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First Place

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I. Introduction

Franklin Roosevelt proclaimed in his second term of presidency, “We must scrupulously guard the civil rights and civil liberties of all our citizens, whatever their background.” It is crucial to our justice system that the rights of all citizens are upheld despite their current or past situation. Regarding Pete’s case, there is a thin boundary between state obligations and individual rights. The key issue in this case is whether or not the state can place Pete in the “Helping Youth Progress Program (HYPP)” without violating his individual liberties. After an examination of due process and the Fourteenth Amendment; an analysis of Pete’s arguments; a discussion of the state’s arguments, and an explanation of how the court should rule on each, it will become clear that Pete’s rights are in fact being infringed upon.

II. Due Process Clause and the 14th Amendment

Uncertainty regarding the state's authority to camp Pete lie predominantly in the court’s interpretation of due process and equal protection. In *McDonald v. Chicago*, Justice Alito delivered the opinion of the court stating, “For many decades, the question of the rights protected by the Fourteenth Amendment against state infringement has been analyzed under the Due Process Clause.” Due Process is cited in both the Fourteenth Amendment and the Fifth Amendment. It claims, no one shall be "deprived of life, liberty or property without due process of law" and due process delineates the legal duty of all states (*Cornell University Law School*). Due Process extends to all citizens and will play a key role in the outcome of Pete’s case.

In addition, the Equal Protection Clause is important when examining Pete's case. The Fourteenth Amendment enforces the protection of the law pertaining to all citizens, and ensures that states do not deny rights to specific individuals. The Equal Protection Clause prevents the denial of rights based off of discrimination. Children and minors are also granted equal protection and Constitutional rights (*Cornell University Law School*).

III. Whether Pete's freedom is being infringed upon

Under the Equal Protection Clause, Pete could reasonably argue that he was targeted by the state based off of his age and gender. He could contend that the state used the study, "Drop Out—Rise In Prison," unfairly to assume the outcome of all the lives of teenage boy dropouts. In *Mississippi University for Women v. Hogan*, a male nurse, claimed an all-women's university denied him admission because of his gender. In favor of Hogan, Justice O'Connor claimed, the university's policy "tends to perpetuate the stereotyped view of nursing as an exclusively woman's job." As shown, Pete could claim the state used a stereotypical view of boys in his situation, so he was denied his right to liberty without due process.

In addition, the Fourteenth Amendment rights are considered relevant to those outlined in the First Amendment (*Murdock v. Pennsylvania* 319). However, as seen in *Brandenburg v. Ohio*, someone's rights, particularly regarding speech, cannot be stripped without their actions being "directed at inciting or producing imminent lawless action" and without being "likely to incite or produce such action" (395). Pete could argue that the state cannot prove that he intends to cause trouble. He simply wants to play video games and start a YouTube channel; because the intent to harm cannot be proven, he should not be denied his rights without due process.

Last, Pete could claim that being placed in the program is a direct violation of the Thirteenth Amendment which states, "Neither slavery nor involuntary servitude, except as a

punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” Pete could argue he is being forced to attend a program as punishment against his will where he will have to work, but he has not been convicted of any crime.

IV. Whether that state has authority in placing minors in the program

It is understandable that the state is trying to protect Pete and the community. The state could argue that it has the authority to exercise power over citizens for the betterment of public safety. In *Cantwell v Connecticut*, Justice Roberts asserted in the opinion of the court, “When clear and present danger of riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety, peace, or order appears, the power of the State to prevent or punish is obvious” (310). The state could reasonably claim that Pete has been in trouble multiple times before and is a minor who presents a danger to public safety. Therefore, the state has the authority to ease that danger and place Pete in the program.

The state could also argue that the program is going to better Pete’s life, thus preserving his liberty under Article II, § 18, of the New Mexico Constitution. The program aims to give Pete equal opportunity in the future despite his background and circumstances. With education and work experience, teenage boys who are dropouts will have more job prospects and live better lives. The state could argue that the program serves to give teenage boys more opportunities because employers will unfairly judge them based on their past. In the Civil Rights Cases of 1883, regarding the rights of freedmen, Justice Harlan wrote in his dissent:

Congress, therefore, under its express power to enforce that amendment by appropriate legislation, may enact laws to protect that people against the deprivation, *because of their race*, of any civil rights granted to other freemen in the same State, and such legislation

may be of a direct and primary character, operating upon States, their officers and agents, and also upon at least such individuals and corporations as exercise public functions and wield power and authority under the State (109).

