

# Law Related Education

The newsletter of the Illinois State Bar Association's Committee on Law Related Education

*The Illinois State Bar Association's Law-Related Education Newsletter is provided free of charge on a quarterly basis during the school year. We are dedicated to promoting law-related education resources and discussion topics appropriate for use in classroom or community settings. If you do NOT wish to receive this complimentary newsletter, please reply and indicate in the message line that you wish to be removed from our mailing list. Statements, expressions of opinion or comments appearing herein are those of the editors or contributors, and not necessarily those of the Association or the Committee.*

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## LRE news

BY LAUREN EVANS DEJONG

**WELCOME to another year of Law Related Education.** We are excited to report the following:

- The ABA Division for Public Education is hosting a **free** professional development series for Chicago-area high school teachers of law, history, government, social studies and civics.

The program will provide participants with a broader understanding of the Fourteenth Amendment to the U.S. Constitution, and how to develop inquiry-based lessons that focus on the Fourteenth Amendment. The program will bring together a cohort of 20 teachers for in-person seminars,

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## Constitution Day— September 17, 2017

BY NANCY EASUM

**So what's so special about September 17, 2017, and why should we care?** On September 17, 2017, the United States Constitution will be 230 years old. Yes, on September 17, 1787, 39 brave men signed their name to the document, giving the new country a structure for operation. The roots of today's government can be found

in the Constitution's provisions.

For example, the Constitution created the United States House and Senate. The founders of our country wanted to ensure all states had equal representation; hence, the structure of the two chambers—one based upon population and the other with

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workshops and online discussions that will occur between October 2017 and March 2018. Participants will have an opportunity to engage with legal scholars, historians and curriculum specialists as they develop lessons that align with Illinois' new civics standards. The application, along with additional program information, can be found at: *ABA Constitutional Institutes for Teachers*. The deadline to apply is September 1.

- The Illinois State Bar Association Standing Committee on Law-Related Education for the Public launched into the new year with vigor to connect with students throughout the State of Illinois through *ISBA Lawyers in Classrooms*. This program provides a unique opportunity for students to learn civics from judges and attorneys who work in the legal system of our State. Through

ILCivics.org, teachers can contact more than 160 volunteers, in 58 different counties, who have agreed to talk for free about the law. Teachers can contact judges and lawyers directly, or through Kim Furr at [kfurr@isba.org](mailto:kfurr@isba.org). For more information, please go to [www.isba.org](http://www.isba.org).

- Congratulations to Katy Karayannis for winning the Illinois State Bar Association Law Student Division Public Service Award for her role as Illinois High School Mock Trial Coordinator. The ISBA Law Student Division Public Service Award is awarded annually to a law student participating in activities that enhance professional responsibility and provide service to the public. The award is based on extracurricular accomplishments and service related activities during the law school career. We wish Katy all the best in her future endeavors. ■



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## Law Related Education

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# The Pledge of Allegiance and the battle between civil rights & civics education

BY LAUREN EVANS DEJONG

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**In the early 1940s, the United States was involved in World War II and patriotism was high.** However, this patriotism was mixed with feelings of worry and fear. In this atmosphere, the State of West Virginia enacted laws requiring its schools “to conduct certain courses of instruction for the purpose of teaching, fostering and perpetuating the ideals, principles and spirit of Americanism,” among other things. In furtherance of these laws, the West Virginia Board of Education passed a resolution requiring all students to salute the flag and recite the pledge of allegiance. The passage of this resolution came after a 1940 United States Supreme Court decision, *Minersville School District v. Gobitis*, in which Jehovah’s Witnesses had challenged the district’s requirement of the pledge as a violation of their right to the free exercise of religion. In that decision the Court held that the school’s interest in national unity was compelling and should be given deference.

