

# The 14th Amendment - 150 Years after Ratification -

## What Does Equal Protection Mean to Students?



2018 NINTH CIRCUIT  
CIVICS CONTEST

THE ORGANIZERS THANK THE FOLLOWING FOR THEIR  
GENEROUS SUPPORT\*:

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT  
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U.S. DISTRICT COURT FOR THE EASTERN  
DISTRICT OF WASHINGTON  
U.S. DISTRICT COURT FOR THE WESTERN  
DISTRICT OF WASHINGTON

\*PRIZE MONEY AND OTHER CONTEST COSTS ARE FUNDED THROUGH ATTORNEY  
ADMISSION FEES COLLECTED BY THE COURTS TO FUND EDUCATIONAL PROGRAMS  
FOR THE BAR AND COMMUNITY.

# A Word About the Contest

The 2018 Ninth Circuit Civics Contest is a circuit-wide essay and video competition for high school students. The contest focuses on the individual rights and governmental limitations enshrined in the Constitution. The goal is helping young people to become knowledgeable citizens who are better able to participate in our democracy. Now in its third year as a circuit-wide event, the contest is organized by the Ninth Circuit Courts and Community Committee in collaboration with all of the federal courts in the circuit.



*District Judge  
Janis L. Sammartino,  
chair of the Ninth  
Circuit Courts  
and Community  
Committee*

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The theme of the 2018 contest was “The 14th Amendment 150 Years After Ratification: What Does Equal Protection Mean to Students?” Students were asked to write an essay or produce a short video explaining how Congress and the federal courts have applied the Equal Protection Clause to public education, whether in admissions, classrooms or on athletic fields.

The contest was open to young people in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington, along with the United States Territory of Guam and the Commonwealth of the Northern Mariana Islands. In all, 1,149 essays and 121 videos were submitted by students from across the circuit. Preliminary judging done at the district level narrowed the field to 45 essays and 27 videos. The Courts and Community Committee assisted by several court executives conducted the final judging, selecting the top three finishers in each competition.

We would like to thank all of the federal courts of the Ninth Circuit for their support of the contest. We could not have succeeded without the help of the many judges, attorneys, court staff and educators from throughout the circuit who contributed their time and efforts.

July 2018



# WINNING ESSAY CONTEST ENTRIES

1<sup>st</sup>  
place

**KELSEY LUU**  
**FREMONT, CALIFORNIA**

## EQUAL ACCESS TO EDUCATION: THE 14TH AMENDMENT’S IMPACT ON SCHOOLS AND ADMISSIONS

Thomas Jefferson wrote, “Educate and inform the whole mass of the people... They are the only sure reliance for the preservation of our liberty.”<sup>1</sup> Although the Founders considered education as critical in a free and democratic society, only the privileged few could obtain an education. The United States saw drastic changes in society throughout its history, directly influencing reforms to education. The Fourteenth Amendment and accompanying equal protection legislation have worked together to address inequities. The Fourteenth Amendment has required legislative acts and the Judicial Branch’s decisions to protect equal rights for its effect to take hold. Throughout history, the right to education has constantly

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*Kelsey Luu, 17, has completed her senior year at Irvington High School in Fremont, California, and will be continuing her education at the University of California, Santa Barbara, in the fall. She enjoys learning about civics and participated in We the People, a program that promotes civic education in schools through simulated congressional hearing competitions about the constitutional principles of the United States. Aside from learning about politics, she enjoys performing. She participated in*

*her school’s Treble Ensemble and was captain of the color guard team for three years. In her spare time, she enjoys reading, watching movies, and traveling. Though Kelsey is not certain about her major, she anticipates going into a field of social sciences and humanities.*

been stripped away, which is why equal protection is fundamental to equal access to education, especially in classrooms and admissions.

The ratification of the Civil War Amendments created a new set of ideals for American governance and society. Particularly, the Fourteenth Amendment transformed the United States by defining citizenship and incorporating the Bill of Rights into the states, ensuring both due process and equal protection under the law.<sup>2</sup> Despite failing to achieve the social progress that the drafters had intended, the Fourteenth Amendment's promise of equal protection catalyzed the development of civil rights in education by providing the framework to invalidate discriminatory practices, promote school diversity, and create equal opportunities for all students.

The Equal Protection Clause guarantees substantive protections by preventing states from passing or enforcing laws that arbitrarily and unfairly discriminate against any individuals or groups.<sup>3</sup> For education, the first obstacle was overcoming de jure segregation barriers within schools that hindered equal opportunity for all students. The Ninth Circuit Court case, *Mendez v. Westminster School District*, ended racial segregation in schools, noting that the feelings of inferiority experienced by Mexican American students damaged their prospects of success.<sup>4</sup> Although the Westminster School District appealed to the Ninth Circuit, the original ruling was reaffirmed, and eventually Governor Earl Warren passed a California statute eradicating segregation in public schools.<sup>5</sup> When the Westminster School District's appeal was pending, Thurgood Marshall, as a lawyer, wrote an amicus brief for the NAACP using reasoning that he would adopt for *Brown v. Board of Education of Topeka*, which ultimately would declare the "separate but equal" doctrine in schools to be inherently unequal.<sup>6</sup>

*Brown v. Board of Education of Topeka* was a consolidation of five separate cases relating to inequality of segregation at public schools on the basis of race and laid the foundation for the right to equal access to education. In the Supreme Court's unanimous opinion, Chief Justice Earl Warren overturned *Plessy v. Ferguson*, which was precedent that upheld the "separate but equal" doctrine.<sup>7</sup> Chief Justice Warren noted the studies of psychologists that described how segregation generated a "feeling of inferiority" in African American youth.<sup>8</sup>

While de jure segregation may have ended, de facto segregation and inequities continued, catalyzing the call for more changes. Congress passed the Civil Rights Act of 1964 using the Fourteenth Amendment's enforcement provisions to enact Title VI, following-up with Title IX in 1972.<sup>9</sup> Together, they prohibited discrimination based on race, color, national origin, or sex, strengthening the effect of equal access that the Fourteenth Amendment could not do on its own.

