

NEVADA COUNTY BAR ASSOCIATION
2017 HIGH SCHOOL ESSAY SCHOLARSHIP CONTEST

\$1,500 First Prize
\$1,000 Second Prize
\$500 Third Prize

The Nevada County Bar Association hereby presents its 2017 High School Essay Scholarship Contest. This year's theme is "**The 14th Amendment: Transforming American Democracy.**"

The criteria for this scholarship are:

- It is open to all public, private and home-schooled high school students in Nevada County, who are in grades 9 to 12 as of September 5, 2017, or the home-schooled equivalent.
- **Essay required on the one-page question attached to this announcement.** The essay must be the applicant's original work, no more than 500 words in length, typewritten or computer generated with double-spacing and 1-inch margins on all sides. The applicant's name must not be included in or on the essay.
- The application form must be completed and returned to the address below with the essay by Monday, October 30, 2017. Essays received after this date will not be accepted.
- The criteria for evaluating essays will emphasize: a well-reasoned, well-stated argument. The position taken in the essay is immaterial. What is essential is that the argument be well-reasoned and supported by evidence, arguments, or other rhetorical means of persuasion. Grammar, spelling, punctuation and clarity of thought and expression are the remaining criteria.
- No affiliation with the Nevada County Bar Association or its members is required for entry, but no person related to an entrant may participate in judging entries.

ENTRIES MUST BE MAILED, FAXED OR E-MAILED AND RECEIVED ON OR BEFORE MONDAY, OCTOBER 30, 2017 AT:

NEVADA COUNTY BAR ASSOCIATION
c/o Stephen C. Baker
Diamond Baker Mitchell, LLP
149 Crown Point Court, Suite B
Grass Valley, CA 95945
(530) 272-8463 (fax); sbaker@diamondbaker.com

Please note, e-mail submissions are preferred but not required.

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QUESTION

Before passage of the Fourteenth Amendment, the Bill of Rights applied only to actions of the federal government, but not to actions of the states. 2017 marks the 150th Anniversary of the Fourteenth Amendment and the 50th Anniversary of **Loving v. Virginia, 338 US 1 (1967)**, decided under the Fourteenth Amendment and overturning a law which disallowed individuals of different races to marry. Many rights have been recognized under the due process clause and the equal protection clause of the Fourteenth Amendment, though such rights are not specifically written anywhere in the Constitution, among them:

the right to teach one's child a foreign language: **Meyer v. Nebraska, 262 US 390 (1923)**;

the right to place children in a private school: **Pierce v. Society of Sisters, 268 US 510 (1925)**;

the right to use contraception: **Griswold v. Connecticut, 381 US 479 (1965)**;

the right to terminate a pregnancy: **Roe v. Wade, 410 US 113 (1973)**;

the right to sexual intimacy with a member of the same sex: **Lawrence v. Texas, 539 US 558 (2003)**; and

the right to marry a person of the same sex: **Obergefell v. Hodges, 576 US ___ (2015)**.

Critics of recent decisions such as Lawrence v. Texas and Obergefell v. Hodges argue that the right to an intimate homosexual relationship or the right to marry a person of the same sex are not specified in the Constitution, and the Court has no right to overturn a state law on such subjects as it is undemocratic.

Others argue that the courts, and especially the US Supreme Court, are counter-majoritarian. That is, while the legislative and executive branches are specifically majoritarian, subject to the will of the people in popular election, the courts are counter-majoritarian and protect against the tyranny of the majority, i.e. that the Courts are intended to counteract the unbridled will of the people.

Please articulate an argument supporting one side or the other in this debate. As you draft your argument you are encouraged to consider the following questions:

If you believe that the US Supreme Court should not overturn laws of a state in any of the cases above, please explain whether you believe the Court should ever exercise a role in overturning state law for any reason not specifically enumerated in the Constitution. Do you believe the Court was justified in overturning state laws that disallow interracial marriage and if so, please explain how this differs from the Court overturning laws disallowing the marriage of two people of the same sex?

If you support the courts' ability to overturn state laws in the examples above, please explain why you believe an unelected judge should have the power to overturn a law passed by elected officials representing the will of the people. How would you ensure that the judicial branch does not simply impose its preference or political inclination when overturning such laws? If the Constitution doesn't specifically enumerate the rights illustrated in the cases above, where do they come from? You may answer these questions directly or simply use them as illustrative of the competing points that should be addressed in your response. You may also use cases you research on your own in support of your argument.

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APPLICATION FORM

Date: _____ Nevada County High School: _____

Year in School: _____

Name: _____
Last First Middle Initial

Address: _____

City: _____ State: _____ ZIP: _____

Phone Number: _____ E-mail: _____

ENTRIES, INCLUDING ESSAY AND THIS FORM, MUST BE MAILED, FAXED OR E-MAILED AND RECEIVED ON OR BEFORE MONDAY, OCTOBER 30, 2017 AT:

NEVADA COUNTY BAR ASSOCIATION
c/o STEPHEN C. BAKER
149 Crown Point Court, Suite B
Grass Valley, CA 95945
(530) 272-8463 (fax)
sbaker@diamondbaker.com (e-mail)

Please note, e-mail submissions are preferred but not required.