A group of Jehovah’s Witnesses objected to the post-*Minersville* resolution in West Virginia, claiming that its implementation infringed on their religious freedom. The religious beliefs of Jehovah’s Witnesses prohibit the making of an image or likeness of anything to which they bow down before or serve. They considered the flag an image and refused to salute it. The Board’s response to a student’s refusal to salute the flag was to expel the student for insubordination with readmission denied until the student complied with the resolution to salute the flag and recite the pledge. Meanwhile, the expelled student was considered “unlawfully absent” and could be proceeded against as a delinquent, which would subject the student’s parents

and guardians to prosecution. If the parent or guardian was convicted, they were subject to punishments ranging from fines to jail time.

The Jehovah’s Witnesses claimed the Board’s resolution was an unconstitutional denial of their religious freedom and freedom of speech and also claimed that the resolution was invalid under the due process and equal protection clauses of the Fourteenth Amendment to the U.S. Constitution. They sued the Board of Education, requesting an injunction to restrain enforcement of the resolution. The case reached the United States Supreme Court, styled as *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943).

The Supreme Court found that “[t]he 14<sup>th</sup> amendment...protects the citizen against the State itself and all of its creations—Boards of Education not excepted.” The Court found that freedom of religion is “susceptible of restriction only to prevent grave and immediate danger to interests which the state may lawfully protect” and that there was no such grave and immediate danger present in the facts of the case. Moreover, the Court found that the very fact that the Board of Education was educating for purposes of promoting citizenship was in itself “reason for scrupulous protection of Constitutional freedoms.”

The Supreme Court held that the Board of Education’s action violated the First and Fourteenth Amendments to the U.S. Constitution and determined that the pledge of allegiance is a form of speech protected by the First Amendment stating that “the action of the local authorities in compelling the flag salute and pledge transcends

constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to the Constitution to reserve from all official control.”

Subsequent challenges to the pledge have often focused on the words “under God,” which were added to the pledge by Congress in 1954. On the whole, these challenges have been unsuccessful. In 2004, an atheist parent brought an action against a California pledge requirement, claiming that the inclusion of the words “under God” in the pledge made the requirement that teachers lead the pledge a violation of his daughter’s rights under the First Amendment’s establishment and free exercise clause. In *Elk Grove Unified School District v. Newdow*, the Court did not reach the First Amendment issues, instead finding that the parent did not have standing to bring the case because he did not have custody of his daughter. Other cases have proposed that the “under God” language constitutes a violation of the equal protection clause of the Fourteenth Amendment. But these cases have also been unsuccessful.

The history of the Pledge of Allegiance and the legal challenges to its recitation provide not only an interesting exploration of the tensions between the important role of schools and other units of government in promoting civic values and education while also maintaining the rights of Americans to exercise their religious freedoms and civil rights. For more information on these topics, we suggest [www.constitutioncenter.org](http://www.constitutioncenter.org) and [www.oyez.org](http://www.oyez.org). ■

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Lauren Evans DeJong is an attorney with the law firm Stahl Cowen Crowley Addis LLC in Chicago. She is the LRE Newsletter Co-Editor and past Chair of the LRE Committee.

## Constitution Day—September 17, 2017

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equal representation for all states. Since the House would be the chamber of the people based upon population, all bills regarding the raising of revenue were required to begin in the House. The legislative process was created by the Constitution, including the President's veto of legislation passed by both chambers.

The structure of the Electoral College was also outlined in the Constitution and provided for the election of the President and Vice-President through this system. These provisions are still used today. Our country's founders also created a successor if the President was unable to serve—the Vice-President. The signers of the Constitution were very insightful and formulated a plan for the new country to thrive and survive.

We hear the term “Commander in Chief” applied to the President in regard to the military. That term also came from the Constitution and applies still today. However, the founders did not want any nobility in the new country and expressly stated that. They had dealt with nobility in England and didn't want to do so again. The founders valued the rights of each individual and did not want to see them infringed.

These wise men also created post offices to facilitate communication among the citizens of the new government. Ex post facto laws were prohibited as the founders had seen the tyranny that can come from those provisions. The new government was given the duty and right to coin money and trade with other countries.