The Supreme Court ruled on the issue of affirmative action in *Regents of the University of California v. Bakke*, *Gratz v. Bollinger*, and *Grutter v. Bollinger*.<sup>10</sup> In *Bakke*, Justice Lewis Powell supported the constitutionality of race as a factor in college admissions but struck down the University of California, Davis Medical School's racial quota system.<sup>11</sup> Through *Gratz v. Bollinger* and *Grutter v. Bollinger*, the Supreme Court upheld the constitutionality of affirmative action but struck down the University of Michigan's admissions point system in which it awarded more points to underrepresented races but upheld the law school's admissions policy that took a holistic approach, which included looking at race as a factor.<sup>12</sup> Affirmative action has been a policy to help address inequities in access to education and historically disadvantaged racial groups that have resulted from issues such as institutional racism and implicit bias. Through these decisions and equal protection, gaps in education, particularly for certain minority groups, can be minimized.

Subsequent court cases continued to support the creation of equal opportunity in education. In 1971, the schools in San Francisco were integrated, absorbing thousands of Chinese students.<sup>13</sup> The students sued the San Francisco Unified School District over allegations that the lack of English learner classes violated the equal protection clause of the Fourteenth Amendment and the Civil Rights Act.<sup>14</sup> In *Lau v. Nichols*, the Supreme Court unanimously decided that schools must provide language classes for those not proficient at English.<sup>15</sup> As a daughter of immigrants who spoke no English before arriving to America, this decision resonates with me because it shows how important education is for those who are looking for a new start, hoping to achieve the American Dream, or just a chance to succeed. It is through education that individuals can obtain better opportunities.

While substantial progress has been made, promises of the equal protection have not been completely successful for education. The most glaring indicator is the academic achievement gap that certain racial and ethnic groups experience. The Stanford Center for Education Policy reports that the National Assessment of Educational Progress, or “National Report Card,” indicates a strong correlation between a state’s student achievement gaps and their racial and socioeconomic differences.<sup>16</sup> Such significant disparities in education demonstrate that equal protection has not yet progressed to fulfill its original intent of equality.

With the emergence of modern social movements and growing awareness, perhaps the United States will undergo a transformation into a nation that the Founders promised: progress towards a more perfect, educated union. As James Baldwin wrote, “The paradox of education is precisely this - that as one begins to become conscious one begins to examine the society in which he is being educated.”<sup>17</sup> It is through education that we become aware of society and the existing inequities, and it is through education that we can make the changes to better it.

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<sup>1</sup> Thomas Jefferson, “From Thomas Jefferson to Uriah Forrest, with Enclosure, 31 December 1787,” *Founders Online*, National Archives, <https://wwwFOUNDERS.archives.gov>.

<sup>2</sup> U.S. Const. amend. XIV, *Legal Information Institute*, Cornell Law School, 10 Oct. 2017, [www.law.cornell.edu/constitution/amendmentxiv](http://www.law.cornell.edu/constitution/amendmentxiv).

<sup>3</sup> *We the People: The Citizen & the Constitution*. Center for Civic Education, 2011.

<sup>4</sup> *Mendez v. Westminster*, 64 F.Supp. 544 (9th Cir. 1047); see also Maria Blanco, “The Lasting Impact of *Mendez v. Westminster* in the Struggle for Desegregation,” American Immigration Council, 9 Aug. 2016, [www.americanimmigrationcouncil.org/research/lasting-impact-mendez-v-westminster-struggle-desegregation](http://www.americanimmigrationcouncil.org/research/lasting-impact-mendez-v-westminster-struggle-desegregation).

<sup>5</sup> Maria Blanco, “The Lasting Impact of *Mendez v. Westminster* in the Struggle for Desegregation.”

<sup>6</sup> *Id.*

<sup>7</sup> *Brown v. Board of Education*, 347 U.S. 483.

<sup>8</sup> *Id.*, see also Linda R. Monk, *The Words We Live By*, 1st ed. (Stonesong Press 2003).

<sup>9</sup> Title VI, Civil Rights Act of 1964; Title IX, Civil Rights Act of 1972.

<sup>10</sup> *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978); *Gratz v. Bollinger*, 539 U.S. 244 (2003); *Grutter v. Bollinger*, 539 U.S. 306 (2003).

<sup>11</sup> *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

<sup>12</sup> *Gratz v. Bollinger*, 539 U.S. 244 (2003); *Grutter v. Bollinger*, 539 U.S. 306 (2003).

<sup>13</sup> *Lau v. Nichols*, 414 U.S. 563 (1974).

