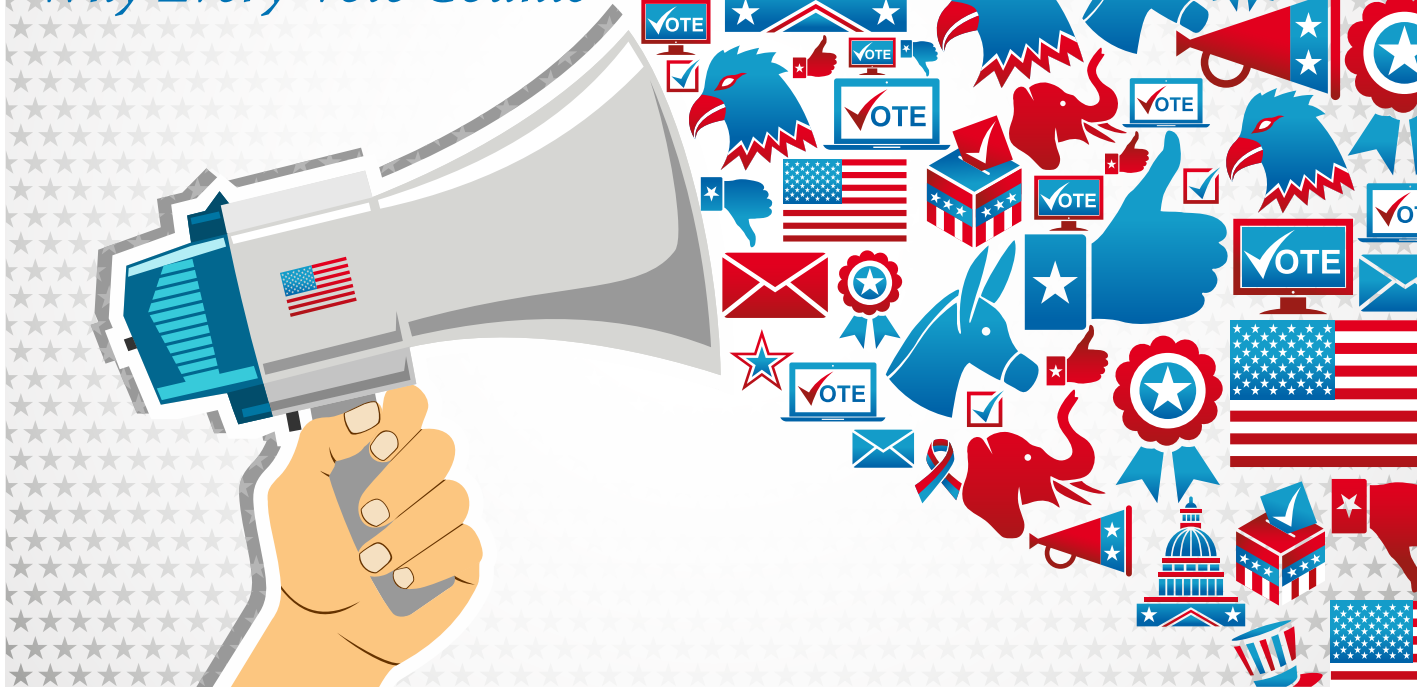


**American Democracy
and the Rule of Law:**
Why Every Vote Counts



Deadline: March 3, 2014

- Required length: 1,000–1,500 words
- Essays will be judged by a distinguished panel of lawyers, judges, State Bar staff and educators.
- Essays will be evaluated according to content, originality, writing skills and a public school essay scoring rubric.
- Official entry rules and entry form are on page 4.
- All materials and a writing tutorial are available at www.nmbar.org.

Sponsored by the Modrall Sperling Law Firm

Modrall, Sperling, Roehl, Harris & Sisk, PA is proud to honor the late James E. Sperling through sponsorship of the State Bar of New Mexico Student Essay Contest. Mr. Sperling practiced law with the Modrall firm from 1946 until his death in 1991 and served for many years as the firm's president. An avid outdoorsman, Mr. Sperling had a life-long interest in natural resources law, and he developed and managed the firm's natural resources department.

Mr. Sperling also dedicated years of public service to the New Mexico legal community. He chaired the New Mexico Federal Judicial Selection Committee and the Admissions and Grievance Committee of the United States District Court for the District of New Mexico. He served for many years on the New Mexico Judicial Standards Commission and numerous other state and federal

committees. He also taught oil and gas law at the University of New Mexico School of Law and authored several scholarly articles on natural resources law.

Aside from the laurels associated with an extraordinary legal career, Mr. Sperling was a person of tremendous warmth, generosity and humility. He was a man of few words, but those he spoke were, as one of his colleagues put it, "high-on-perfect." During the latter years of his practice, much of Mr. Sperling's time was devoted to advising his law partners and training the new attorneys at the firm. His legacy to New Mexico lawyers and aspiring lawyers is his example of approaching law practice with unwavering integrity and complete dedication to the interests of one's clients.

TOPIC

Students from the local high school spent lunch at the park to hear presentations by Senator Stone and Senator Thorne on lowering the voting age.