Regardless of race, gender, or age, the state enacted a statute to assert equality. The state could ultimately advocate that the camp serves as a tool in preventing discrimination in the workplace therefore upholding the Equal Protections Clause.

V. The Ruling of the Court

Protections outlined in the Bill of Rights “are all to be enforced against the States under the Fourteenth Amendment according to the same standards that protect those personal rights against federal encroachment” (*McDonald v. Chicago*). Pete’s discussed rights outlined in the Constitution extend to his rights as the state level. It is clear that Pete’s freedom is being infringed upon in a number of ways if forced to attend the program. Under the Fourteenth Amendment, he has not been granted due process and equal protection. Pete has also not been convicted of a crime and the intent to harm anyone because of his actions cannot be proven.

While the state is trying to protect Pete and the community, the freedom and Constitutional rights of individuals cannot be hindered by the state under the Fourteenth Amendment. In *Adamson v. California*, Justice Black claimed, “The States never had the right, though they had the power, to inflict wrongs upon free citizens by a denial of the full protection of the laws, because all State officials are, by the Constitution, required to be bound by oath or affirmation to support the Constitution” (118). While states have power, they cannot use their power to infringe upon the rights of its citizens. The HYPP undoubtedly has many benefits; however, at the point where attendance is compulsory is where rights are infringed and the line should be drawn. Thus, the state does not have the authority to place minors in the program.

VI. Conclusion

While the state has good intentions, it ultimately cannot use its power to force Pete to attend the program. A world where states are given an abundant amount of power is a world where the fundamental rights of citizens are violated. Given that Pete's freedom is being infringed upon, and the state does not have the authority to place minors in the camp, the court should rule in favor of Pete.

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1267 words

Second Place

The Demands of Compulsory Education

Case Introduction

A recent study by a state legislature shows a correlation between high school dropout rates (especially pronounced in boys) and higher crime levels/prison populations. Consequently, the New Mexico State legislature has created the Helping Youth Progress Program (HYPP), which sends male dropouts aged 15-18 to government-funded camps to learn core academic skills (like math and writing). The boys are also required to perform some physical labor to defray costs. The camps provide adequate food and textbooks, and afterwards give boys safety gear used during the program. Fifteen year-old Pete, a recent dropout who has been in trouble a few times before, is placed in the HYPP, but he would rather stay home and play video games. He claims that he will stay out of trouble and expresses the desire to start a YouTube channel to make money rather than attend HYPP. Subsequently, Pete's family files a lawsuit against the HYPP under these U.S. Constitution provisions: violation of the Fifth and Fourteenth Amendments of the Due Process Clause and the Fourteenth Amendment Equal Protection Clause.

To answer the lawsuit, the State of New Mexico argues that the Helping Youth Progress Program does not violate Pete's constitutional rights. It is put forth to protect Pete, his family, and the community from future repercussions of Pete's decision to drop out of high school. The Legislature further claims that neither the Due Process Clause nor Equal Protection Clause have

been violated in this case, as Pete is not being unfairly discriminated against within reason or deprived of any fundamental rights that would require a fair trial.

Question 1

Is Pete being forced into servitude to the State of New Mexico?

The Legislature is requiring Pete to attend the HYPP camp primarily to learn and perform physical labor (seemingly as payment), but this is not an involuntary choice, nor is it the primary purpose of the camps. As set forth in the 13th Amendment in 1865, “Neither slavery nor involuntary servitude...shall exist within the United States, or any place subject to their jurisdiction” (“13th Amendment to the U.S. Constitution”). This means that slavery and involuntary servitude, specifically, are illegal in all States. Pete, however, is not involuntarily serving the State with this program; in fact, he is given several alternatives for schooling instead of attending the camp, and is enrolled mainly for a different purpose—to receive a basic education. Pete’s family has the options of placing him in the government-funded public school system or other types of schooling, including private schools, charter schools, and homeschooling, as long as he continues with an educational program until graduating or is gainfully employed. This, as well as the guarantee of financial/educational aid to struggling families, is laid out in Sec. 1-10, Article 12 of the New Mexico Constitution (“The Constitution of New Mexico”). Therefore, no slavery is taking place on Pete’s part, given that he has considered his numerous options and still chooses to drop out of the New Mexico school system. He is enrolled in the program primarily to learn basic skills for his future, and the labor just is an additional feature of the camps to defray costs of participants like Pete.

