

## Constitutional Law

Laws that govern our lives and protect our rights come from many sources. The U.S. Constitution is the most important source of law in the United States. It is the supreme, or highest, law of the nation. When there are disputes between states, between the federal government and the states, between the different branches of federal government, or between government and citizens, it's up to the Judicial Branch to decide if the Constitution was violated in any way. Although each state has its own state constitution, no state or local law may conflict with the U.S. Constitution.

When citizens argue that their Constitutional rights found in the amendments have been violated by the government, a court will hear the case and make a decision applying Constitution Law. In *Brown v. Board of Education*, the Supreme Court ruled that segregating public schools violated the equal protection clause of the 14<sup>th</sup> amendment. Calling education “the very foundation of good citizenship,” the Supreme Court acknowledged that public education was not only necessary to prepare children for their future professions and to enable them to actively participate in the democratic process, but that it was also “a principal instrument in awakening the child to cultural values” present in their communities. The justices found it very unlikely that a child would be able to succeed in life without a good education. Access to such an education was thus “a right which must be made available to all on equal terms.” The justices here argued that separating children solely on the basis of race created a feeling of inferiority in the “hearts and minds” of African American children. Segregating children in public education created and perpetuated the idea that African American children held a lower status in the community than white children, even if their separate educational facilities were substantially equal in “tangible” factors. This feeling of inferiority reduced the desire to learn and achieve in African American children. This decision overturned *Plessy v. Ferguson*, which had set a precedent to allow “separate, but equal” facilities.

**Example:** President Donald Trump’s Executive Order on Immigration established a travel ban on Iran, Libya, Syria, Yemen, Somalia, Venezuela and North Korea. Five of these countries have a predominantly Muslim population. The travel ban was challenged by the states of Washington and Minnesota when they sued the government in federal court for violating the 1<sup>st</sup> amendment’s protection of freedom of religion. The judicial branch, specifically the Supreme Court, originally ruled against the ban. However, after it was changed slightly, in a 5-to-4 vote, the court’s conservative justices upheld (supported) the ban. They said that the president’s power to secure the country’s borders, delegated by Congress over decades of immigration lawmaking, could not be taken away just because of Mr. Trump’s history of negative statements about the dangers he said Muslims pose to the United States. Chief Justice Roberts essentially argued that the Travel Ban itself is “neutral” in language and doesn’t target individuals (like Muslims) based on their religion, despite what the President has said.