Senator Stone climbed the makeshift podium first:

"I strongly favor lowering the voting age to 16. I will support either a constitutional amendment or an amendment to the Voting Rights Act to accomplish this objective. I would even be in favor of an amendment to the state constitution.

"Congress, if it wishes, has the power to set the voting age at 16 by statute. Under the 14th Amendment, Congress has the power to find that a distinction between those who are 16 to 18 and those who are over 18 is an invidious classification and, therefore, a denial of equal rights under the law. States likewise, have the power to lower the voting age.

"The reasons why the minimum voting age should be lowered to 16 are familiar to us all. Young people today are better educated, more mature, and more sophisticated than ever before. Setting the voting age requirement at 16 will make our electorate more truly representative of our society.

"These young people do not want to take over the country—they simply want to be adult citizens rather than dependent children. Either we trust young people and give them responsibilities commensurate with their maturity or we continue to treat them like children."

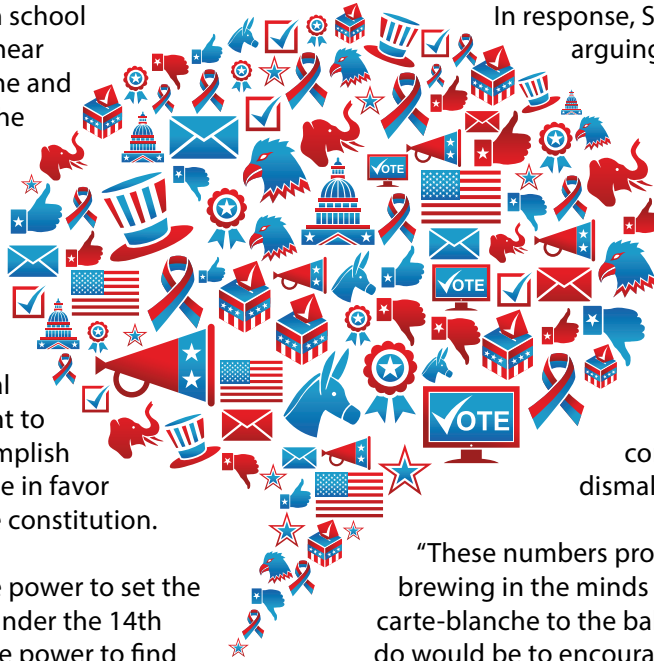
In response, Senator Thorne made his remarks, arguing that,

"As 16 year olds cannot be drafted to fight for their country, the right to vote should be withheld and no one can claim evidence of discrimination against our youth. After all, only 59 percent of 18 to 24 year olds registered to vote. The actual voting record of this age group is even worse. When it comes to local elections, turnout is a dismal 20 percent.

"These numbers prove the disinterest and cynicism brewing in the minds of our young people. Instead of a carte-blanche to the ballot box, the responsible thing to do would be to encourage civic learning and engagement in the classroom to prepare the youth. The numbers also prove that young Americans do not pay much attention to public policy issues. Is it not the job of the schools to prepare young minds and hearts to take over the serious business of electing our leaders?"

"Moreover, amending the Constitution is a significant step that should not be taken lightly. Although well-intentioned, such an amendment may backfire by pitting children against their parents who are better able to choose among competing policy options."

The students returned to class in the afternoon to consider these diametrically opposed views. Many remarked about age discrimination and the curtailed rights of young voters. As Rev. Martin Luther King, Jr. wrote, "Injustice anywhere is a threat to justice everywhere."



THE ESSAY QUESTION

Is there justification for amending the U.S. Constitution or State Constitution to lower the legal voting age from 18 to 16?

Use the following research materials to answer your question. Be advised that some sources are the opinions of the authors and should not be taken as law. Even though a source may quote law, you cannot necessarily accept the position the author has taken or the interpretation of the part of law selected. Be sure to acknowledge competing views. Give examples from past or current events or issues to illustrate and clarify your position.

RESEARCH

(Students are encouraged to perform further research as needed.)

In federal elections, 18-24 year olds do not vote frequently. For example, in the 1996 Presidential election, this age bracket had only a 35.6 percent turnout, compared to 54.2 percent of the voting-age population.

Constitution of the State of New Mexico, Article VII, Section 1

Sixteen Candles, but Few Blazing a Trail to the Ballot Box http://www.nytimes.com/2007/08/26/weekinreview/26belluck.html?_r=1&

Voting Rights Act of 1965
http://avalon.law.yale.edu/20th_century/voting_rights_1965.asp

Voting Rights Act Amendments of 1970, Pub. L. No. 91-285, 84 Stat. 315 (1970) (codified as amended in scattered sections of 42 U.S.C. §§ 1973 to 1973bb-1)

Voting Rights Act Amendments of 1970, Pub. L. No. 94-73, 89 STAT. 400 (1975)

Kramer v. Union School District, 395 U.S. 621, 23 L.Ed.2d 583, 89 S.Ct. 1886 (1969)

Lassiter v. Northampton County Bd. of Elections, 360 U.S. 45, 79 S.Ct. 985, 3 L.Ed.2d 1072 (1959) - the right of suffrage is established and guaranteed by the Constitution but it is subject to the imposition of state standards which are not

discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed.