Question 2

Is Pete being discriminated against on basis of sex?

The Helping Youth Progress Program is specifically aimed towards high school-aged male dropouts, and brings only boys to work and learn at its camps. One would expect this to equate to discrimination based on sex, an act that is prohibited in New Mexico due to the 14th Amendment of the Equal Protection Clause. This clause mandates that each State give every person within its territory equal protection of the law, and it must treat individuals in similar conditions in the same manner (“Equal Protection”). Because the classification is based on gender, the level of scrutiny to be applied to the law is the intermediate scrutiny test in this particular case. This means the State Legislature can justify a certain action if “the challenged classification serves an important state interest and that the classification is at least substantially related to [gender]” (Linder).

Applying this test to the HYPP, it does serve an important government interest because the State’s study demonstrates a noticeably high rise in crime and prison population in male dropouts aged 15-18, as opposed to female dropouts of the same age range. This would also relate it substantially to gender, as only male dropouts are enrolled in the program, not females; therefore, it would be enough to compel the government to enroll these particular boys in the program—which the boys voluntarily attend, since they have other educational options they could have chosen—in an attempt to lower New Mexico’s crime/incarceration rates. In doing so, the State is justified in only admitting people of a certain sex like Pete to the program, as their act could be beneficial to the welfare of the State.

Question 3

Is Pete being discriminated against on basis of age?

The Helping Youth Progress Program only admits male dropouts aged 15-18 to its camps, meaning high school-aged dropouts are specifically targeted for the program. While an argument can be made that the State Legislature is discriminating against these children on basis of age, the 14th Amendment to the Equal Protection Clause provides that, similarly to the intermediate scrutiny test, State laws passing the rational basis test prove that “the challenged classification is rationally related to serving a legitimate state interest” (Linder), and are constitutional.

In this case, the Legislature’s age requirements is rationally related to a legitimate state interest because they prove the correlation between rising crime and prison populations and dropouts of these ages, so their involvement in the HYPP could help lower crime rates for this age group overall. Additionally, as stated previously, Article 12 of the New Mexico Constitution requires Pete to attend school until graduation, which is normally around the age of 18 for students attending traditional schooling (“The Constitution of New Mexico”). This age falls in the range of those attending the program, ensuring the boys that they are participating in this program for approximately the same amount of time that most other people are in school. This means the HYPP provides no discrepancies in time spent in the camps versus in school. With this, Pete is not being singled out or denied any fundamental rights. As the 5th Amendment of the Due Process Clause states, no person “shall be compelled in any criminal case to be... deprived of life, liberty, or property, without due process of law” (“Fifth Amendment”), and Pete is not deprived of any of these rights (as he is not involuntarily serving the State), even before filing the lawsuit; thus, granting Pete a fair trial because of the Due Process Clause would not change his situation, as his rights are not being taken away in the first place.

Conclusion

Though the case of the Helping Youth Progress Program may seem unfair to Pete and his family, it upholds strong constitutional ideals, such as the importance of a statewide educational system, and the role of the Legislature in discerning what is defined as illegal discrimination. This understanding is crucial, especially in such a diverse state as New Mexico; furthermore, this case reinforces that, to live in and be protected by the democracy of the United States, one must sacrifice some freedoms and abide to the U.S. Constitution as the law of the land. The Due Process Clause and Equal Protection Clause protect several unalienable rights of citizens, but one must realize that he or she can not have absolute, total freedom when living in this country.