<sup>14</sup> *Id.*



<sup>15</sup> *Id.*

<sup>16</sup> Stanford Center for Education Policy Analysis, “Racial and Ethnic Achievement Gaps” *The Educational Opportunity Monitoring Project: Racial and Ethnic Achievement Gaps*, cepa.stanford.edu/educational-opportunity-monitoring-project/achievement-gaps/race/.

<sup>17</sup> James Baldwin, “James A. Baldwin Quotes,” Brainy Quotes, <https://www.brainyquotes.com>.

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*Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), *Oyez*, [www.oyez.org/cases/1979/76-811](http://www.oyez.org/cases/1979/76-811).

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*We the People: The Citizen & the Constitution*. Center for Civic Education, 2011.

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## THE EQUAL PROTECTION CLAUSE: A CORNERSTONE OF THE AMERICAN DREAM

*“In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.” - Chief Justice Earl Warren*

Two hundred and forty-two years ago our country was founded on the idea that “all men are created equal”.<sup>1</sup> This idea remains central to the American identity today. The constitutional foundation for equality in America was laid in 1868 by the 14th Amendment’s Equal Protection Clause, guaranteeing “the equal protection of the laws” to all people.<sup>2</sup>

The public education system is integral to our society, molding the next generation of Americans. Because of this, providing equality in education is essential to upholding our core set of values as a nation. As it relates to education, the Equal Protection Clause provides every child a right of fair and equal access to public education, allowing them to fully develop as individuals and citizens.



*James Freedman, 15, is an incoming junior at Torrey Pines High School in San Diego, California. His favorite subjects in school include English and history. He is particularly interested in researching and writing about the law, economics, and political science. James is the vice president of his school’s Mock Trial team. He plays the trumpet for his school jazz band, and likes both playing and listening to music. Outside of school, James plays competitive water polo, volunteers at a science center, and works as a camp*

*counselor for junior lifeguards. James strongly believes that the public education system is an integral vehicle to the continued success of our nation.*

There are four main federal legislative acts involving the 14th Amendment with regards to education: Title VI and Title IX of the Civil Rights Act of 1964<sup>3</sup> which prohibited educational discrimination respectively by race and sex, the Rehabilitation Act of 1973<sup>4</sup> that banned exclusion or discrimination of disabled students in public schools, and the Individuals with Disabilities Education Act<sup>5</sup> of 1990 that provided equal educational opportunities to disabled students. In addition, the Equal Protection Clause left a profound impact on our society through precedents set at multiple levels of the court system.<sup>6</sup>

One of the first cases establishing equality in education was a 1947 decision by the 9th Circuit Court of Appeals in the case *Mendez v. Westminster School District*. This case concerned the racial segregation of Mexican Americans into separate schools with low funding and support.<sup>7</sup> The Court ruled that the segregation of these children was illegal, concurring with a lower court that they were “citizens of the United States... and are fully qualified to attend and use the public school facilities”. It also established the importance of maintaining equal opportunity in education, stating that “a paramount requisite in the American system of public education is social equality”<sup>8</sup>

*Mendez* laid the foundation for one of the most influential Supreme Court cases ever, *Brown v. Board of Education of Topeka* in 1954. *Brown* was a landmark case establishing that racial segregation in schools directly violated the Equal Protection Clause. Proponents of segregation claimed that, pursuant to *Plessy v. Ferguson*, the “separate but equal” doctrine justified racial segregation in education.<sup>9</sup> In his opinion, Chief Justice Earl Warren wrote that “segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racially integrated school system”.<sup>10</sup> Warren’s opinion and the Court’s decision were groundbreaking in that they centered not on the narrowly defined equality of schools and instruction as articulated by the Board of Education, but rather on the profound negative impact of segregation in education on children.<sup>11</sup>

*Lau v. Nichols* in 1974 was the first major case reflecting the impact of the Civil Rights Act. In *Lau*, the Supreme Court unanimously ruled that lack of supplemental English programs at schools violated the Civil

Rights Act by disadvantaging non-English speakers. In the majority opinion, the Court stated that “the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students”, recognizing this deficiency as a proxy for racial discrimination.<sup>12</sup> *Lau* established for the first time that passive negligence to provide equal opportunity in education was akin to active discrimination, and that federally funded institutions had an obligation to actively provide equal educational opportunities to all.<sup>13</sup>

Affirmative action in university admissions was first considered in 1978 by the Supreme Court in *Regents of the University of California v. Bakke*. Allan Bakke sued the University of California for discrimination against white applicants when declined admission into the University’s medical school due to racial affirmative action.<sup>14</sup> In the Court’s ruling, Justice Powell stated that “the interest of diversity is compelling in the context of a university’s admissions program”, setting precedent for the use of race-based affirmative action.<sup>15</sup> Justice Sandra Day O’Connor cited *Regents* in the later case of *Grutter v. Bollinger*, writing that affirmative action furthered “a compelling interest in obtaining the educational benefits that flow from a diverse student body” and thus establishing the legality of the use of race in admissions decisions.<sup>16</sup>

In *Endrew F. v. Douglas County School District*, decided in 2017, the Supreme Court established equal educational rights of disabled students. The Court held that under the Individuals With Disabilities Act (IDEA) schools were required to create conditions allowing disabled students to make “appropriately ambitious” steps advancing their education.<sup>17</sup> Chief Justice John Roberts, citing the 1982 case *Board of Education of Hendrick Hudson Central School District v. Rowley*,<sup>18</sup> wrote in the Court’s unanimous opinion that schools must “enable a child to make progress appropriate in light of the child’s circumstances”.<sup>19</sup>

Through all these and many other cases, the judicial system proved to be a critical element of our country’s evolution, nourishing America’s founding ideals of liberty and justice for all and protecting them against bias and prejudice. In education, it has ensured the right to equality so eloquently expressed by Chief Justice Warren. The Equal Protection Clause and the body of law that followed it became a bedrock of

protecting universal equality in all spheres of life, including education. It assures that all children have an equal opportunity to reach their full potential, leading America and the world into the future.