A Supreme Court was created to resolve differences between the states and to protect each individual's rights. Provisions for extraditing a person charged with treason, a felony, or other crimes was also created. Ever wonder where the idea for the President's State of the Union speech came from? You guessed it—the Constitution. The signers of the Constitution carefully considered how the new government should function and then worked towards

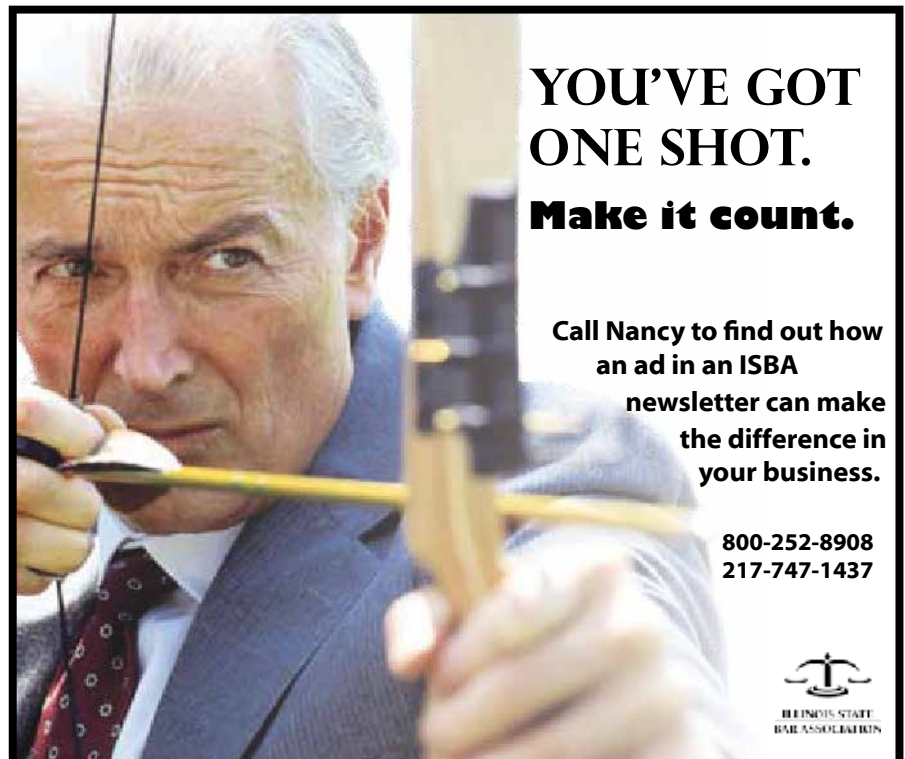
ensuring those principles would be upheld. Their ideas are still found in today's government.

So who were some of these thoughtful men? Some of the more famous names are George Washington, Benjamin Franklin, Alexander Hamilton, and James Madison. However, 35 other men from various backgrounds also signed the Constitution. Among them were James Wilson, who was a very influential delegate and legal scholar. He was later appointed to the first United States Supreme Court by President Washington. John Langdon was a shipping merchant whose business had been hindered by the British shipping industry. He wanted to ensure fair trade and business opportunities for all. James Madison brought the concept of a three part federal government to the discussion regarding the new country's organization. Despite

their diverse backgrounds and ideas, these men shared one goal—to ensure the new country was independent and had a firm base upon which to grow.

So this year, when September 17 rolls around, consider the foresight of these founding fathers and the courage they displayed by signing the Constitution. Think about how their ideas continue to serve as a foundation of our government today. Honor them and the Constitution in some way because without them, and the document they created, the United States would not be the country it is today. ■


Nancy Easum is legal counsel/ethics officer for the Illinois State Police. She has been employed by the Illinois State Police since 1999 and prior to that worked as Deputy Counsel in the Secretary of State's Office. She currently serves as Secretary of the LRE Committee. The views and comments in the article are not those of the Illinois State Police.



