



Brexit

by Elizabeth Harmon

Britain + Exit = Brexit - this is the abbreviated way of saying the United Kingdom separating from the European Union (EU), which is the political and economic alliance of 28 European countries that came into being after WWII. On June 23, 2016, a referendum – a vote by most of the electorate on a specific issue or question – took place asking the voters whether they wanted to stay in the EU or leave. The *leave* option won by a vote of 51.9% to 48.1% with over 30 million turning out to vote. Both England and Wales voted to leave the EU while Scotland and Northern Ireland both voted to stay. Prime Minister David Cameron, who supported the *stay* vote, resigned after the *leave* vote and was replaced by Theresa May (former Home Secretary).

On March 29, 2017, Prime Minister May began the exit from the EU by putting into effect Article 50. Article 50, a mechanism by which a country can leave the Union, is part of the Treaty of Lisbon that became law in 2009. It gives any EU member the right to leave and outlines the steps to do so. British Ambassador Tim Barrow delivered the official notice to European Council President Donald Tusk in Brussels. Now that the notice has been given, the United Kingdom has until March 29, 2019 to complete the process to separate from the EU. Part of this process includes approval by at least 20 countries, ratification by European Parliament, and the UK putting forward the "Great Repeal Bill".

The European Union has not only evolved into a *single market* (people and products can cross borders as if the members were a single country) but now has a parliament, a currency called the euro, and makes rules that cover many areas such as consumer rights, immigration, transportation, and the environment. The Great Repeal Bill will abolish the *1972 European Communities Act* – an act of Parliament of the United Kingdom that allowed for the merging of European law into the law of the UK. Also, it is projected that the Repeal Bill will absorb all the EU regulations into the laws of the United Kingdom and over time the government will choose what to get rid of, alter, or retain. Though, for the time being, the UK will continue to acknowledge EU laws and treaties but not be involved in any decisions until they are no longer part of the EU.

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The Power of the 14th Amendment

by Mora Prestinary

The 14th Amendment has a long and spectacular history. Issues and case have been tried and opinions generated by scholars and supreme court justices alike. It has touched various sectors of American culture and life. It is a concept-- not just words on paper, but a living process.

For many years, the Supreme Court ruled that the Amendment did not extend the Bill of Rights to the states. Beginning in the 1920s, the Court began interpreting the amendment to mean that many of the protections specified in the Bill of Rights apply not only to the federal government but also to the states.

The five Sections of the Amendment are:

Section 1. Citizenship The major provision of the 14th amendment was to grant citizenship to "All persons born or naturalized in the United States," thereby granting citizenship to former slaves. The right to due process of law and equal protection of the law now applied to both the Federal and state governments

Section 2. Apportioning Representatives. Representatives shall be apportioned among the several states according to their respective numbers,

Section 3. Disability for Insurrection. No person shall hold any office, civil or military who, having previously taken an oath to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. Public Debt. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Ratified in 1868, the text of Section One of the Amendment includes the due process, equal protection, and citizenship clauses, which, today, are at the heart of many of the most important U.S. constitutional protections. Bingham's use of "privileges or immunities" is explicitly drawn from the language of Dred Scott and is intended to fundamentally reject the case. The Fourteenth constitutionalizes national citizenship and other provisions of the Civil Rights Act of 1866 and is part of the trio of Reconstruction Amendments, including the Thirteenth and Fifteenth,

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Theresa May has formed a government agency to negotiate Britain's departure from the European Union. *Leave* supporter and Conservative Member of Parliament, David Davis, will take the lead in Brexit; Boris Johnson, who was in the forefront of the Brexit movement is foreign secretary; Liam Fox, former defense secretary and *Leave* supporter has the new position of international trade secretary. Called the "Three Brexiteers", they will each have a role in undoing 43 years of agreements and treaties that cover a wide range of topics and because the United Kingdom is the first nation state to leave the EU (Greenland also voted to leave in 1982 but they were an overseas territory of Denmark), they will be pretty much inventing the process along the way.