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<sup>1</sup> “Declaration of Independence: A Transcription.” National Archives and Records Administration, [www.archives.gov/founding-docs/declaration-transcript](http://www.archives.gov/founding-docs/declaration-transcript).

<sup>2</sup> “14th Amendment.” LII / Legal Information Institute, 10 Oct. 2017, [www.law.cornell.edu/constitution/amendmentxiv](http://www.law.cornell.edu/constitution/amendmentxiv).

<sup>3</sup> “Civil Rights Act of 1964.” National Archives and Records Administration, National Archives and Records Administration, [catalog.archives.gov/id/299891](http://catalog.archives.gov/id/299891).

<sup>4</sup> “The Rehabilitation Act.” U.S. Department of Education, 27 Feb. 2017, [www2.ed.gov/policy/speced/reg/narrative.html](http://www2.ed.gov/policy/speced/reg/narrative.html).

<sup>5</sup> “About IDEA.” Individuals with Disabilities Education Act, [sites.ed.gov/idea/about-idea/](http://sites.ed.gov/idea/about-idea/).

<sup>6</sup> “Equal Protection.” LII / Legal Information Institute, 13 June 2016, [www.law.cornell.edu/wex/equal\\_protection](http://www.law.cornell.edu/wex/equal_protection).

<sup>7</sup> “Mendez v Westminster: Paving the Way to School Desegregation.” Constitutional Rights Foundation, [www.crf-usa.org/bill-of-rights-in-action/bria-23-2-c-mendez-v-westminster-paving-the-way-to-school-desegregation](http://www.crf-usa.org/bill-of-rights-in-action/bria-23-2-c-mendez-v-westminster-paving-the-way-to-school-desegregation).

<sup>8</sup> *Mendez v. Westminster School Dist.*, 64 F. Supp. 544 (S.D. Cal. 1946).<sup>9</sup> *Plessy v. Ferguson*, 163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256 (1896).

<sup>10</sup> *Brown v. Board of Education*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).

<sup>11</sup> “Brown v. Board of Education.” History.com, A&E Television Networks, 2009, [www.history.com/topics/black-history/brown-v-board-of-education-of-topeka](http://www.history.com/topics/black-history/brown-v-board-of-education-of-topeka).

<sup>12</sup> *Lau v. Nichols*, 414 U.S. 563, 94 S. Ct. 786, 39 L. Ed. 2d 1 (1974).

<sup>13</sup> “Lau v. Nichols.” Oyez, [www.oyez.org/cases/1973/72-6520](http://www.oyez.org/cases/1973/72-6520).

<sup>14</sup> “Regents of the Univ. of Cal. v. Bakke.” LII / Legal Information Institute, [www.law.cornell.edu/supremecourt/text/438/265](http://www.law.cornell.edu/supremecourt/text/438/265).<sup>15</sup> *University of California Regents v. Bakke*, 438 U.S. 265, 98 S. Ct. 2733, 57 L. Ed. 2d 750 (1978).

<sup>16</sup> *Grutter v. Bollinger*, 539 U.S. 306, 123 S. Ct. 2325, 156 L. Ed. 2d 304 (2003).

<sup>17</sup> “Andrew F v. Douglas County School District.” Oyez.org, [www.oyez.org/cases/2016/15-827](http://www.oyez.org/cases/2016/15-827).

<sup>18</sup> *Hendrick Hudson Dist. Bd. of Ed. v. Rowley*, 458 U.S. 176, 102 S. Ct. 3034, 73 L. Ed. 2d 690 (1982).

<sup>19</sup> *ENDREW F. v. DOUGLAS CO. SCHOOL DIST.* RE-1, 137 S. Ct. 988, 580 U.S., 197 L. Ed. 2d 335 (2017).

3<sup>rd</sup>  
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### EQUAL PROTECTION AND STUDENTS

In his book "A Theory of Justice," the late Harvard Law professor John Rawls defined justice as holistic fairness.<sup>1</sup> He wrote that justice, as fairness, rests on the assumption of a natural right of men and women to equality—a right we possess not by virtue of merit, character, or excellence, nor because we are one race or another, but simply as human beings. This concept—that equality is a natural right of sorts—has had arguably the most profound implication for students. In the 150 years since the Fourteenth Amendment was ratified, students, and the courts that have heard their causes, have been at the forefront of some of the most important legal decisions interpreting the Fourteenth Amendment.

*Brown v. Board of Education*, is probably the most well-known case on education equality.<sup>2</sup> But before *Brown*, the Ninth Circuit decided the less-known but equally important case of *Mendez v. Westminster School District*.<sup>3</sup> In *Mendez*, students challenged the school district's practice of segregating students of Latin and Mexican descent. Almost nine years before *Brown*, the Ninth Circuit stated that such segregation "violated the federal law as provided in the Fourteenth Amendment" by depriving them of liberty and property "without due process and by denying them



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equal protection of the laws.”<sup>4</sup> Mendez thus paved the way for thousands of students (including those from my own background) to get equal access to education and laid the groundworks for Brown.