The United States Supreme Court in *United States v. Classic*, 313 U.S. 299, 315, 61 S.Ct. 1031, 85 L.Ed. 1368 (1941), wrote that the "right to choose, secured by the Constitution," is a civil right of the highest order. Voting concerns political matters, but the right is not political in the constitutional sense. In *Reynolds v. Simms*, 377 U.S. 533, 561-562, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964), the Court stated that voting is "a fundamental matter in a free and democratic society."

The U.S. Constitution has much to say about voting. Article I, § 4, provides that, subject to congressional veto, the States might prescribe the times, places, and manner of holding elections for representatives. Article II, § 1, provides that the States might direct the manner of choosing electors for president and vice president, except that Congress might fix a uniform time for the choice. The 26th Amendment (Amendment XXVI), passed to overrule the Supreme Court's decision in *Oregon v. Mitchell*, 400 U.S. 112 (1970), regarding the Voting Rights Act of 1970. The Amendment states that the voting right of citizens of the United States who are 18 years of age or older shall not be denied or abridged by the United States or by any State on account of age. An interesting footnote is that New Mexico was one of several states that never ratified the amendment.

LEGAL WRITING BASICS

Although following a specific format it is not required, a persuasive essay with "legal formatting" is strongly recommended to achieve the true "flavor" of legal writing. Further, even though portions of statutes/law are included, the excellent essay will include additional statutory or case research. As in real life, sometimes there is not enough information presented to answer a legal question.

Attorneys follow proper rules of written form to make their documents easier to read. The generally accepted form of a legal argument is an outline.

First, a brief summary of the facts should introduce the reader to the event in question. Second, the legal argument is presented. There is generally more than one argument in a legal memo or brief. Each question that accompanies the essay topic contains a legal argument. Your response would normally contain subparts to go with each of these questions. Each subpart would contain: a heading, which states your conclusion in one sentence; a statement of the applicable legal rule; your application of the facts given to the legal rule; and a conclusion, summarizing the key points leading to your conclusion.

Refer to our website for more information.

Visit us online at
www.nmbar.org
for additional help and hints.

For Students

- ✓ Essay Contest Flyer
- ✓ Essay Contest Tutorial
- ✓ Official Entry Form and Checklist
- ✓ View Past Winning Essays

For Teachers

- ✓ Standards and Benchmarks Information
- ✓ Public Schools Generic Essay Scoring Rubric



2014 State Bar Student Essay Contest

\$1,000, \$750 and \$500 Awards Plus \$500 Teacher Award

Essay Contest Rules: (Note: Entries that do not follow **all** rules specified on this page will be disqualified. Each year many entries are disqualified for this reason. To ensure that your essay is not disqualified, check off the items noted below.)

1. The contest is open to New Mexico high school juniors and seniors only.
2. All entries must be received **via email** no later than 5 p.m., March 3, 2014.
3. Each entry must be on 8 1/2" x 11" paper in 12-point Arial or Times New Roman font, double-spaced.
4. Each entry must contain 1,000 to 1,500 words.
5. The heading at the top of the first page must include:
 - Name of the student
 - Name of the school
 - Name of the teacher
 - Word count
6. Each entry must be accompanied by a **completed** entry form.
7. Judging will utilize the Public School Generic Essay Scoring Rubric in the following areas:

Content: Demonstrates clear understanding; deals with subject in strong and convincing manner; uses persuasive information.

Originality: Demonstrates creativity or originality; strongly shows writer's attitude or point of view in a meaningful and original way; thesis clearly supported.

Writing Style: Well-organized and focused; begins and ends effectively; strong development; writing style and structure reinforce tone and content; no grammatical errors; authoritative, using appropriate vocabulary and tone.

8. Essays must be the original work of the student.
9. Essays will be judged by State Bar members, staff, and a distinguished panel of judges representing lawyers and courts statewide.
10. The awards are as follows:
 - 1st Place, \$1,000 and 1st Place Winner's Teacher, \$500
 - 2nd Place, \$750
 - 3rd Place, \$500
11. Teachers will receive their students' scores.
12. Winners will be presented at a luncheon in Albuquerque during Law Day activities in May 2014.
13. The State Bar of New Mexico reserves the right to reprint the essays and to release the winning essays to local newspapers for publication. All essays will become the property of the State Bar for publicity and promotional purposes.

State Bar of New Mexico 2014 Student Essay Contest Entry Form

(Please type or print. Complete all information. Download an entry form at www.nmbar.org.)

Name of Student:

Check One: Junior Senior

Word Count:

Name of School:

Name of Teacher:

School Phone:

School Street Address:

City:

Zip:

I hereby certify that the essay I submit is my original work.

Student Signature

Entries that do not follow **all** rules will be disqualified. Submit the essay and entry form by email to ekleinschmidt@nmbar.org. For further assistance or questions, call Evann Kleinschmidt, 505-797-6087.