

# The Importance of Law Day and the Fourteenth Amendment

## Lawyers, let's share our passion for constitutional democracy

By Linda A. Klein

Here are four legal puzzlers:

- An African-American student wants to attend the same school as white children. Can she?
- A man is charged with burglary, but he can't afford a lawyer. Should the state give him one for free?
- Two men pass a worthless check and are convicted of misdemeanors. Can the state take away their right to vote because of those convictions?
- Can states outlaw interracial marriage?

The answers are obvious—now. But that's only because we have the Fourteenth Amendment to the United States Constitution and nearly 150 years of Supreme Court rulings interpreting it.

Most Americans have no idea what the Fourteenth Amendment is or how it affects their lives. But we do. And our job as lawyers is to defend individuals' rights under the Constitution *and* to explain that great document to the public.

That's the idea behind Law Day. Every year on May 1, lawyers across the country engage their communities and rally behind the rule of law. This year, the theme of Law Day was "The 14th Amendment: Transforming American Democracy"—one of the most-litigated but least-known of all the constitutional amendments. And while Law Day itself has passed, it's never too late to celebrate and teach the principles that sustain our nation.

For more than a century, the Fourteenth Amendment has been the legal basis for many major Supreme Court decisions, including those that desegregated schools (*Brown v Board of Education*<sup>1</sup>) and ensured counsel for criminal defendants (*Gideon v Wainwright*<sup>2</sup>).

The first section of the Fourteenth Amendment—the part that's most often litigated—states:

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.

"The reason we have the 14th Amendment," said former U.S. Solicitor General Ted Olson, "is to provide the courts with the opportunity to override the will of the people when the will of the people discriminates against a segment of our society."

This year, lawyers, judges, and teachers across the country engaged students, elected officials, and community leaders in Law Day discussions of the amendment's significance.

Law Day is celebrated in many ways. In Idaho, students created podcasts. In Boston, lawyers visited classrooms. In Texas and North Carolina, students wrote editorials, snapped photos, and created posters.

And in Washington, D.C., the American Bar Association sponsored two special events. On May 1, a scholarly panel, led by Jeffrey Rosen, president of the National Constitution Center, debated the Fourteenth Amendment's role in transforming American democracy. The next day, 150 high school students from around the country discussed the ideas of equal protection, due process, and liberty under the Fourteenth Amendment. I helped lead the discussion.

Law Day dates back to the heart of the Cold War, nearly 60 years ago. In 1957, ABA President Charles S. Rhyne watched reports of the Soviet Union's annual May Day celebration in Moscow's Red Square, with its massive displays of military might. He thought that what made America great was its fidelity to the rule of law, not military power.

Rhyne asked President Dwight Eisenhower to issue the first Law Day proclamation, declaring that "guaranteed fundamental rights of individuals under the law is the heart and sinew of our Nation." It has been a presidential tradition ever since.

Today, it often seems that we are a nation divided, but there is one thing that Republicans, Democrats, and Independents agree on: the American rule of law is the envy of billions around the world.

So let's celebrate and spread the word. The U.S. Constitution is America's greatest creation. It is worth defending and teaching—on Law Day and every day. ■



*Linda A. Klein is president of the American Bar Association. She is senior managing shareholder at Baker Donelson Bearman Caldwell & Berkowitz. She lives and works in Atlanta and became the first woman president of the State Bar of Georgia in 1997.*

### ENDNOTES

1. *Brown v Bd of Ed*, 347 US 483; 74 S Ct 686; 98 L Ed 873 (1954).
2. *Gideon v Wainwright*, 372 US 335; 83 S Ct 792; 9 L Ed 2d 799 (1963).