Years later, the Supreme Court addressed the issue of “separate but equal” in Brown.<sup>5</sup> Brown struck down the concept that students could be required to attend separate schools under the guise that while the two facilities were separate, they were purportedly equal. Brown thus recognized that the mere fact of segregation tended to create a sub-class of individuals whose constitutional rights were undermined. Untethered to political influence, in Brown, the judicial branch exerted a powerful check on the executive branch—and students marched at the forefront of that charge.

In 1964, the legislative branch provided students additional ammunition to fight injustices in education by drafting the comprehensive Civil Rights Act of 1964. A decade after the Act’s passing, the Supreme Court decided that the lack of supplemental language instruction in public schools violated the Civil Rights Act of 1964.<sup>6</sup> Under *Lau*, it was no longer enough to put students physically in the same stead. Rather, students had to be given an equal opportunity to succeed by obtaining supplemental language instruction such as English as a second language courses (ESL). *Lau* was an important case personally as it was decided two years after my mother was born, and six years before she emigrated from Iran without knowing any English. Those court-prescribed classes helped my parents—one an immigration from Iran; the other an immigrant from Mexico—and scores of others that were similarly situated to assimilate into the United States.

In *Regents of the University of California v. Bakke*, the Supreme Court declared that consideration of race as one among many factors was permissible.<sup>7</sup> Where cases like Mendez, Brown, and *Lau* had laid the groundwork for student equality in the K-12 system, *Bakke* paved the way for increased racial diversity in higher education. As a result of *Bakke*, state-run colleges implemented various levels of affirmative action. In *Gratz v. Bollinger*<sup>8</sup> and *Grutter v. Bollinger*,<sup>9</sup> the State of Michigan’s affirmative action policies for college and graduate school, however, were challenged by two women that had been denied admission by the University of Michigan. In *Gratz*, the Supreme Court stated an automatic

point system that gave significant preference to “underrepresented minorities” was unconstitutional.<sup>10</sup> In contrast, in *Grutter*, under a different level of constitutional scrutiny, the Supreme Court decided that the State of Michigan had a compelling government interest in promoting racial diversity in graduate level programs, such as the law school at issue.<sup>11</sup> Thus, while *Gratz* ratcheted back some of the more progressive affirmative action policies, *Grutter* confirmed that racial diversity was still an important government consideration for higher learning institutions.

For many, schools are a second home that are meant to be a safe haven for all races, sexes, and ideologies to learn. Colleges and graduate schools are likewise places where students bring their diverse viewpoints into a marketplace of ideas. Perhaps the most important function of education, however, is that like the vote, it is a right preservative of other rights. That is, citizens that are more educated are more likely to be self-empowered to fight inequity, injustice, and fraud. In the 150 years since the Fourteenth Amendment was ratified, students have spearheaded the fight for educational equality. But that fight would not be possible without courts, such as the Ninth Circuit Court of Appeals, which provide the forum in which a single student—perhaps from an immigrant family such as mine—can challenge the constitutionality of actions by large, powerful government institutions. Through interpretation of the Fourteenth Amendment and the laws passed since its ratification, the courts have enabled students like myself the opportunity to be treated equally—a right we possess not by virtue or merit, or character, or excellence, but simply because we are human beings.

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<sup>1</sup> John Rawls, *A Theory of Justice* (1st ed. 1971).

<sup>2</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

<sup>3</sup> *Mendez v. Westminster School District*, 161 F.2d 774 (9th Cir. 1947).

<sup>4</sup> *Id.* at 777.

<sup>5</sup> *Brown*, 347 U.S. at 487.

<sup>6</sup> *Lau v. Nichols*, 414 U.S. 563 (1974).

<sup>7</sup> *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

<sup>8</sup> *Gratz v. Bollinger*, 539 U.S. 244 (2003).

<sup>9</sup> *Grutter v. Bollinger*, 539 U.S. 306 (2003).

<sup>10</sup> *Gratz*, 539 U.S. at 246.

<sup>11</sup> *Grutter*, 539 U.S. at 308.



# WINNING VIDEO CONTEST ENTRIES

Winning video entries can be viewed by visiting the 2018 Civics Contest website: <http://www.ca9.uscourts.gov/civicscontest>



## CINDY LAW, KAREN THAI AND VERONICA YU ARCADIA, CALIFORNIA



*Cindy Law, 18, recently graduated from Arcadia High School in Arcadia, California. Her parents immigrated to America from Hong Kong so she is fluent in both English, Cantonese, and Mandarin. Because Cindy is fluent in these three languages, she often watches Chinese dramas in her spare time, along with playing piano, reading, drawing and hanging out with her friends. Some of her favorite subjects in school include biology, art and history—although she admits to being terrible at memorizing*

*historical dates. After being part of her school's Constitution team, she has become a more politically active individual, who has a greater understanding*

*of how our judicial system is constantly trying to find the balance between equality and order. She will be attending the University of California, Davis, to pursue a degree in biological sciences and art studio. She aspires to become a medical illustrator or some other similar career.*