Because Scotland favored staying in the European Union, First Minister Nicola Sturgeon says that democratically Scotland should not have to accept leaving the EU. If Britain decides on a "hard Brexit" – by reducing immigration into the UK, possibly losing access to the EU single market – Scotland should be allowed the choice to become a separate country. The First Minister wants a second referendum to held but the Prime Minister has denied the request for the time being. Northern Ireland, which also voted to stay in the EU, is likewise proposing to leave the UK. Sinn Féin, the main Catholic nationalist party in Northern Ireland, is asking for a referendum to leave the UK and join the Republic of Ireland. However, the referendum vote to leave is not legally binding, Members of Parliament still have to vote on laws that will separate the UK from the EU and the withdrawal has to go through ratification by Parliament, which the House of Commons and/or the House Lords could vote against.

**14th Amendment***(Continued from page 1)*

which have been collectively termed "[America's Second Founding](http://www.americanbar.org/groups/public_education/initiatives_awards/law-day/fourteenth_amendmenttimeline.html)." (http://www.americanbar.org/groups/public_education/initiatives_awards/law-day/fourteenth_amendmenttimeline.html)

The following are some outstanding cases and issues heard on the merits of the 14th Amendment. For a complete list see http://www.americanbar.org/groups/public_education/initiatives_awards/law-day/fourteenth_amendmenttimeline.html

1857- *Dred Scott v. Sandford* (60 US 393). Blacks could not be citizens of the United States and are categorically excluded. The 14th Amendment reversed *Dred Scott* when it was ratified in 1868.

1871 - Civil Rights Act to Enforce Fourteenth Amendment. Today, section one of the Act has been codified as [Section 1983 of Title 42 of the U.S. Code](#). Among possible Section 1983 lawsuits are claims of police misconduct or false arrest.

1873 - Trial of Susan B. Anthony. Charged with unlawfully voting for Congress, Anthony argues women have a constitutional right to vote under the Fourteenth Amendment. She used the trial to promote women's right to vote, which would not be constitutionalized until the [Nineteenth Amendment](#) in 1920.

1898 - *United States v. Wong Kim Ark* (169 US 654). Guarantees birthright national citizenship under the Fourteenth Amendment to all born on American territory. The Supreme Court rules that "the Fourteenth Amendment affirms the ancient and fundamental rule of citizenship by birth ... [which] includes the children born, within the territory of the United States, of all other persons, of whatever race or color."

1932 - *Powell v. Alabama* (286 US 540). A right to legal counsel in capital cases applies to the states through the due process clause of Fourteenth Amendment. Supreme Court doctrine selectively "incorporates" the Bill of Rights through the Fourteenth's due process clause.

1948 - Truman Issues Executive Order 9981 to Desegregate U.S. Military. There shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin

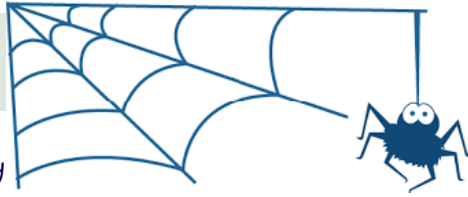
1954 - *Brown v. Board of Education* (347 US 483). Racially segregated public schools violate the Fourteenth Amendment's equal protection clause.

1962 - *Baker v. Carr*/ Apportionment Cases (369 US 186). The equal protection clause requires that "Legislators represent people, not trees or acres." "that a state may draw its legislative districts based on total population," rather than requiring only eligible voters be counted.

