

The Fourteenth Amendment: Historical and Contemporary Perspectives

2007 Colorado *We the People* Summer Institute
University of Denver, June 12 – 15, 2007

Tuesday, June 12

8:00 Introductions and Welcome Sturm 253

We the People Simulated Congressional Hearing presentation by students from Northglenn High School. Following the presentation, participants will have an opportunity to discuss the hearing experience and preparation with students and their teacher, Victoria Bull.

9:00 Introducing the *We the People* Student Textbook High School: Sturm 186
Middle School: Sturm 187

All participants will receive a full classroom set of books for participating in the 2007 Colorado *We the People* Institute.

Edna Sutton, Debbie Jensen, Lori Mable, *We the People* teachers

9:45 Break

10:00 *Reshaping Democracy: The Fourteenth Amendment* Sturm 253

Scholars often describe the adoption of the 14th Amendment as fulfilling the promise of equality stated in the Declaration of Independence. Ratified with the purpose to assure political rights for newly-freed slaves, early Court interpretations of this amendment actually expanded constitutional protections to corporations invoking this amendment as shield against government regulation. Cited in more litigation than any other amendment to our Constitution, the Fourteenth Amendment greatly expanded protections of civil rights to all Americans. A historian will provide insight into the historical context for the creation and early impact of the 14th Amendment.

Susan Schulten, Associate Professor of History, University of Denver

11:00 *A Colorblind Constitution and the Continuing Significance of Race* Sturm 253

"Our Constitution is color-blind, and neither knows nor tolerates classes among citizens." Justice Harlan's words in his 1896 *Plessy* dissent are often cited by those who offer competing arguments on issues of race in our society today, including high profile issues of affirmative action in university admissions and racial diversity as a compelling education goal. Is color-blindness an achievable ideal? Under what circumstances should governmental decision makers consider race? Why, if at all, is race relevant as a characteristic beyond class? If it is relevant, should it be relevant in all contexts, or particularly so in education?

Phil Weiser, Constitutional Law Professor, University of Colorado, School of Law

- 12:00 Lunch (Box lunch provided.)
Video (12:45): “Brown v. Board of Education: The Denver Story” (12 minutes)
- 1:00 Lesson Demonstrations
High School: “After Brown: The First Fifty Years” Sturm 253
Edna Sutton, Denver East High School (retired) and Suzanne deLemos, Northglenn High School
- Middle School:** “Turning Points for Equality” Room 187
Lori Mable, Thunder Ridge Middle School
- 2:15 Meetings in Mentor Groups
Room 253 Kathy Switzer’s Group Room 186 Edna Sutton’s Group
Room 380 Suzanne deLemos’ Group Room 187 Lori Mable’s Group
Room 379 Victoria Bull’s Group Room 287 Deb Jensen’s Group
- Refreshments outside Room 253 at 2:45
- 3:30 Credit Registration Sturm 253
Loyal Darr, Adjunct Professor, Adams State College and *We the People* Congressional District #1 Coordinator
- Please bring payment for credit. Credit cards cannot be accepted. 2 semester graduate credit hours from Adams State College \$150. 3 semester graduate credit hours (includes a series of fall study groups) \$200. 2-3 hours recertification credit \$50.
- 4:00 Adjourn

Wednesday, June 13

Computer Lab, 353 Sturm Hall, available 12:00 – 4:00 pm. Please no food or drink in the computer lab.

- 8:00 *We the People* Simulated Congressional Hearing: Middle School Students Sturm 253
Presentation by students from Thunder Ridge Middle School. Following the presentation, participants will have an opportunity to discuss the hearing experience and preparation with students and their teacher, Lori Mable.
- 9:00 *Due Process: Balancing Personal Liberties and National Security* Sturm 253
Protecting individuals from unfair treatment by government is among the most important protections in the Constitution. Traditionally, in times of war the Supreme Court has given much deference to the powers of the executive branch (*Korematsu, v. U.S., 1944*). In the War on Terror, the US government has detained numerous individuals. The Court has held that enemy combatants can challenge their detention in court—perhaps the most important statement made in decades about balancing personal liberties and national security. Writing for the majority in *Hamdi v. Rumsfeld (2004)*, Justice O’Conner wrote, “...a state of war is not a blank check for the president when it comes to the rights of the nation's citizens...”
Mark Silverstein, Legal Director, Colorado American Civil Liberties Union
- 10:00 Break

- 10:15 Demonstration lessons on due process. Sturm 186
High School Teachers:
 Demonstration lesson using a pro se court strategy to teach about due process. Cases include *Gideon v. Wainwright 1963*, *Griswold v. Connecticut 1965* and *Miranda v. Arizona 1966*.
 Suzanne deLemos, Kathy Switzer, Victoria Bull, high school *We the People* teachers
- Middle School Teachers:** Sturm 187
 “Gault at 40,” a lesson from the National Youth Justice Alliance.
 Forty years ago, in *In Re Gault*, the Supreme Court declared that all children accused of delinquent acts have the right to counsel in the proceedings against them. This lesson can be used as a companion to middle school WTP lesson #27.
- Lori Mable, Thunder Ridge Middle School, Cherry Creek Schools
- 11:00 *Cases and Controversies:* Sturm 253
How Has the Equal Protection Clause Amendment Changed the Constitution?
- The Supreme Court uses three levels of scrutiny to analyze whether government actions violate the guarantee of equal protection of the laws. Discrimination and claims of inequality continue to raise many difficult issues, including whether the middle level--intermediate scrutiny--is appropriate for analyzing classifications based on gender, and whether the lowest level--rationality review--is sufficient for cases involving individuals who are mentally disabled, elderly, or gay or lesbian. This session will explore these continuing difficulties and also consider whether future societal developments involving scientific advances in genetics, reproductive technologies, stem cell research, and the like may raise new equal protection challenges.
- Julie Nice, Delaney Chair and Professor of Law, University of Denver, Sturm College of Law
- 12:00 Lunch (Box lunch provided.)
- 1:00 *Non Citizens and the Fourteenth Amendment* Sturm 253
- The original intent of the 14th amendment citizenship clause was to guarantee citizenship to former slaves and their descendants. How have courts interpreted the meaning of the citizenship clause of the 14th Amendment? Does the equal protection clause require equal treatment for those who are not citizens or who have entered the United States illegally? Lacking citizenship, undocumented non-citizens raise difficult questions about the differences between the rights of citizens and the rights of all persons in our country – particularly regarding government services.
- Clare Huntington, Associate Professor, University of Colorado, School of Law
- 2:45 Break
- 3:00 Mentor Groups
- 4:00 Adjourn