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# 14<sup>th</sup> Amendment's essential role to equality

BY MITCHELL WEATHERILL

**Equality is the cornerstone to our democracy.** People and societies thrive when equality, justice, and fairness are the principles that guide individual and governmental actions. Since the 14<sup>th</sup> Amendment, commonly known for its equal protection and due process clauses, was adopted; it has been the basis for most of the legislation and case law that have driven progress away from exclusion and slavery to democracy and freedom.

The 14<sup>th</sup> Amendment technically has five district sections. Section 1 addresses citizenship, due process and equal protection, Section 2 addresses representation in government, Section 3 places limits on eligibility for office, Section 4 addresses debt of the United States, and Section 5 gives Congress the power to enforce the amendment. However, Section 1 (in conjunction with the congressional power to enforce it provide in Section 5) is the one most often utilized when fighting for progress in diversity, equality, justice and freedom. The equal protection clause in Section 1 has been used as a basis for many decisions that have protected the rights of students, women and minorities. These decisions include *Brown v. Board of Education*, which addressed racial discrimination; *Roe v. Wade*, which addressed reproduction rights; *Reed v. Reed*, which addressed gender discrimination; and *University of California v. Blake*, which addressed racial quotas in education. The due process clause was the basis for the seminal decision in *Miranda v. Alabama*, which mandates that people be informed of their rights before being questioned by authorities. These decisions have been the foundation for protecting life, liberty, justice, and freedom today.

Equal protection is important for many reasons. The Constitution guarantees people the right to life, liberty, and the pursuit of happiness. However, if people are not treated equally, their access to pursue their dreams and happiness is not

protected. Certainly, it is understandable that people fear change and things that are different or unknown. But if we allow that fear to limit progress, we will never achieve our full potential. Equal protection reminds us that we should embrace our differences, observe and learn from them, and allow them to motivate us to achieve our highest potential. Our physical attributes do not define or limit our capacity, and equal protection ensures that people act accordingly.

Due process is also very important to protecting our rights. People must have a right to fairly defend themselves against accusations of wrongdoing. When faced with charges, however, people are often scared and feel pressured to explain what happened. Their perception of what happened at that point might not be accurate because of their emotional state and the pressure they feel. Having

guarantees of due process ensures at least some level of fairness in the process of protecting rights.

Due process and equal protection are concepts that often get taken for granted today. When you really look at how they are used in a legal sense, you realize just how much power they have, and how essential they are to protecting the rights that are the very foundation of our society. Our society has come a long way from where we started when it comes to embracing diversity and equality, but we still have a long way to go. Guided by the principles set forth in the 14<sup>th</sup> Amendment, as well as individuals willing to fight for equality and freedom, I am confident we will continue to make progress. ■

Mitchell Weatherill is a student from Dunlap Middle School in Dunlap, Illinois. He is one of the winners of the Peoria County Bar Association's Essay Contest. This contest was open to all 5<sup>th</sup> through 8<sup>th</sup> grade students in the greater Peoria area.

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# International legal education: A scholar's journey

BY SHEENA L. HART

**The idea of studying international law is intriguing to most people.** It sounds fun and adventurous. But how does a law student learn about international law? Law students specializing in International & Comparative Law study topics in globalization, international business, and immigration.

In my journey as a law student at Southern Illinois University School of Law, I have found that the best way to learn international law is to have a passion for understanding how the United States legal system interacts with foreign legal systems.

Summer 2016, was my first experience studying international law. I took a class in legal globalization and traveled to Cuba. My goals were to study Cuba's health care and legal systems in comparison to the United States' systems. The most interesting concept I learned was that Cuba does not have a tax system. In Cuba, businesses are nationalized by the government. However, as relations with the United States normalize and conditions improve, Cubans have been allowed to operate small private businesses. Currently, small business owners do not pay taxes, but as more Cubans see the value in owning a private business the Cuban government is considering the idea of making the business owners pay tax. Business owners are not happy about paying it. I spoke with a small business owner who said, "Cubans do not want to pay taxes because taxes are the devil." The tax issue in Cuba is an ongoing development that I continue to monitor.