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Bar Essay

Summary

The phrase “Due Process” means that in court everyone is entitled to fair and equal treatment. Due Process is found in both the 5th and the 14th Amendments. This entitles every citizen to the basic constitutional rights of life, liberty, and property. This expression also means that the state cannot deny to any person an equal protection of any law.

In the “Due Law Dilemma; To Camp or Not to Camp?” the legislature of New Mexico investigated teenage behavior. During this study it was found that there was a correlation between the number of high school dropouts and the amount of criminals as the prison and jail populations also increased. The study also concluded that this connection was most prevalent between boys 15-18 years old. The legislature created a HYPP program, Or Helping Youth Progress Program which places dropout boys ages 15-18 to a camp. These camps provide an education which leads to a high school diploma. To help with the building cost of the school, the students must work on minor government construction projects. For all of this work the students will be provided food and learning supplies.

A 15 year old high school dropout named Pete has been placed in the HYPP camp. Pete has gotten in trouble before but promises to do better and plans to make money

staring in YouTube videos. Pete and his parents have decided to file a lawsuit against the HYPP camps because they felt like their Due Process rights had been violated. The state claims nobody's rights have been restricted and that they are only trying to help because they are aware of the consequences of dropping out.

Pete's Argument

Pete's Due Process laws have been violated according to the 14th Amendment which says, "Nor shall any state deprive any person of life, liberty, or property, without due process of law". This amendment proves that Pete is in the liberty to do as he wishes with his own life, no matter the consequences. Pete can also sue on the fact of sex discrimination as the camp is only targeted for boys ages 15-18. Section 18 of Article 2 of the New Mexico Constitution states, "Equality of rights under law shall not be denied on account of the sex of any person." Therefore the Court cannot discriminate or place Pete in this camp because he is a boy. This case is similar to the *McDonald vs. Chicago* case which deals with the addition of the 14th Amendment. In this case, the ruling was that the 14th Amendment is applicable to all states making Pete's rights to life, liberty, and property still valid. Since at these camps the boys must involuntarily work for the school (construction jobs) Pete could also protest the 13th Amendment which states, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, nor any place subject to their jurisdiction." This Amendment helps support Pete in the fact that the state of New Mexico cannot Force him to work at this school or attend the school.

State of New Mexico Argument

The State of New Mexico does have the right to place Pete in a Helping Youth Progress Program (HYPP) because the 14th Amendment states, “Citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced...” Therefore since Pete is participating in rebellion by dropping out, the state has a right to take away his due process rights. In the *Cantwell vs. Connecticut* case Cantwell was arrested for violating a local permit and breaching the peace. This is similar to the HYPP case as the State is worried that Pete will be violating the peace if he drops out, contributing to higher crime rates and prison populations. The state of New Mexico created the HYPP to help keep male high school dropouts out of trouble. The 5th Amendment states, “Nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law: nor shall private property be taken for public use, without just compensation.” This shows that the State of New Mexico does have the right to take away the liberty of Pete if he commits any crimes as a consequence of dropping out.

Court Ruling

The court of New Mexico must equally take into consideration both sides of the case. They see validations in both Pete’s argument and the States’ argument. The 14th Amendment states, “Nor shall any state deprive any person of life, liberty, or property, without due process of law”. In this court case, Pete’s due process has been violated since his right to liberty has been infringed upon even though he has not yet committed any crimes. Since dropping out of high school is not a crime the State cannot force him to enter a HYPP camp. However, Pete is causing a potential threat to the community by dropping out of high school as studies have shown a high correlation between high school drop outs and criminals. The State of New Mexico is fighting to protect the safety of the community by trying to get Pete back on the

right track. The 14th Amendment states, “Citizens of the United States or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced...” This amendment describes how, that if Pete were to commit a crime, he would be able to be punished. As of now Pete has done nothing wrong the state cannot take away his due process rights. Therefore, the court should rule in the favor of not placing Pete in a HYPP camp even though it seems like the right thing for the community.

Conclusion

In conclusion, Pete will not have to be forced into a HYPP camp because his due process rights would have been violated. This being said, if Pete commits any crime he therefore would be able to be placed in a HYPP camp for the better of the community. For right now, the state of New Mexico cannot unwillingly force him into a camp due to his lack of criminal activity.