Thursday, June 14

Computer Lab, 353 Sturm Hall, available 8-4 pm. Please no food or drink in the computer lab.

8:00 Announcements and a “No Fail Recipe” for good hearings Sturm 253

8:30 *May It Please the Court: Romer v. Evans* Sturm 253

In 1992 by a margin of 53.4% to 46.6% Colorado voters, using the initiative process, approved Amendment 2 to the state constitution which would have made all existing antidiscrimination ordinances, laws, regulations, and policies in Colorado unenforceable and prohibit any entity from enacting future laws. Amendment 2 would also prohibits any branch or level of state government, including the state judiciary, from enforcing a claim of discrimination on the basis of homosexual, lesbian, or bisexual orientation

Lead counsel for the Colorado and US Supreme Court Case, *Romer v. Evans 1996*, the first gay rights case to reach the Supreme Court since 1986, will present competing arguments to answer the question: Does Amendment 2 to the Colorado Constitution, violate the Equal Protection Clause of the Fourteenth Amendment?

Lead Counsel for Respondents: Jean E. Dubofsky, former Colorado Supreme Court Justice; Chief Lawyer for the Petitioner: Timothy M. Tymkovich, Judge, 10th Circuit Court of Appeals and former Solicitor General, State of Colorado Attorney General's Office.

9:30 E-Lesson Demonstration Computer Lab 353

This session will feature e-lessons from the “Representative Democracy in America” project sponsored by the Lee Hamilton Center on Congress, the Center for Civic Education and the National Conference of State Legislatures.
Victoria Bull, Northglenn High School

10:45 Break

11:00 Meetings in mentor groups
Continue to prepare and rehearse opening statements.

12:00 Lunch (Box lunch provided.)

1:00 Meetings in mentor groups
Mentors will provide an overview of the simulated hearing for the next day.

4:00 Adjourn

Friday, June 15

Please meet at the Women’s College, 1901 E. Asbury, Ballantine Room (first floor lobby).

8:00 Announcements, coffee, donuts Ballentine Room
Preparation for Simulated Congressional Hearing
Judges’ training, Loyal Darr

8:30 Simulated Congressional Hearings and debriefing with hearing judges
Rooms 150 and 160

	Judges' Panel 1 Room 150	Judges' Panel 2 Room 160
8:30 – 8:50	Bull	Switzer
8:55 – 9:15	deLemos	Jensen
9:20 – 9:40	Mable	Sutton

- Judges Panel 1: Justice Gregory Hobbs, Colorado Supreme Court; Laurie Bennett, Colorado Foundation; Dan Taubman, Judge, Colorado Court of Appeals
- Judges Panel 2: Les Volpe, Attorney at Law; Beth McCann, Deputy Attorney General, Attorney General's Office; Jan Goehring, National Conference of State Legislatures

10:15 Break

10:30 Debriefing *We the People* Congressional Hearings Room 150

11:00 Taking the Simulated Congressional Hearings to the Classroom

Middle School: The Simulated Hearing as a Performance Assessment
Lori Mable, Thunder Ridge Middle School Ballentine Room

High School Competitive Hearings and AP courses: Preparing for District and State Competitions. Kathy Switzer, Debbie Jensen and Victoria Bull Room 160

High School Non-Competitive Hearings: 9th grade "Showcase" hearings and in-class hearings. Suzanne deLemos and Edna Sutton Room 150

12:00 Closing Luncheon Garden Room
Education as a Civil Right, Carlotta LaNier, Little Rock Nine Foundation

CELD is pleased to welcome Carlotta LaNier, the youngest of the Little Rock Nine, a group of African-American students who, in 1957, were the first black students to attend classes at Little Rock Central High School in Little Rock, Arkansas. She was the first black female to graduate from Central High School. In 1999, LaNier and the other people of the Little Rock Nine were awarded the Congressional Gold Medal by President Bill Clinton.

1:30 *Facing History Project: Choices in Little Rock*
Fran Sterling, Director, Rocky Mountain States Facing History Project

2:30 Materials and Resources from the Center for Teaching International Relations
Liz Beindorf, Senior Project Director, CTIR

3:00 Evaluation, book orders, and WTP Networking in Congressional Districts
Please see list in notebook section 1 for your congressional district.

- District 1, 3, 5: Loyal Darr
- District 2: Suzanne deLemos
- District 4: Kathy Switzer
- District 6, 7: Chris Elnicki

Participants meet in Congressional Districts with WTP Congressional District Coordinators to brainstorm and discuss activities that will support their use of WTP in their respective classrooms.

3:30 Adjourn