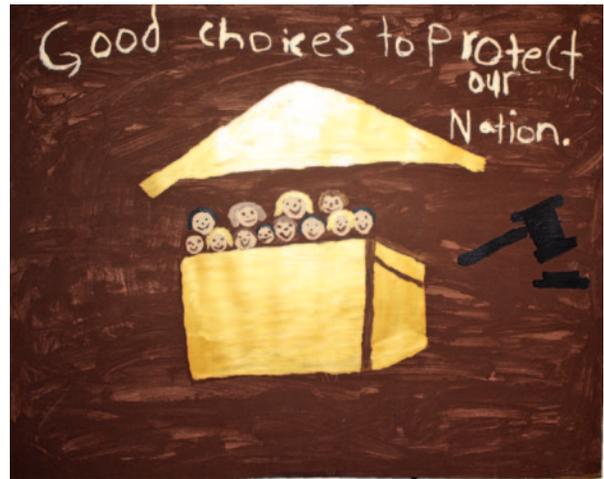


Law Day 2012 Contest Winners



ANASTASIA BURDZINSKI, 1ST PLACE
Kindergarten to Second Grade (Div. A), Houston Bar Association



IRVING PACHUCA, 1ST PLACE
Third to Fifth Grade (Div. B), Houston Bar Association



KENDRICK GOODLOE, 1ST PLACE
Third to Fifth Grade (Div. A), Dallas Bar Association



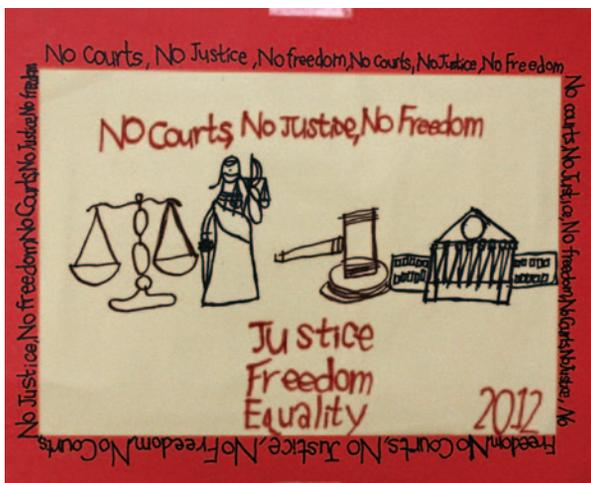
HALLE BRAZDA, 1ST PLACE
Sixth to Eighth Grade (Div. A), Houston Bar Association



MAROYCE HARVEY, 1ST PLACE
Photography (Div. A), Dallas Bar Association



MARCUS CAWTHORNE, 1ST PLACE
Photography (Div. B), Houston Bar Association



TIMOTHY BANAGA, 1ST PLACE
Sixth to Eighth Grade (Div. B), Houston Bar Association



LILIANA LOPEZ, 1ST PLACE
Ninth to Twelfth Grade (Div. A), Jefferson County Bar Association

Law Day 2012 at the Texas Law Center



ANDREW NEMEC

The State Bar of Texas and the Texas Young Lawyers Association celebrated Law Day on May 1, 2012, presenting awards to student winners of the statewide Law Day contest in three categories: editorial, photography, and poster. State Bar President **Bob Black** and TYLA President **Natalie Cobb Koehler** were on hand to present the awards and talk with the students about the importance of our justice system.

Law Day was established in 1958 by President Dwight D. Eisenhower to challenge students to understand how the rule of law affects their lives and to develop the knowledge and skills necessary to participate in our democracy. This year's national Law Day theme was *No Courts, No Justice, No Freedom*. The winner of the editorial contest was Andrew Nemeč, a senior at St. Thomas High School in Houston. His winning essay, which was submitted by the Houston Bar Association, is presented here along with several of the winning posters and photographs.

