supreme Court case, the court was asked to rule on whether an employer can refuse to hire women because they have small children. The court ruled that this was a form of discrimination and violated Title VII of the Civil Rights Act of 1964. This states that it is against the law to discriminate against someone because of their race, religion, color, sex, or because of where they were born.

McDonnell Douglas Corp. v. Green (1973)

This case heard by the Supreme Court, focused on whether McDonnell Douglas Corporation had violated Title VII of the Civil Rights Act of 1964. The case centered on an African American employee, who was laid off because he was active in a local Civil Rights organization. The court ruled against McDonnell Douglas stating that an employee's membership or association in a group should not be used against them in hiring or firing. The Supreme Court's decision held up the importance of Title VII in hiring practices to fight against discrimination of any kind.

Jones v. Mayer Co. (1968)

The Supreme Court rules that federal law prohibits discriminating against a person in buying or renting property. This meant that a person could not refuse to sell or rent property such as a house or apartment to another because they did not like a person's race or color. The court stated that all citizens of the United States, regardless of race or color, had the same right to buy or rent property just like white people.

Buchanan v. Warley (1917)

This is one of the Supreme Court's earliest decisions around housing discrimination. An African American man wanted to buy a lot in a white neighborhood in Louisville, Kentucky. The city had a law that would not allow African Americans to buy property in neighborhoods that were mostly white. The court ruled that the city law violated the 14th Amendment. This was because the city was not allowing all citizens to enter into contracts that would allow them to buy or sell property without government interference.

Espinoza v. Farah Manufacturing Co. (1973)

In this case, the Supreme Court addressed the question of discrimination against people who are not citizens of the United States. Can they be refused a job? The court ruled that even people who are not citizens of the United States are still protected by Article VII of the 14th Amendment. What the court emphasized is that even citizenship can be a form of discrimination when a better candidate for a job is a non-citizen, but is not hired because he or she is not a citizen.

Sources to Use

Current Cases

Many of the most famous landmark cases happened decades ago. However, as our country continues to grow, change, and face new challenges, new issues arise for American Citizens. Here are some more recent court cases that deal with modern civil rights issues.

Castillo v. University (2016)

Sandra Castillo is a 65-year old woman who decided to get her college degree after raising her family. Sandra applied to a large university, but her application was denied. She scheduled a meeting with the Admissions Office to find out why her application was denied. Sandra was told that her application was denied because the university thought she was too old and would not fit in with the younger students. Sandra successfully sued the university for age discrimination.

Walker v. School District (2015)

Megan Walker is a junior in high school. Megan has recently transferred to a new school. Megan was known to be an exceptional student who excelled in math and science. On her first day of school, Megan is informed that she will be assigned low-level science courses. When she asks for an explanation, Megan is told that the upper level math classes are mostly made up of male students, and that the course work might be too difficult for a girl. Megan successfully sued her school for violating her civil rights based on her gender.

Pham vs. School District (2019)

Trinh Pham is a Vietnamese-American student who plays soccer at his local public school. Trinh and his family practice the Buddhist religion. Before the first game of the year, the school's Athletic Director organizes a meeting for all athletes. At the end of the meeting, the Athletic Director asks all students to gather around for a group Christian prayer. When Trinh refuses, the Athletic Director suspends him from all games until Trinh participates in the group prayer. Trinh successfully sued his school for violating his civil rights based on his religious freedom.