In January 2017, I studied international white collar crime in Sydney, Australia. A large sum of the money that is laundered out of the United States is electronically transacted through various countries until it is stopped in the Sydney banking system. The money is often destined to end its journey in China, unless it is caught by the United States' Internal Revenue Service (IRS) in Sydney. The group I traveled with met with an IRS Special Agent Attaché who explained the significance of stopping various types of white collar crime in the



Photo by Greg Wendt, SIU University

global community. Interestingly, the agent discussed phone call scammers as a source of white collar crime. He explained how the IRS worked with the government of India to stop a warehouse of people from making calls to U.S. citizens claiming to be the IRS. The scammers would tell people that they owed back taxes and needed to pay immediately. Unsuspecting U.S. citizens, especially the elderly, paid large sums of money to the scammers.

While in Sydney, I also visited several accounting law firms. Topics discussed included fraud and embezzlement within large companies. Luckily, the Sydney trip was not all about legal education; the group found time to visit a nature reserve and pet wallabies and koalas.

In May 2017, my most recent international legal education adventure led me to St. Louis, Missouri, to the International Institute. The Institute is a refugee resettlement center that assists immigrants called "New Americans," with housing, job placements, and skills such as English for beginners. I toured the facility with my asylum and refugee law class. I observed the newest New Americans conversing in groups of their own ethnic

peers, while others who had been there longer flowed freely among the masses. Being at the International Institute was an eye-opening experience in what it means to be an American. Many of these people come to the United States as refugees persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion. Most Americans think immigrants come from war torn areas in the Middle East. However, the truth is— they come from everywhere. New Americans are from Central and South America, Africa, Russia, China, and every country that have such persecution of citizens.

My studies in international law included submitting papers and completing skills-based paperwork, such a mock application for asylum. Overall, studying international and comparative law is a lot of work, but also, an adventure. ■

Sheena L. Hart is a third-year law student at Southern Illinois University specializing in International and Comparative Law. She has served as a board member for the SIU International and Immigration Law Society for two years. She is a student member of the Illinois State Bar Association. She may be reached at slhart2s@siu.edu.

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## August

**Thursday, 08-03-17 - Webinar—**  
Introduction to Legal Research on  
Fastcase. Presented by the Illinois State  
Bar Association – Complimentary to ISBA  
Members only. 12:00-1:00 pm.

**Thursday, 08-10-17 - Webinar—**  
Advanced Tips for Enhanced Legal  
Research on Fastcase. Presented by  
the Illinois State Bar Association –  
Complimentary to ISBA Members only.  
12:00-1:00 pm.

**Thursday, 08-17-17 - Webinar—**  
Fastcase Boolean (Keyword) Search for  
Lawyers. Presented by the Illinois State  
Bar Association – Complimentary to ISBA  
Members only. 12:00-1:00 pm.

## September

**Thursday, 09-07-17 - Webinar—**  
Introduction to Legal Research on  
Fastcase. Presented by the Illinois State  
Bar Association – Complimentary to ISBA  
Members only. 12:00-1:00 pm.

**Thursday and Friday 09-7 & 8, 2017  
– Chicago, ISBA Regional Office—**  
ISBA Guardian Ad Litem and Child  
Representative Training. Presented by  
Family Law.

**Friday, 09-08-17 – Lincoln Heritage  
Museum, Lincoln, IL—**1st Annual Lawyer  
Lincoln's Legacy: Lessons for Today. 9 a.m.-  
4:30 p.m.

**Wednesday, 09-13-17 – LIVE  
Webcast—**Sexual Orientation Protected as  
Sex Discrimination Under Title VII: Hively  
V. Ivy Tech Community College. Presented  
by Labor and Employment. 12-2 pm.

