

## LESSON GUIDE

### A CONVERSATION ON THE CONSTITUTION WITH RUTH BADER GINSBURG ON THE FOURTEENTH AMENDMENT

This lesson explains three components of the Fourteenth Amendment: due process, equal protection and privileges and immunities. In the accompanying DVD, Justice Ruth Bader Ginsburg speaks with students about the Fourteenth Amendment and the protection it offers.

#### Before showing the video:

Review the Fourteenth Amendment with students before showing the DVDs. Supplemental video materials with expert commentary are available online to familiarize students with terminology and concepts. It would also be helpful to familiarize students with the political and social climate in which the amendment was passed.

#### The Fourteenth Amendment

- Provides that no state shall deny to any person equal protection under law
- Originally intended to protect former slaves after the Civil War
- Expanded the definition of citizenship
- Components
  - Due process – both procedural (fair) and substantive (reasonable)
  - Equal protection – all people entitled to same respect
  - Privileges and immunities – rights of citizenship

#### DVD:

The DVD presents a conversation between Justice Ruth Bader Ginsburg and students about the Fourteenth Amendment to the Constitution.

#### Review Questions:

1. What is the purpose of the Fourteenth Amendment?
2. Why was the Fourteenth Amendment necessary if the Declaration of Independence stated that all men were created equal?
3. How has the interpretation of the Fourteenth Amendment changed over time? Who has it come to include?
4. What is the difference between procedural and substantive due process?
5. What did Justice Ginsburg mean when she described the Supreme Court as “reactionary?” How does the fact that the Court cannot set an agenda complement its reactionary nature?
6. In *Weinberg v. Wiesenfeld* (1975), what types of discrimination did Justice Ginsburg identify?

#### Extension Activity:

1. How has the Fourteenth Amendment been applied in landmark cases?
  - *Brown v. Board of Education* (1954) from *Pursuit of Justice*, Chapter 13: equal protection clause
  - *Roe v. Wade* (1973) from *Pursuit of Justice*, Chapter 20: due process clause
  - *Morris v. Frederick* (2007)

**Additional Resources:**

1. *Our Constitution*: Chapter 3: What Rights Does the Constitution Protect?
2. *Our Constitution*: Fourteenth Amendment
3. *Pursuit of Justice*: Chapter 13: Public School Segregation
4. *Pursuit of Justice*: Chapter 20: Abortion, Privacy, and Values in Conflict
5. *Morris v. Frederick*  
*FindLaw* “The Supreme Court’s ‘Bong Hits 4 Jesus’ First Amendment Decision”  
<http://writ.lp.findlaw.com/hilden/20070709.html>  
  
*PBS* “Supreme Court Rules Against Student in ‘Bong Hits 4 Jesus’ Case”  
[http://www.pbs.org/teachers/learning.now/2007/06/supreme\\_court\\_rules\\_against\\_st.html](http://www.pbs.org/teachers/learning.now/2007/06/supreme_court_rules_against_st.html)  
  
*NYT*, June 26, 2007, “Vote Against Banner Shows Divide on Free Speech in Schools”  
<http://www.nytimes.com> or <http://w3.nexis.com>