*Karen Thai, 17, recently graduated from Arcadia High School in Arcadia, California. She will be attending the University of California, San Diego, in the fall and will be majoring in political science with hopes of becoming an environmental attorney in the future. Along with her video contest teammates, Karen is in Unit 3 of the Arcadia High School Constitution Team which studies the 13th, 14th, and 15th amendments, judicial review, political parties, and suffrage. Additionally, she is involved in speech and debate, LEO Club, and RTWKIDS. In her free time, Karen enjoys eating copious amounts of In-N-Out, pasta, and ice cream. She also loves listening to Carrie Underwood and NPR, playing with dogs, and watching Parks and Recreation, and Chopped.*



*Veronica Yu, 18, was born and raised in Arcadia, California, to parents who immigrated from Hong Kong. She is the youngest of four daughters. At Arcadia High School, where she recently graduated, Veronica was part of the Cross-Country Team, as well as her school's newspaper, "The Apache Pow Wow." Additionally, as a high school senior this year, she was a member of the Constitution Team on Unit 3 and studied the implications of the 14th Amendment and the modern interpretation of the Equality Clause. Being on this team has been one of the most enriching and fulfilling experiences of her high school career—helping her discover her interest in human rights, as well as realize how important it is to be civically engaged and involved in our society. Veronica will be attending the University of Southern California in the fall, majoring in the biological sciences, with an interest in learning more about the policy making in the United States health care system.*



## **ROBERT LOWELL, DESARAE MILLET AND MARIAH VASQUEZ**

### **SAHUARITA, ARIZONA**



*Robert Lowell, 17, is a recent graduate of Walden Grove High School in Sahuarita, Arizona. Throughout high school, he has actively participated in marching band, varsity swimming, jazz band, National Honor Society, and the Fellowship of Christian Athletes. Robert is the president of his school's chapter of the Tri-M Music Honor Society, and he is also an Eagle Scout. He will be attending the University of Arizona in the fall to study pre-law.*



*Desarae Millet, 18, is a recent graduate of Walden Grove High School in Sahuarita. In addition to participating in various advanced placement classes throughout high school, she has been very involved in music, and have played the trumpet in top level bands such as regional and state concert bands, placing in the top chair in Allstate Jazz in 2018. She is passionate in learning new things as well as*

*educating and interacting with youth. Desarae will attend Brigham Young University Idaho this fall to pursue a degree in music education with an emphasis in band. Her goal is to become a music educator to high school or college level students and use her gifts and talents to make a positive difference within her community.*



*Mariah Vasquez, 17, engages in many extracurricular activities that have heavily impacted her high school journey. She recently graduated from Walden Grove High School in Sahuarita. Mariah was an eager participant, and the vice president, of the “Class of 2018 Club” in which she planned dances and made outrageous homecoming floats each year. She was an officer for the National Honor Society, a club that contributed to the community through acts of service. For the Fellowship of Christian Athletes*

*Club, she also engaged as a student leader during weekly meetings. Her love for children and God was and still is demonstrated as she serves biweekly as a Sunday school teacher. Another important aspect of her high school experience was the opportunity to play four years of varsity soccer and serve as team captain. She loves the outdoors and physical activities. In August, she will be attending the University of Arizona for a major in physiology and a minor in Spanish. In the years following, she plans to attend the UA College of Medicine to eventually become a pediatrician. She cannot wait to put her passion for science and love for kids into practice.*



## **NATALIA ESCOBEDO & IVAN VELASCO CORONADO, CALIFORNIA**



*Natalia Escobedo, 18, recently graduated from Coronado High School in Coronado, California, and has been involved in theater since she was seven years old. She is currently an intern at the Tony Award winning La Jolla Playhouse after having gone full circle in theater: acting, stage managing, designing, teaching, writing plays and directing. She is attending Pepperdine University in the fall and double majoring in theater directing and political science in hopes of staging plays that mirror the*

*current social and political climate of America. Natalia views theater as a vehicle for change and seeks to use it as a medium to spark conversation about current events with a commitment to celebrating diversity. Natalia has studied theater in Mexico, the Coronado School of the Arts, the American Academy of Dramatic Arts in New York City, and at the Shakespeare's Globe in London and hopes to continue to develop a global lens through her art. She hopes to one day completely merge her love of politics and arts by working for the National Endowment for the Arts.*



*Ivan Velasco, 18, recently graduated from Coronado High School in Coronado, California. He moved to the United States from Tijuana, Mexico, when he was 11 years old to attend High Tech Middle School. At High Tech, he discovered a passion for making films. Since then, Ivan has taken part in the shooting of over 50 short films and one feature film. At school, Ivan takes part in the film program within the after-school program at Coronado School of the Arts. He spends his time at school honing his skills in directing and cinematography which, last year, led him to be accepted into the Summer Film Program at the University of Southern California, where he further enriched his skills through physical experiences with industry professionals at the university. Today, Ivan uses film to design captivating imagery, exhibit beauty through different mediums, and capture audiences emotionally. His other interests include politics, playing piano, skiing, and exploring technology.*



# CENTRAL DISTRICT OF CALIFORNIA WINNERS



Finalists are the winners of a local contest sponsored by the U.S. District and Bankruptcy Courts for the Central District of California. Winners of the essay and video competition received \$1,000 for 1<sup>st</sup> place, \$750 for 2<sup>nd</sup> place, and \$500 for 3<sup>rd</sup> place.