**Thursday, 09-14-17 – LIVE Webcast—**  
Environmental Due Diligence in the Era  
of President Trump: Revisiting Caveat  
Emptor, the Role of Government, Tort  
Liability and Statutory Environmental

Cleanup Liability under State and Federal  
Law. Presented by Real Estate. 12-1 p.m.

**Thursday, 09-14-17 - Webinar—**  
Advanced Tips for Enhanced Legal  
Research on Fastcase. Presented by  
the Illinois State Bar Association –  
Complimentary to ISBA Members only.  
12:00-1:00 pm.

**Friday, 09-15-17 – Fairview Heights,  
Four Points by Sheraton—**Solo and Small  
Firm Practice Institute. All Day.

**Wednesday, 09-20-17 – LIVE  
Webcast—** Construction Escrow, Lien  
Waivers and Sworn Statements: Best  
Practices. Presented by Construction Law.  
12-1 p.m.

**Thursday, 09-21-17 - Webinar—**  
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Bar Association – Complimentary to ISBA  
Members only. 12:00-1:00 pm

**Wednesday, 09-27-17 – LIVE Webcast  
Webinar—**HIPAA and How It Applies To  
YOU. Presented by Employee Benefits. 12-1  
p.m.

**Thursday, 09-28-17 – LIVE Webcast—**  
How Secure Are you? Cyber for the Illinois  
Practitioner. Presented by Insurance Law.  
12-2:15 p.m.

## October

**Wednesday, 10-04-17 LIVE Webcast—**  
Issues to Recognize and Resolve When  
Dealing With Clients of Diminished  
Capacity. Presented by Business Advice and  
Financial Planning. 12-2 pm.

**Thursday, 10-05-17 - Webinar—**  
Introduction to Legal Research on  
Fastcase. Presented by the Illinois State  
Bar Association – Complimentary to ISBA  
Members only. 12:00-1:00 pm.

**Friday, 10-06-17 – Holiday Inn and  
Suites, East Peoria—**Fall 2017 Beginner  
& Advanced DUI and Traffic Program.  
Presented by Traffic Law. Time: 8:55 am –  
4:30 pm.

**Friday, 10-06-17 – Chicago, ISBA  
Regional Office—**Pathways to Becoming  
Corporate General Counsel and the Issues  
You Will Face. Presented by Corporate Law.  
Time: 9:00 am – 12:30 pm

**Monday, 10-09-17 – Chicago, ISBA  
Regional Office—**Workers' Compensation  
Update – Fall 2017. Presented by Workers'  
Compensation. Time: 9:00 am – 4:00 pm.

**Monday, 10-09-17 –Fairview  
Heights—**Workers' Compensation  
Update – Fall 2017. Presented by Workers'  
Compensation. Time: 9:00 am – 4:00 pm.

**Wednesday, 10-11-17 – LIVE  
Webcast—**Enforcing Illinois' Eviction  
Laws: A Basic Guide to Landlord Remedies  
and Tenant Rights. Presented by Real Estate  
Law. 12-1 pm.

**Thursday, 10-12-17 - Webinar—**  
Advanced Tips for Enhanced Legal  
Research on Fastcase. Presented by  
the Illinois State Bar Association –  
Complimentary to ISBA Members only.  
12:00-1:00 pm.

**Monday-Friday, 10-16 to 20, 2017 –  
Chicago, ISBA Regional Office—**40 Hour  
Mediation/Arbitration Training Master  
Series. Master Series

**Thursday, 10-19-17 - Webinar—**  
Fastcase Boolean (Keyword) Search for  
Lawyers. Presented by the Illinois State  
Bar Association – Complimentary to ISBA  
Members only. 12:00-1:00 pm.

**Thursday, 10-19-17 – Bloomington—**  
Real Estate Law Update – Fall 2017.  
Presented by Real Estate. ■