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Looking at the Web

by Mora Prestinary



Transcript of the 14th Amendment to the U.S. Constitution
<https://www.ourdocuments.gov/doc.php?flash=true&doc=43&page=transcript>

ABA Law Day 2017: 14th Amendment
http://www.americanbar.org/groups/public_education/initiatives_awards/law-day.html

ABA 14th Amendment Timeline
http://www.americanbar.org/groups/public_education/initiatives_awards/law-day/fourteenth_amendmenttimeline.html

Dictionary (French, Italian, Spanish)
<http://www.wordreference.com/>

Tax Forms:

Federal <https://www.irs.gov/forms-pubs>
 California <https://www.ftb.ca.gov/forms/search/index.aspx>
 Other States <http://www.taxadmin.org/state-tax-forms>

ask a librarian

by Lu Nguyen

Q

What is the statute of limitations for breach of contract?

A

Written contract: 4 years from the date the written contract was broken.
[California Code of Civil Procedure § 337.](#)

Oral contract: 2 years from the date the oral contract was broken. [California Code of Civil Procedure § 339.](#)

For additional information see the publication *Everybody's Guide to Small Claims Court in California* authored by Ralph Warner, J.D., published by Nolo, 20th edition; Chapter 5, "When Should You Sue?"

The most common time periods for starting lawsuits ("filing a claim") is found in California Code of Civil Procedure sections [312-366](#).

For additional information see the California Courts website on Statutes of Limitations at <http://www.courts.ca.gov/9618.htm>

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1964 - Civil Rights Act. Congress asserts constitutional powers to enforce civil rights that extend beyond the Fourteenth Amendment.

1978 - *Regents of University of California v. Bakke* (438 US 265). The use of racial quotas in university admissions does not meet equal protection requirements, but race may be considered as a factor in "properly devised" programs. the Supreme Court strikes down a university's "special admissions" program for members of a "minority group" as "invalid under the Fourteenth Amendment," violating its equal protection clause.

1990 - Americans with Disabilities Act. Congress passes legislation to provide legal recourse to redress discrimination faced by people with disabilities.

1996 - *United States v. Virginia* (518 US 515). The Virginia Military Institute's male-only admissions policy violates the equal protection clause. The Supreme Court holds that the publicly funded Virginia Military Institute's male-only admissions policy violates the equal protection clause of the Fourteenth Amendment.

2010 - *McDonald v. Chicago* (561 US 742). Second Amendment rights are "fully applicable to the States" through the Fourteenth Amendment. The Court further holds that Second Amendment rights are "fully applicable to the States" through the Fourteenth Amendment.. "[T]he right to keep and bear arms is fundamental to our scheme of ordered liberty".

2015 - *Obergefell v. Hodges* (135 SCt 2584). The fundamental right to marry extends to same-sex couples and is grounded in the collaborative interaction of both due process and equal protection under the Fourteenth Amendment.

Because of its overreaching history, it is expected that more future issues will be tried on the Fourteenth Amendment ---truly a work in progress.





Looking at: Legal Apps

The following products include free and fee-based Apps. Go to these web sites for more information and to download applications.

Bar Review Course

<https://itunes.apple.com/us/app/barmax-bar-exam-mbe-mpre-review/id601629394?mt=8>

California State Law - Codes & Rules

<https://itunes.apple.com/us/app/ca-laws-california-state-California Codes 29-statutes-codes-rules/id521567234?mt=8>

Dictionary-Free- look under Tools (French, Italian, Spanish)

www.wordreference.com/

Nolo's Plain English Law Dictionary (Free)

<https://itunes.apple.com/us/app/nolos-plain-english-law-dictionary/id319070903?mt=8>

Fastcase: Fastcase for the iPhone is the largest free law library on the iPhone (registration required)

<http://www.fastcase.com/iphone/>



On Display on Floor 3: 14th Amendment



The Library will be closed

Saturday May 27, 2017
Monday May 29, 2017
&
Tuesday July 4, 2017

Orange County Public Law Library

515 North Flower Street
Santa Ana, CA 92703
Civic Center Plaza, Building 32
Tel: (714) 338-6790

www.ocpll.org

The next issue of The Transcript
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Have a great Summer!

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