No Courts, No Justice, No Freedom

BY ANDREW NEMEC

One of the core tenets of American thought is the principle of freedom. Branded into the national mindset are the immortal words of Thomas Jefferson: "that all men are created equal, that they are endowed by the Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men" However, the freedoms that people enjoy are often in conflict with those of others. As a result of the political turbulence in today's society, both the executive and legislative branches of government often write and enforce laws that violate basic rights. The Founding Fathers understood this, remembering the decades of atrocities committed in the Star Chamber of the English kings. The important task of safeguarding these rights of the people falls to the court system. The courts are charged with the duty to treat all the people who walk through their doors as equals, regardless of who they are or what people think of them outside. They accomplish this by upholding and expanding the rights enumerated in the Bill of Rights and by providing a legal framework designed to prevent extrajudicial punishments.

The court system in the United States protects the accused against the opinions of the public and the government. Afraid of the abuses of power that occurred in the years leading up to the Revolutionary War, the Founding Fathers amended the Constitution with the Bill of Rights, which provides for trial by jury, protects against unreasonable searches and seizures, and protects freedom of speech and expression. Expanding later on these rights, the Fourteenth Amendment provides that no

state shall "deprive any person of life, liberty, or property without the due process of the law; nor ... the equal protection of the laws." However, there have been many instances in our nation's history where the courts have been bypassed, which has almost always turned out badly for the accused. Among the most horrible of these are the lynchings of thousands of people, a large majority of whom were African-Americans, in the South for nearly a century following Reconstruction. In cases such as these, the victims were punished outside of the law, without being given a fair trial in which they were assumed innocent until proven guilty. The courts have been set up in order to protect people from all forms of vengeance, to defend them against crimes such as these.

The courts must always protect the rights of minorities from the masses, especially if the other branches of government refuse to do so. The court protected the rights of contract holders in *Fletcher v. Peck*, a case in which the Georgia State Legislature tried to void land contracts approved by corrupt politicians. The court understood that if the majority of people, through their elected officials, take away a person's property, they not only violate one of the rights that Americans hold dearest, but also set a precedent that the government has the authority to take away private property, a view which the court rejected and was later rejected again by the Due Process Clause of the Fourteenth Amendment. Another important instance of the courts protecting the rights of minorities came in *Brown v. Board of Education*. Here the Supreme Court struck down its earlier policy of "separate but equal" from *Plessy v. Ferguson*, asserting that "segregation is a denial of

equal protection of the laws.” This ruling was the start of government involvement in the Civil Rights Movement, a move that neither Congress nor President Eisenhower was willing to make, even though it was the right and just thing to do. In both of these instances, the court shows that it has an obligation to defend the freedom of all, even if it is not the popular thing to do, and by doing this it protects the liberties of all.

The court has also expanded and protected the rights of individuals over the past few decades. In many cases, it does this by incorporating the Bill of Rights to both states and local governments using the Due Process Clause of the Fourteenth Amendment, as it did in *Mapp v. Ohio*. The court here recognized the importance of protecting against unreasonable searches and seizures by state governments, because it is one of the protections that keep the citizens of the nation safe from the powers of government, even if it is inconvenient for the government. The courts have also protected the rights of the accused by giving them every chance to exercise their rights. The most well known of these efforts came from the decision in *Miranda v. Arizona*, in which the court stressed “procedural safeguards ... to inform accused persons of their right of silence and to assure a continuous opportunity to exercise it.” Even though reading the Miranda warning is

sometimes seen as a hassle by an arresting officer, the courts understand that having rights without knowing what they are is useless. In both of these cases, the courts recognize that the only way justice can be achieved is by protecting the rights of the accused, even if it comes at the expense of the government’s ability to collect evidence.

Courts continue to protect the rights of people in the present age, often stirring up much controversy. *Grutter v. Bollinger*, a case that allows for affirmative action in universities, is denounced by conservatives, while *District of Columbia v. Heller*, which guaranteed the right to own weapons, is condemned by liberals; both, however, are designed to protect the rights of people whose views might not be the most popular. Both the executive and legislative branches can be easily swayed by the people who elect them, leading them to make decisions that are often questionable. The court system is supposed to be outside the world of politics, outside the world of what popular opinion says. The court system is supposed to rule based on the facts of the case and what the law says. Because all laws in the nation must agree with the Constitution and the rights guaranteed in it, it is up to the courts to make sure that all people are treated equally and justly. Without the courts preserving the justice of all, there would be freedom for none. ✪

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