## ESSAY WINNERS

### **1<sup>st</sup> Place**

**Veronica Yu**

Arcadia High School, Arcadia

### **2<sup>nd</sup> place**

**Emily Thomas**

Laguna Beach High School,

Laguna Beach

### **3<sup>rd</sup> Place**

**Louise Kim**

Chaparral High School, Temecula

## VIDEO WINNERS

### **1<sup>st</sup> Place**

**Sabrina Huang & Jingyi Zhou**

University High School, Irvine

### **2<sup>nd</sup> Place**

**Cindy Law, Karen Thai**

**& Veronica Yu**

Arcadia High School, Arcadia

### **3<sup>rd</sup> Place**

**Max Li, Arianna Togelang**

**& Jonathan Yu**

Arcadia High School, Arcadia

# **OTHER ESSAY & VIDEO CONTEST FINALISTS**

## **District of Alaska**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Alaska, which awarded prizes of \$1,000, \$500 and \$250 to the top three finishers.

Alaska winners of the essay competition are: 1st place, Tanner Sprankle, a senior from West Valley High School in Fairbanks; 2nd place, Alexander O'Neill, a junior; and 3rd place, Savio Le, a junior from Holy Rosary Academy in Anchorage. There are no winners of the video competition.

## **District of Arizona**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Arizona, which offered prizes of \$1,000, \$500 and \$250 to the top three finishers in both the essay and video competitions.

Arizona winners of the essay competition are: 1st place, Merit Thompson, a freshman at Cactus Shadows High School in Cave Creek; 2nd place, Chaelin Jung, a senior at Hamilton High School in Chandler; and 3rd place, Isabella Sayegh, a junior at Cactus Shadows High School.

Video winners are: 1st place, the team of Robert Lowell, Desarae Millet and Mariah Vasquez, seniors at Walden Grove High School in Sahuarita; 2nd place, the team of Logan Davidson and Treyce Watson, seniors at Skyline High School in Mesa; and 3rd place, the team of Tanner Gurr, Emily Hartman and Victoria Carbajal, seniors at Skyline High School in Mesa.

## **Eastern District of California**

Eastern District of California winners of a local contest sponsored by the U.S. District Court for the Eastern District of California.

The winners of the essay competition are: 1st place, Dahlia Elgonemy, a junior at Benicia High School in Benicia; 2nd place, Kenan Anderson, a junior at Cosumnes Oaks High School in Elk Grove; and 3rd place, Hannah Tom, a junior at Cosumnes Oaks High School in Elk Grove. There are no video winners.



## **Northern District of California**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the Northern District of California. The district offered prizes of \$100 each to the top three finishers in the competition.

Northern District of California winners of the essay competition are: Kelsey Luu, a senior at Irvington High School in Fremont; Victor Wu, a senior at The College Preparatory School in Oakland; Lauren Byunn-Rieder, a sophomore at Castilleja School in Palo Alto.

Video winners are: the team of Roxana Scott and Marie Williams from Castilleja School in Palo Alto; the team of Becca Row and Minhee Chung, sophomores at Castilleja School in Palo Alto; and the team of Anika Fair, Isabel De Blois and Evangeline Anguiano, sophomores at New Technology High School in Napa.

## **Southern District of California**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the Southern District of California. The district offered prizes of \$1,000, \$500 and \$250 to the top finishers in the competition.

Southern District of California winners of the essay competition are: 1st place, James Freedman, a sophomore at Torrey Pines High School in San Diego; 2nd place, Kayla Pebdani, a sophomore at La Costa Canyon High School in Carlsbad; and 3rd place, Amy Cho, a freshman at La Jolla Country Day in San Diego.

Video winners are: 1st place, the team of Ivan Velasco and Natalia Escobedo, seniors at Coronado High School in Coronado; 2nd place, the team of Angelina Felipe, Andres Rodriguez, and Shaun Tayaba, seniors at Morse High School in San Diego; and 3rd place, the team of Katharina Roemer and Rose Bradshaw, juniors at San Diego High School in San Diego.

## **District of Guam**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Guam. The district offered prizes of \$150, \$100 and \$50 to the top finishers in the competition.

Guam winners of the essay competition are: 1st place, Julia Green; 2nd place, Alexis Santos; and 3rd place, Nicole Imamura. All are seniors at Academy of Our Lady of Guam in Hagatna.

Video winners are: 1st place, Leya Yang, a junior at St. John's School in Tumon; and 2nd place, Colton Jones, a junior at Guam High School in Hagatna. There is no 3rd place winner.

### **District of Hawaii**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Hawaii. The district offered prizes of \$1,000, \$500 and \$250 to the top finishers in the competition.

Hawaii winners of the essay competition are: 1st place, Ye Seol Woo, a junior at Punahou School in Honolulu; 2nd place, Hypatia Pine, a junior at St. Andrew's Priory in Honolulu; and 3rd place, Alexia Saad, a junior at St. Andrew's Priory in Honolulu. There are no video winners.

### **District of Idaho**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Idaho. The district offered prizes of \$1,000, \$500 and \$250 to the top finishers in the competition.

Idaho winners of the essay competition are: 1st place, Katherine Conley, a senior at Idaho Falls High School in Idaho Falls; 2nd place, Teresa Fong, a junior at Meridian Technical Charter High School in Meridian; and 3rd place, Isaac Loomis, a junior at Wood River High School in Hailey.

Video winners are: 1st place, the team of Petie Schill and Grace McGrorty, seniors at Capital High School in Boise; and 2nd place, Amy Tsourmas, a junior at Boise High School. There is no 3rd place winner.

