



Center for Education in Law and Democracy
PO Box 18490 • Denver, CO 80118
303.778.0756 • fax 303.733.4791

**Fourteenth Amendment
Suggested We the People Hearing Questions
2007 Colorado Summer Institute**

1. What basic American values and principles are expressed in the Fourteenth Amendment?
 - Which provisions of the Fourteenth amendment do you think have proved to be the most important and far reaching? What evidence can you provide to support your position?
 - How are the equal protection and due process clauses related to the rule of law?

2. What are the basic purposes of the Fourteenth Amendment's equal protection and due process clauses?
 - How are the equal protection and due process clauses related to the principle of limited government?
 - What are some specific examples of how the equal protection and due process clauses of the Fourteenth Amendment have been used to expand the protections of the Constitution?

3. The Fourteenth Amendment says that no state shall "deny to any person within its jurisdiction the equal protection of the law." How did this phrase change the relationship between federal and state power?
 - Why did the authors of the Amendment choose the word "person" rather than "citizen?"
 - Should resident aliens be guaranteed the same protections as citizens? Why or why not?

4. In his *Plessy* dissent, Justice Harlan contended, "Our Constitution is color-blind and neither knows nor tolerates classes among citizens..."
 - Can constitutional law be color-blind in a race-conscious society?
 - Should equal protection include more than race? What types of protections should be extended to other groups (i.e., handicapped, homosexuals, undocumented aliens)?

5. To what extent is the expansion of the concept of equal protection to other groups based on an evolving societal view of equality and the interpretation of the Constitution as a “living document?”
 - Without assistance from the other two branches of government and public support, are Supreme Court decisions merely statements of legal rules and principles?
 - Can the Court be an agent of change for social problems?

6. What is meant by procedural due process and why would a free society be impossible without it?
 - What are the historical and philosophical sources of procedural due process?
 - If an American citizen is identified as an “enemy combatant,” does he or she deserve the same due process rights as all citizens? Why or why not?