### **District of Montana**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Montana. The district offered prizes of \$2,000, \$1,000 and \$500 to the top finishers in the competition.

Montana winners of the essay competition are: 1st place, Zach Mangels, a sophomore at Skyview High School in Billings; 2nd place, Sylvia Stoker, a senior at Corvallis High School in Corvallis; and 3rd place, Alec Good, a senior at Great Falls High School in Great Falls.

Video winners are: 1st place, Layla Brinkerhoff, a senior at Fort Benton High School in Fort Benton; 2nd place, the team of Austin Grove, Tucker

Walter and Katelyn Bacon, seniors at Moore School in Moore; and 3rd place, Lilly Green, a senior at Fort Benton High School.

### **District of Nevada**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Nevada.

Nevada winners of the essay competition are: 1st place, Gillian Weatherford, a senior at Las Vegas Academy in Las Vegas; 2nd place, Paige Hewitt, a senior at Las Vegas Academy of the Arts in Las Vegas; and 3rd place, Dagmawi Haile, a senior at West Career and Technical Academy in Las Vegas.

Video winners are: 1st place, the team of Peter Grema, Avery Sigarroat and Samir Gulati, seniors at West Career and Technical Academy in Las Vegas; 2nd place Rickelle Williams, a senior at Las Vegas Academy in Las Vegas; and 3rd place, Ceferino Reyes Villafuerte, a senior at Las Vegas Academy of International Studies in Las Vegas.

### **District of Northern Mariana Islands**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Northern Mariana Islands.

Northern Mariana Islands winners of the essay competition are: 1st place, Joshua Alfred, a freshman at Marianas Baptist Academy in Saipan; 2nd place, Eric Kiser, a junior at Mount Carmel School in Saipan; and 3rd place, Maria Gregoire, a freshman at Saipan International School in Saipan.

The winner of the video competition is the team of Jeff Melchor, a senior, Angelo Manase, a junior, and Justin Ocampo, a junior, at Mount Carmel School in Saipan. There are no 2nd or 3rd place winners.

### **District of Oregon**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the District of Oregon. Cash prizes totaling \$700 were offered to the top finishers, who were invited to an award presentation at the Federal Bar Association Oregon Chapter's Annual Dinner.

Oregon winners of the essay competition are: 1st place, Rohan Menon, a sophomore at Westview High School in Portland; 2nd place, Akili

Kelekele, a junior at Lincoln High School in Portland; and 3rd place, Danny Nguyen, a senior at Parkrose High School in Portland.

The video winner is the team of Chloe Bryant, Collin Bell and Isaac Sheets, seniors at South Salem High School. There are no 2nd or 3rd place winners.

### **Eastern District of Washington**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the Eastern District of Washington.

Eastern District of Wash. winners of the essay competition are: 1st place, Daedan Olander, a senior at Hanford High School in Richland; 2nd place, Sonia Fereidooni, a junior at Pullman High School in Pullman; and 3rd place, Jed Young, a senior at Moses Lake High School in Moses Lake. There are no video winners.

### **Western District of Washington**

Finalists are the winners of a local contest sponsored by the U.S. District Court for the Western District of Washington, which offered prizes of \$500, \$350 and \$250 to the top three finishers in both the essay and video competitions.

Western District of Washington winners of the essay competition are: 1st place, Douglas Smith, a junior at The Overlake School in Redmond; 2nd place, Dakota Huffman, a senior at Tahoma High School in Maple Valley; and 3rd place, Julien Johnson, a freshman at Renton Preparatory Christian School in Renton.

Video winners are: 1st place, the team of Afomeya Hailu, a freshman at Renton Preparatory Christian School; 2nd place, Kaitlin Beel, a junior at Camas High School in Camas; and 3rd place, Julien Johnson, a freshman at Renton Preparatory Christian School.

## 2018 CIVICS CONTEST JUDGES

### **Essay Winner Selection:**

Circuit Judge Morgan Christen, Anchorage, Alaska

Molly C. Dwyer, Clerk of Court, Ninth Circuit Court of Appeals

Edward Hosey, Deputy Circuit Librarian, Ninth Circuit Court of Appeals

District Judge John A. Kronstadt, Central District of California

District Judge Janis Lynn Sammartino, Southern District of California

### **Video Winner Selection:**

Senior District Judge Ralph R. Beistline, District of Alaska

Bev Benka, Bankruptcy Court Clerk, Eastern District of Washington

Bankruptcy Judge Sandra R. Klein, Central District of California

Robyn Lipsky, Executive Director, Ninth Judicial Circuit Historical Society

Sean McAvoy, District Court Clerk, Eastern District of Washington

### **Semifinal Judging (Essay & Video)**

Sandy Andrews, Michael Chu, Alex Clausen, Kwame Copeland, Kasey

Corbit, Rollins Emerson, Eve Fisher, Lisa Fitzgerald, Kristine Fox,

Kimberly Goodnight, Melissa Hernandez, Stella Huynh, Paul Keller, Kari

Kelso, Erin Lupfer, David Madden, Marcy Mills, Emily Newman, George

Perrault, Katherine Rodriguez, Robby Saldana, Chandan Toor, and

Ruth Tronnes.

**SPECIAL THANKS to all of the judges, attorneys, court staff,  
and educators from across the Ninth Circuit who contributed to the  
success of the contest.**

UNITED STATES COURTS

9<sup>th</sup>  
CIRCUIT

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